

Committee Date	23 rd November 2023	
Address	Barton Kemnal Road Chislehurst BR7 6LY	
Application Number	23/03109/FULL6	Officer - Zoe Douglas
Ward	Chislehurst	
Proposal	Installation of 28 solar panels (RETROSPECTIVE)	
Applicant	Agent	
Mr and Mrs Robbert and Vivian Schut	Ian Hunter	
Barton Kemnal Road Chislehurst BR7 6LY	1st Floor Kennedy House 31 Stamford Street Altrincham WA14 1ES	
Reason for referral to committee	Councillor call in	
	Call-In	Councillor Stammers Impact on the visual amenity of the residents of Mulbarton Court.

RECOMMENDATION	PERMISSION
-----------------------	------------

<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chislehurst Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Sites of Interest for Nat. Conservation Smoke Control SCA 16</p>
--

Representation summary	<i>Press advert published 30th August 2023</i> <i>Site Notice displayed 26th August 2023</i> <i>Neighbour notification sent out 21st August 2023</i>	
Total number of responses		11
Number in support		0
Number of objections		11

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would preserve the character and appearance of the Conservation Area.
- The development does not harm the visual amenities of neighbouring properties.

2. LOCATION

- 2.1 The application site hosts a single storey dwelling that is attached to the rear elevation of a 3 storey block of flats known as Mulbarton Court. The site itself is on Kemnal Road but set back from the roadside, located to the rear of a communal parking area and with large communal gardens surrounding the site.
- 2.2 The site is located within Chislehurst Conservation Area.

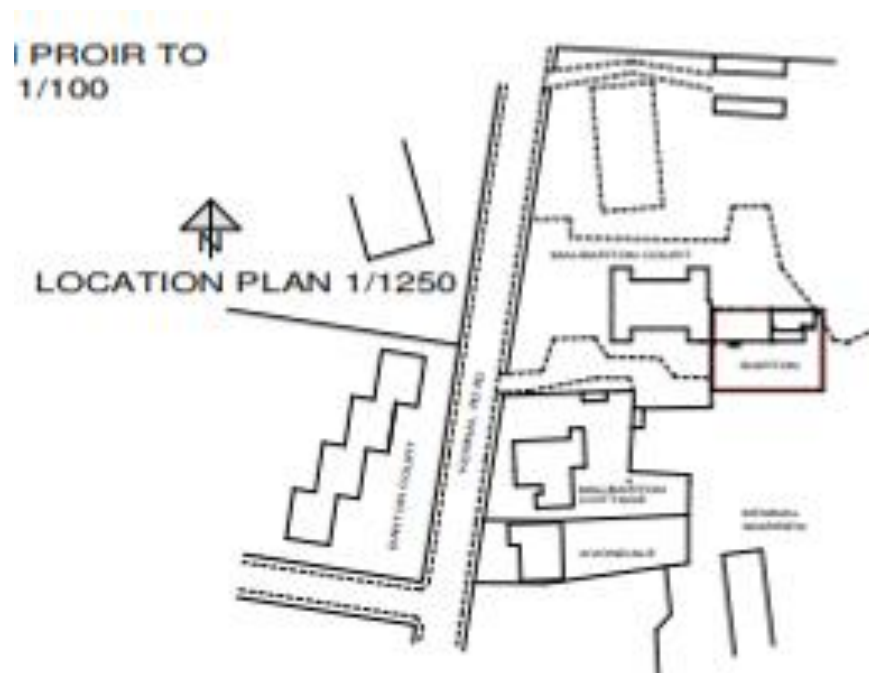


Figure 1. Location Plan

3. PROPOSAL

- 3.1 Retrospective planning permission is sought for the erection of 28 solar panels that have been sited on the flat roof of the property that adjoins Mulbarton Court.
- 3.2 The solar panels have been set over 3 rows and the design is such that they are angled on the flat roof to obtain the best angle for sunlight. The two outer rows of panels have a height of 0.66m and lower to 0.16m, and the central row of panels has a height of 0.68m, lowering to 0.16m in height.
- 3.3 The highest aspect of the solar panels are located away from the front boundary, and all are sited below the highest point of the surrounding parapet wall of the flat roof.

