

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BR/279/20/CLP**LOCATION:** Holly Holm
Sylvan Way
Bognor Regis
PO21 2RS**PROPOSAL:** Lawful development certificate for the Proposed installation of 24No. Solar panels on flat roof of existing conservatory.**DESCRIPTION OF APPLICATION**

This application seeks the installation of 24 solar (pv) panels to flat roof.

RELEVANT SITE HISTORY**REPRESENTATIONS****Representations Received:****CONSULTATIONS****Consultations Responses Received:****LEGISLATIVE BACKGROUND**

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- Part 14 Class A which pertains to the installation or alteration of solar equipment

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The proposed installation of 24 solar panels is thought not to comply with Schedule 2 part 14 class A of the town and country planning (General Permitted Development) (England) Order 2015.

Permitted development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on

- (a) a dwellinghouse or a block of flats; or
- (b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

A.1 Development is not permitted by Class A if

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;
- (b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);
- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;
- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

The property known as Holly Holm is a 2 storey detached dwelling. It is not located within a conservations area and is not listed.

Examination of the site history has revealed no restrictions to permitted development rights.

The proposed installation of 24 solar panels conflicts with the relevant section (a) as it exceed the allowance to extend beyond the surface of the roof plane and therefore requires the submission of a full planning application.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 21st December 2020 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, is not lawful within the meaning of section 192

of the Town & Country Planning Act 1990 by reason of noncompliance with the relevant criteria within Schedule 2 Part 14 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed installation of 24 solar panels is considered to conflict with Schedule 2 Part 14 of the GDPO.

SECOND SCHEDULE

Holly Holm, Sylvan Way, Bognor Regis

EXTENT OF USE

Installation of 24 pv cells on flat roof of property measuring 13.6m x 4.3m x .30m.

BR/279/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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