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CHARTERED TOWN PLANNERS

01582 345 230 | info@bell-cornwell.co.uk | www.bell-cornwell.co.uk

Planning - Development Management
North Herts District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

Our ref: 4998

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Dear Sir/Madam

Retention of 3 x solar panels to front elevation at 124 Layston Park, Royston, SG8 9DY

We are pleased to submit a full planning application on behalf of Mr Kevin Lewis (herein referred to as the 'Applicant') for the retention of 3 x solar panels attached to the front elevation of the property at 124 Layston Park, Royston, Hertfordshire (herein referred to as the 'Site').

The proposed 3 x solar panels were installed on the front elevation of the property at the Site. However, they were recently investigated by the planning Enforcement team at North Herts District Council for potentially constituting a form of unauthorised development requiring planning permission and the need for regularisation.

North Hertfordshire District Council's (The Council) Enforcement Team issued the Applicant a letter inviting the Applicant to either remove the solar panels or alternatively to apply to regularise the development through a full planning application.

Accordingly, we are now submitting a retrospective planning application for the retention of the solar panels at the Site.

This letter takes the form of a Planning Statement, providing further details of the proposal and setting out the planning justification. The application is also accompanied by the following plans and documents:

- Location Plan - GP/02/25/ Rev
- Block Plan - GP/03/25 Rev C
- Existing and Proposed Roof Plans - GP/03/25 Rev C
- Existing Elevations - GP/04/25 Rev
- Proposed Elevations - GP/01/25 Rev D



- Application Form and Certificate of Ownership

THE SITE AND BACKGROUND

Layston Park is a residential estate located to the south of Royston town centre, situated within the town's defined settlement boundary where development is generally deemed acceptable in principle, subject to compliance with relevant planning policies.

The Site is located outside the Royston Conservation Area and is not a listed building. It is also not subject to any Article 4 directions or other specific planning restrictions.

The Site consists of a two-storey detached dwelling, set back from the highway with an area of hardstanding to the front that provides off-street parking for two vehicles. The property features a front gable, with the first floor finished in dark-stained horizontal timber cladding. Adjacent properties on either side of the Site are also formed by two-storey dwellings with pitched roofs, finished in brickwork, with similar front designs.

PLANNING HISTORY

There are three planning applications listed on the Council's website for the Site which are detailed below:

- 12/01048/1HH: First floor front extension and canopy over front door (as amended by plan received 5 July 2013. Granted permission July 2012.
- 86/02021/1: Erection of single storey rear conservatory extension. Granted permission December 1986.
- 75/01753/1: Erection of 50 detached houses, 9 terraced houses with garages, roads, screen walls, fencing and landscaping. Granted conditional permission November 1975: Of note permitted development rights to install solar panels were not removed from this permission.

THE PROPOSAL

The proposed development incorporates 3 individual '400W Perlight All Black Delta Solar Panel - Mono Percium' Panels, each measuring 1646mm x 1140mm x 30mm, which are located to the front of the property. The panels were installed on the front elevation of the property at the Site around June 2021.

The solar panels are finished in a matte black coating to visually integrate with the existing black cladding material on the front elevation of the building

The solar panels are located on the front (southwest-facing) elevation of the property, above the ground floor windows to maximise energy generation. They are designed to be manually adjustable, allowing them to extend between 0.4m and 0.65m from the wall, depending on weather conditions, in order to optimise performance.

Their placement has been intentionally designed to emulate a canopy-style architectural feature, consistent with residential design elements commonly found within the surrounding streetscape. (Please refer to the accompanying photographs below showing the solar panels in situ on the front elevation of the property at the Site).



Solar panels in-situ on the front elevation of the property



FRONT (South -West)

Proposed Elevations

In addition to the solar panels on the front elevation of the property, there are also six existing solar panels on the roof of the property at the Site, which were installed in April 2023 as part of the Hertfordshire County Council Solar Together Scheme, which is a collective work programme supported by officers from each authority in Hertfordshire. The partnership is working collaboratively together to deliver climate change action and address the carbon reduction targets for Hertfordshire and to achieve lasting change.