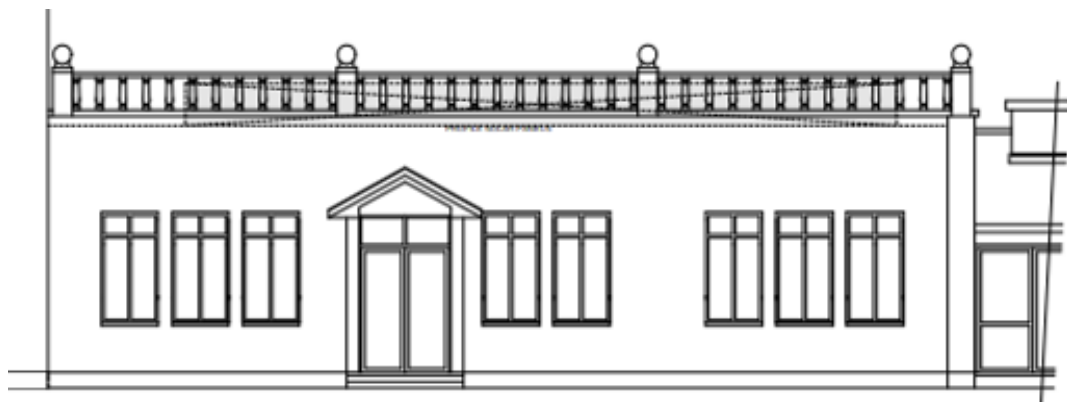


Figure 2. Part front elevation showing solar panels behind parapet wall

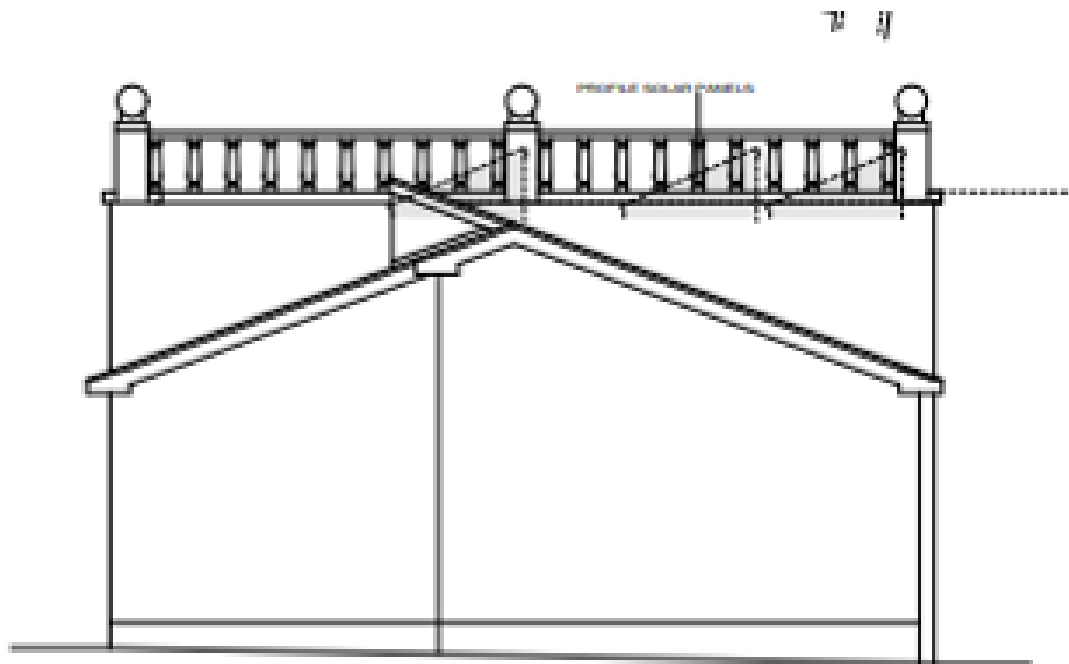


Figure 3. East flank elevation showing solar panels behind parapet roof. Flats in Mulbarton Court located directly behind this elevation.