These panels do not form part of this planning application as they do not require planning permission. They fall within Permitted Development under Class A Part 14: Renewable Energy of the Town and Country



Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). They therefore do not form part of these proposals.

RELEVANT PLANNING POLICY

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states *“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.

The relevant Development Plan for this proposal consists of the North Hertfordshire Local Plan 2011-2031 (The Local Plan). The most relevant policies within the Local Plan to this application are:

North Hertfordshire Local Plan Adopted (2022) (Local Plan)

- Policy SP1: Sustainable development in North Hertfordshire
- Policy SP9: Design and Sustainability
- Policy D1: Sustainable Design
- Policy D2: House extensions, replacement dwellings and outbuildings
- Policy D3: Protecting living conditions
- Policy T2: Parking
- Policy NE4: Biodiversity and geological sites

Other Material Planning Considerations

In addition to the adopted policies of the Local Plan, the National Planning Policy Framework (NPPF) is also a material consideration.

Additional relevant guidance produced by the Council in the form of Supplementary Planning Guidance includes:

- The Design Supplementary Planning Document (Design SPD);
- Sustainability Supplementary Planning Document (Sustainability SPD); and
- Vehicle parking at new developments SPD (Parking SPD).

PLANNING ASSESSMENT

Planning permission is being sought to retain the existing 3 x solar panels on the front elevation of the property at the Site. The following section considers the planning merits of the proposals having regard to the adopted Local Plan and other material considerations.



Principle

The Site is located within the settlement boundary for Royston where there is no objection to the new development in principle. Local planning policies support extensions and alterations to residential properties provided they are acceptable on design and amenity grounds. Therefore, the principle of the proposed solar panels at the property is acceptable.

Design and Appearance

Local Plan Policy D1: Design requires development proposals to have regard to the Design SPD, along with any other relevant guidance and considers that proposals will be supported if the development responds positively to a sites local context.

Local Plan Policy D2: House extensions, replacement dwellings and outbuildings require that consideration is given to the effect that a proposal may have on the living conditions of neighbouring occupiers and the character and appearance of the locality in which they are proposed.

Local Plan Policy SP9: Design and Sustainability considers that good design is a key aspect of sustainable development and that proposals will be supported if the development is well designed and located and responds positively to its local context.

The proposed solar panels have been carefully designed to deliberately emulate a canopy-style architectural feature, consistent with residential design elements typically found on neighbouring properties and within the surrounding streetscape.

The mono pitch roof slopes of the single storey front projections of nearby properties have a very similar visual impact on the street scene as the proposed solar panels, which are demonstrated in the photographs below.



The mono pitch roof slopes of the single storey front projections of nearby properties have a very similar visual impact on the street scene as the proposed development



The installation closely aligns with the residential design elements found on neighbouring properties and the visual impact of the solar panels has been carefully considered and designed to reflect the vernacular character of the existing streetscape.

Additionally, the solar panels have also been finished in matt black to complement the existing black cladding material on the front elevation of the building, which also minimises their visual impact.

The proposal, therefore, fully complies with the requirements of Policies D1 and D2 by providing a design that is in keeping with the established character and architectural rhythm of the surrounding streetscape.

Climate Emergency and Sustainable Development

On 21 May 2019, the Council declared a Climate emergency motion. This declaration asserted the Council's commitment toward climate action beyond current government targets and internal agreements. The Council aims for North Herts district to be net zero by 2040. This can only be achieved by allowing developments that assist with being net zero, such as this proposal. Therefore, the proposed development will also bring benefits in this regard.

The NPPF at Paragraph 161 outlines that: *'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts influencing overheating, water scarcity, storm and flood risks and coastal change'*. It continues to outline that: *'It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions; and support renewable and low carbon energy and associated infrastructure'*.

Paragraph 166 continues to outline that: *'Local Planning Authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).'*

Section 2.1 (Achieving Low Carbon Energy) of the Sustainability SPD states that:

'Renewable and low carbon energy is pivotal in the drive towards net zero. Besides reducing carbon footprint, such technologies also reduce household energy costs. Development proposals are expected to move away from the use of gas boilers for space heating, towards lower carbon alternatives, such as electric heat pumps and heat networks.'

In accordance with the sustainability SPD the proposed development is a form of renewable technology which produces low carbon energy and assists towards the Local Planning Authorities goal for net zero, while also contributing to a reduction in household energy costs.

Section 2.2 (Solar Photovoltaic Panels) of the Design SPD states that:

'Solar photovoltaic (PV) technology converts energy from the sun into electricity. The greater the intensity of light, the greater the generation of electricity, meaning that solar panels are often located on south facing roofs or mounted on flat roofs. While solar panels can be visually intrusive, careful placement can avoid or limit the impact. It is also possible to source solar panels which mimic the design of roofing tiles'.



Paragraph 53 (Sustainable Technologies) of the Design SPD states that:

'The layout of any development is an important feature in the use of sustainable technologies. By ensuring the appropriate layout, use of sustainable technologies can be maximised, i.e. the use of southern facing facias to enable the use of solar panels'.

In accordance with both the Sustainability SPD and the Design SPD, the solar panels have been installed on the front elevation of the building (facing southwest) to maximise energy generation. The panels can also be manually adjusted to extend between 0.4m and 0.65m from the wall, depending on weather conditions, to optimise energy production. Alternatively, installing the panels to the rear of the building would not ensure an optimal layout or maximise the efficiency of the solar panels, and would significantly reduce overall energy generation, in direct conflict with the Design SPD.

Additionally, to limit their visual impact the panels have been carefully integrated into the design of the building, firstly through their deliberate siting to resemble a canopy feature attached to the existing elevation. In addition to the panels being finished in matt black to complement the existing black cladding material on the front of the building.

Paragraph 70 (Solar photovoltaics) of the Design SPD states that:

'These technologies convert sunlight to electricity and can be integrated into buildings. They tend to have no moving parts and are silent. They can be incorporated into buildings in various ways on sloped roofs, atria and shading devices.'

Accordingly, nowhere in the adopted Design SPD is it stated that solar panels on the front elevation of a building are deemed unacceptable. In fact, contrary to this, the Design SPD promotes the integration of solar panels into buildings in various forms, including the installation of panels on any elevation or storey of a property.

Paragraph 150 (reducing carbon and increasing efficiency) of the Design SPD states that:

'Sustainable Technologies such as the use of solar panels and wind turbines should be located to have least visual impact. This may be done through using photovoltaic panels that look like tiles or landscaping to screen or minimise the visual impact of additional features. Some of this development is classified as permitted development, however in conservation areas and on listed buildings advice must be sought as poorly designed and positioned technologies can harm the character of an area.'

The solar panels are located on the front elevation of the property and are visible within the street scene, however their visual impact should not be considered harmful by default. The adopted Local Plan does not explicitly state that solar panels on the front elevation of a building are automatically deemed unacceptable. As referenced above, the panels have been carefully integrated into the design of the building, resembling a canopy feature that attaches to the existing elevation. This approach helps to minimise their visual impact and allows them to integrate into the residential character of the site. Additionally, in line with the Design SPD the solar panels are finished in matt black to complement the existing black cladding material on the front of the building.



Overall, the proposed solar panels are in accordance with the aims of North Herts Council to become a Net Zero carbon district by 2040 and careful consideration has been given to their design and location to ensure that they do not detract from the property or the street scene in line with the Council's Sustainability SPD and the Design SPD. In accordance with the NPPF, local planning authorities should give significant weight to the need to support energy efficiency and low carbon, which includes solar panels which need planning permission.