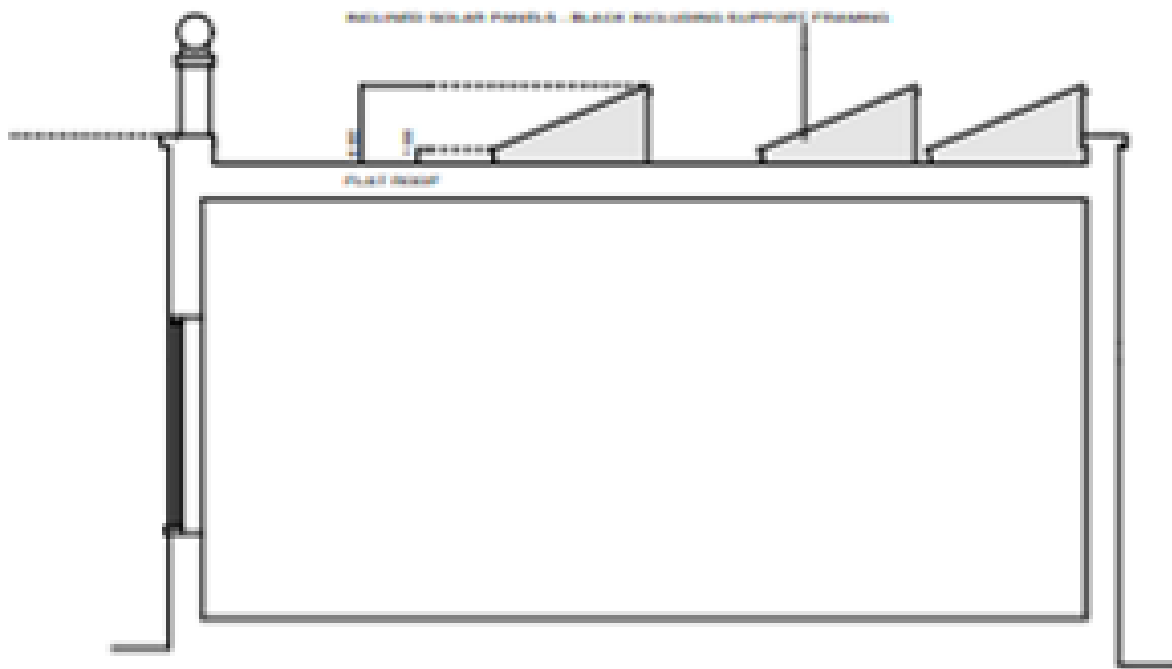


Figure 4. Typical section of roof showing solar panels



Figure 5. View of solar panels from window in Mulbarton Court



Figure 6. Solar panels viewed from garden



Figure 7. Solar panels viewed from garden and rear elevation of Mulbarton Court



Figure 8. Rear elevation of Mulbarton Court



Figure 9. Flank elevation of Mulbarton Court and front elevation of Barton – showing parapet wall of flat roof but no solar panels visible



Figure 10. Front elevation of Mulbarton Court, with parapet wall of Barton to the right



Figure 11. View towards Kemnal Road from car park area in front of Barton entrance gates

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site can be summarised as follows:

Single storey rear extension with roof lantern – permitted under 07/03754/FULL6

Demolition of existing single storey rear extension and erection of replacement roof lantern CONSERVATION AREA CONSENT – approved under 07/03753/CAC

5. CONSULTATION SUMMARY

A) Statutory

Conservation – No Objection

The solar panels cannot be seen from the roadside or wider conservation area due to the position of the building set so far away from the road. As such, there is no detrimental impact upon the character of the building nor the Chislehurst Conservation Area.

No Heritage objection is therefore raised.

B) Local Groups

Kemnal Residents Association (KRA)

- KRA looks after the interests of Kemnal Road on behalf of all its residents;
- Mulbarton is one of the properties with direct frontage to the road;
- Concerned to hear so many residents of Mulbarton are objecting to the installation in question;
- Cannot comment on the specific details of the application, we do have a general concern over any untoward development which might spoil the surroundings of our area and our residents' enjoyment of them;
- Hope this matter will be given full examination to ensure planning rules have been properly adhered to.

C) Adjoining Occupiers

Visual Impact (paragraphs 7.2.2, 7.4.2, 7.4.3, 7.4.4, 7.4.5, 7.4.6, 7.3)

- Visual impact of such a massive, ugly installation is more appropriate in an industrial setting;
- The solar panels are supported by black plastic console mounts, known in the Solar Industry as 'bins' which are similar to black refuse bins on the original ballroom of Barton flat roof;
- Located several meters from windows of 4 different flats, blocking views at eye level;
- With 3 directly overlooking windows affecting the visual amenity of 4 rooms of 1 flat in particular, including a bedroom, a living room and 2 bathrooms

- The visual amenity previously from all 4 rooms was an uninterrupted view of open woodland over a large flat roof surrounded on 2 sides with an open parapet wall allowing clear sight lines through;
- Visual impact of solar panels can only be seen from the rear of the property in the shared garden amenity where the panels also have a detrimental impact on the visual amenity;
- Outlook from windows of flats previously pleasing, now destroyed by the solar panels and bins supporting them;
- It is important to consider the environmental and aesthetics of the installation given the conservation area status;
- Whilst not directly impacted, I object to the commercial scale installation on the flat roof – appears excessive for a 4-bedroom property;
- Appearance of these solar panels directly affects residents of Mulbarton Court;
- Panels can be seen from the Northern edge of the property (no balustrade screening from this side) and the view from windows of apartments on the Eastern side of the building has been completely ruined;
- Some thought could have been put into the design and ideally some screening of this installation for the benefit of their immediate neighbours;
- Continuation of the decorative balustrade to the Northern side, or fewer panels and only located on the eastern side, it would be more appropriate;
- Solar panels are a complete eyesore and ruin the visual amenity from rooms in my recently purchased and renovated flat;
- Solar panels are extremely intrusive for residents directly overlooking the flat roof;
- Solar panels have changed the view from an outlook of woodland to that of an industrial estate;
- Solar panels and supporting bins are completely unacceptable and detrimental to the visual amenity of those four flats that directly overlook this monstrosity.

Other matters (Paragraphs 7.4.2, 7.4.3, 7.4.4)

- Overdevelopment through the siting of 28 solar panels;
- Impossible to see effects of the installation unless viewed from directly affected flats;
- East side elevation drawing on the planning application which is also misleading as it fails to illustrate the overlooking windows accurately and thus fails to illustrate the impact this installation has on all four flats directly affected;
- There are in fact 6 windows directly overlooking the flat roof not 4 that have been shown in the drawings. 3 are bedrooms and 3 are bathrooms;
- There are a further 6 large windows from the other 2 apartments that also overlook the flat roof and have had their visual amenity adversely affected which include living spaces;

Non-material comments and private matters between parties

- The value of nearby flats has also been adversely affected – confirmed by a local estate agent;

- The other serious implication for this application that should be considered is whether a load survey was carried by the installers prior to 28 panels installed and what were the findings of that survey. Any reputable solar panel installer would normally carry out a survey and produce load calculations;
- The 28 panels alone would weigh 560kg -70 kilos without the massive weight of the ballast in each bin. One might question the suitability of the original ballroom structure to carry this load.
- Plus the fact, that this would have a negative impact on our current insurance policy shared by all the owners at Mulbarton Court.

Concluding comments from neighbouring properties (Paragraphs 7.5.1, 7.5.4, 7.4.2)

- Whilst we support sustainable energy sources and we would have no objections to the existing 12 solar panels we do also support people living adjacent to others abiding by planning law;
- Invite those making the decision to view from flat windows;
- We appreciate the opportunity to convey the impact and wider context this industrial sized, inappropriate, commercial installation has created and very much hope you will give this case the utmost scrutiny with this further evidence and the application will receive a refusal.

6. POLICIES AND GUIDANCE

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise.
- 6.3 The National Planning Policy Framework was updated on 5th September 2023 and is a material consideration.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.
- 6.5 The application falls to be determined in accordance with the following policies:

National Policy Framework 2023

NPPG

The London Plan

D4 Delivering good design
SI2 Minimising greenhouse gas emissions
HC1 Heritage conservation and growth

Bromley Local Plan (2019)

37 General Design of Development
41 Conservation Areas
123 Sustainable Design and Construction
124 Carbon Dioxide Reduction, Decentralised Energy Networks and Renewable Energy

Supplementary Planning Guidance

Urban Design Guidance (Bromley 2023)

7. ASSESSMENT

7.1 The main issues to be considered in respect of this proposal are:

- Design and scale
- Conservation
- Neighbourhood Amenity
- Climate Change, sustainable construction and energy saving

7.2 Design and scale - Acceptable

7.2.1 Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high-quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. These policies are supported by Policies D3 and D4 of the London Plan.

7.2.2 The surrounding area is residential in character. The solar panels are located on the flat roof of what used to be the ballroom of the building when it was in its original use. Objections have been raised with regard to the panels, stating they are highly visible from windows in neighbouring flats within Mulbarton Court due to the design of the solar panels, sitting on top of 'bins', which has a direct impact upon the outlook from these windows, and has resulted in a change to the original roofline of this part of the building.