Fall Back Position

Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) is highly relevant in this case.

The proposed solar panels could be located on the front elevation of the property under permitted development (Part 14 of the GPDO) if they did not protrude more than 0.2 metres beyond the plane of the wall. However, as the Applicant is proposing that they do protrude further from the plane of the wall than 0.2m, which is to optimise energy production, we are unable to install them under permitted development. However, if the Applicant chose to remove them and then located them 0.2m from the plane of the front wall they would not require planning permission, which is a relevant fall-back position.

In accordance with conditions A.2 (a) and (b) of Part 14 of the GPDO which require the Solar PV to be sited as far as practicable to (a) minimise its effect on the external appearance of the building and (b) minimise its effect on the amenity of the area. The solar panels have been deliberately sited to integrate into the residential character of the site by appearing as a matte black canopy feature typical to the residential property and prevailing street scene at the Site, reducing their visual impact (a) and minimising its effect on the surrounding neighbouring amenity overall (b).

Their position and visual appearance would be very similar to what is currently being proposed, and the benefit of the slight protrusion more than 0.2m allows greater energy production, in line with the Council's Climate emergency motion, which has been discussed above.

Summary

The solar panels have been deliberately sited to integrate into the residential character of the Site by appearing as a matte black canopy feature typical to the residential property and prevailing street scene at the Site, reducing their visual impact overall.

Additionally, the solar panels have been sited to maintain an optimal layout, located on the front elevation of the building (facing southwest) with adjustable features to maximise the efficiency of the solar panels depending on specific weather conditions. Consequently, the layout of the solar panels significantly maximises the efficiency of the solar panels and increases the overall generation of low carbon energy generation at the Site. The proposal thereby contributes to a reduction in climate change by reducing the need for the applicant to rely on alternative non-renewable energy methods to provide energy at the Site.

Accordingly, the proposed position and form of the solar panels have been carefully designed for its context, in accordance with Policies D1, D2 and SP9 and the SPDs, along with the NPPF.

Neighbour Amenity

Policy D3: Protecting living conditions considers that all development has the potential to have adverse impacts on neighbours in a wide variety of ways, including dominance as well as other issues and considers that proposals will be supported if the development do not cause unacceptable harm to living conditions.



The proposed development due to their nature and location will not give rise to any harmful impact to any neighbouring property complying with Policy D3.

Car Parking and Highway Safety

The proposed development has no impact on the existing car parking provision and will not result in any increase in traffic generation at the Site.

Biodiversity Net Gain Exemption

With regard to Biodiversity Net Gain (BNG), as of 2 April 2024, it is a requirement that minor developments provide a 10% gain in BNG. However, the biodiversity gain condition does not apply to certain developments, which includes a development that is subject to the de minimis exemption.

These proposals are a householder development within the curtilage of a house and the exemption applies. The proposals do not propose to alter the existing landscaping situation and there is no additional footprint that is proposed. The development is therefore exempted from BNG by the de minimis exemption.

CONCLUSION

Planning permission is sought to retain 3 x solar panels to the ground floor front elevation of the property. The proposed development is acceptable in principle.

The position and form of the solar panels have been carefully designed for their context and the development is entirely in keeping with the established character and residential vernacular of the surrounding streetscape. The amenity of neighbours will not be affected and there will be no impacts on the existing car parking provision or existing traffic levels at the site. Additionally, the proposed development will assist in contributing towards the Council's aims of a net zero carbon district by 2040 and in line with Paragraph 166 of the NPPF, the proposals should be attributed significant weight.

The proposals represent a sustainable form of development and planning permission should be granted.

Should the Council have any questions, or require additional information, please let us know.

Yours sincerely,

BELL CORNWELL LLP

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ISABELLE

LEEKAM

BA(Hons) MSc MRTPI

Planner