7.2.3 However, the system that has been installed is very low profile with a maximum height of 0.68m and 0.66m from the flat roof for the central row and outer rows of solar

panels respectively, and all of them lower to 0.16m from the level of the flat roof. The panels are black in appearance with black outer frames and due to the colour will result in no noticeable reflection or glare; but they will still be able to absorb as much light as possible.

- 7.2.4 The flat roof has a parapet wall surrounding 3 sides of the roof, and when combined with the set back from the front elevation, when viewed from ground level of Mulbarton Court and indeed the application site, the panels are barely visible due to the existing parapet wall. To the rear of the application property, it is possible to see one of the outer rows of the solar panels to a certain degree, however it is not considered that this is to the detriment of the design of the host property or surrounding properties.
- 7.2.5 It is not considered that the panels result in an incongruous addition to the roof line of the property, and whilst the solar panels are raised on one side due to the sloping nature of the supportive 'bins' they are positioned on, the overall appearance is considered to be in-keeping with the dwelling.
- 7.2.6 Generally, the proposal is considered to accord with Policies 6 and 37 of the BLP.

7.3 Heritage Impact – Conservation Area - Acceptable

- 7.3.1 The site is located within the Chislehurst Conservation Area.
- 7.3.2 Policy 41(Conservation Areas) of the BLP states that Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. This policy therefore requires development to respect, enhance and strengthen the special and distinctive qualities of the designated Conservation Area.
- 7.3.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.3.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.3.5 No objection has been raised by the Council's Conservation Officer. The view being that the panels cannot be seen from the roadside nor the wider conservation area due to the position of the building being set so far away from the road.
- 7.3.6 Accordingly it is considered that the character and appearance of the Conservation Area would be preserved in this case and would not result in a significant impact on the character and appearance of the wider area.

7.4 Neighbourhood amenity - Acceptable

- 7.4.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.4.2 Objections have been raised by a number of local residents, as well as other interested parties who live some distance away from the application site. The major concern raised being the 'industrial' appearance of the solar panels and negative views from the windows of a number of flats within Mulbarton Court.
- 7.4.3 It is understood that when looking out of these windows and down onto the solar panels, it is now a very different appearance to the original concrete roof. However, the solar panels are low-level, they do not raise up any higher than the parapet wall, and from the ground and wider area, they are not visible from the streetscene or the majority of the garden area. Views from the windows directly across to the large trees and woodland area to the rear of Barton have not been directly interrupted by the installation of the solar panels as they are below the parapet level, although it is acknowledged and appreciated that the solar panels have changed the view from the windows in the flats from an outlook of a flat roof and beyond to the woodland, to solar panels and the woodland beyond.
- 7.4.4 However it is not considered that the visual amenity from these windows has been directly affected or blocked, despite them being visible on the roof when looking down out of the windows and as such, the impact upon the visual or residential amenity in this instance is not considered to be unacceptable.
- 7.4.5 It is noted that it is possible to see an element of a few of the panels which are located nearest to that edge of the roof when viewed from the rear garden, however even then, these are located to the rear of the main site so are not widely visible, plus it is only the edge of the panels that can be seen. In this instance, the view is taken that this minor view would not be detrimental to the visual and residential amenity of the occupiers of the adjacent flats.
- 7.4.6 Having regard to the scale and location of the development, together with the relationship with neighbouring dwellings it is not considered that there is a loss of amenity to neighbouring properties so as to warrant refusal of the application.

7.5 Climate change, sustainable construction and energy saving - Acceptable

- 7.5.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and the Bromley Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

- 7.5.2 The London Plan encourages the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy S12 Minimising greenhouse gas emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be Clean: supply energy efficiently, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.
- 7.5.3 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account and Policy 124 encourages Major developments to reduce their carbon emissions in accordance with the levels set out in the London Plan.
- 7.5.4 This proposal is not for new Major development, moreover it seeks to incorporate solar panels onto an existing dwellinghouse, nonetheless it seeks to contribute towards carbon dioxide emissions savings as encouraged by the Local Plan and the London Plan and provides a private benefit to the Applicant and a public benefit to climate change, sustainable construction and energy saving, which weighs in favour of the proposal.

8. CONCLUSION

- 8.1 The design, scale and positioning of the solar panels is considered to accord with Policies 6, 37 and 41 of the Bromley Local Plan. The impact on neighbouring amenities is considered acceptable and the development is considered to preserve the character and appearance of the Chislehurst Conservation Area.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1. Development to be retained in accordance with approved plans.**

Any other planning condition(s) considered necessary by the Assistant Director of Planning