

DELEGATED FILE NOTE

CASE OFFICER: ...Kayleigh Abery.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01517/LDCP	Installation of solar panels on the rear roof slopes and the side roof slope (adjacent to The Avenue Path)	40 The Avenue Hitchin Hertfordshire SG4 9RQ

Submitted Plan Nos

Proposed Rear 7 Existing S.E Elevation 8 Proposed S.E Elevation 8 Existing roof plan Proposed PV
positions Proposed panels Elevation 9 Proposed view AA location plan Existing Rear 7

1.0 Policies

2.0 **Site History**

- 2.1 90/00986/1: Two detached dwellings with detached double garages. New vehicular and pedestrian access. (Outline - design plans received 21.2.1991) – Conditional permission
- 2.2 91/01196/1: Detached dwelling with integral double garage, (amended plan received 22.11.91) – Conditional permission
- 2.3 Permitted development rights have not been removed.

3.0 **Representations**

- 3.1 N/A

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a detached dwelling set back from the street and is located within the town of Hitchin. The site lies within the designated Hitchin Conservation Area.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for:

Installation of solar panels on the rear roof slopes and the side roof slope (adjacent to The Avenue Path)

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the proposed development would require a specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 14 as amended.

PART 14 Renewable energy

- 4.3.2 **Installation of solar panels on the rear and side slopes.**

Class A - installation or alteration etc of solar equipment on domestic premises

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.

The proposed development is for a dwellinghouse.

Development not permitted: Dwellinghouse

A.1 (2) Development is not permitted by Class A on a dwellinghouse, or a building within the curtilage of a dwellinghouse, if-

(a) in the case of solar PV or solar thermal equipment on a wall, it would result in—

(i) where the wall abuts on a highway, the solar PV or solar thermal equipment protruding more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of that wall; or

(ii) in any other case, the solar PV or solar thermal equipment protruding more than 0.4 metres beyond the plane of the wall when measured from the perpendicular with the external surface of that wall;

The proposal does not include installation on a wall and therefore complies with this criterion.

(b) in the case of solar PV or solar thermal equipment on a balcony enclosure or roof enclosure, it would result in—

(i) where the enclosure abuts on a highway, the solar PV or solar thermal equipment protruding more than 0.2 metres beyond the enclosure when measured from the perpendicular with the external surface of that enclosure; or

(ii) in any other case, the solar PV or solar thermal equipment protruding more than 0.4 metres beyond the enclosure when measured from the perpendicular with the external surface of that enclosure;

The proposal does not include installation on a balcony or roof enclosure and therefore complies with this criterion.

(c) in the case of solar PV or solar thermal equipment on a pitched roof, it would result in either or both of—

(i) the solar PV or solar thermal equipment protruding more than 0.2 metres beyond the roof slope when measured from the perpendicular with the external surface of the pitched roof slope;

(ii) the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

The proposal does not result in the equipment exceeding the highest part of the roof or protruding more than 0.2m from the roof slope, and is therefore compliant with this criterion.

(d) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);

The dwellinghouse does not have a flat roof, the proposal complies with this criterion.

(e) 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, balcony or roof enclosure which fronts a highway;

The dwellinghouse is situated within a Conservation area and the proposal does not include the front roof slope, therefore, the proposal complies with this criterion.

(f) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument;

The site is not a scheduled monument and complies with this criterion.

(g) the solar PV or solar thermal equipment would be installed on a dwellinghouse, or on a building within the curtilage of a dwellinghouse, if the dwellinghouse is a listed building; or

The site is not within the curtilage of a listed building and complies with this criterion.

(h) in the case of plug-in solar, where any part of the plug-in solar would be installed on a wooden wall, balcony or enclosure or on any part of the exterior of a dwellinghouse where that part is clad in timber.]

The proposal does not include installation on wood or timber; therefore, it complies with this criterion.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

The proposal is compliant with this criterion.

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area;

The proposal is compliant with this criterion.

(ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the solar PV or solar thermal equipment on that land;

The dwellinghouse does not have a flat roof, prior approval is not required and the proposal complies with this criterion.

(bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if “Class A” substitutes the reference to “Class J” in paragraph J.4(4); and

N/A

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

This will be fulfilled once the panels are removed at the point that they are no longer needed.

4.4 Conclusion

4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed installation of solar panels constitutes permitted development by virtue of Class A of Part 14, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informative/s:

1. Bats and roof work Informative:

The applicant is advised that all species of bat and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). As roof works have the potential to affect bats and their roosts, the applicant should remain vigilant throughout the works. Should bats, or evidence of bats, be discovered at any stage, all work in the affected area must cease immediately and advice should be sought from a suitably qualified ecologist before works recommence. The granting of planning permission does not remove the applicant's legal responsibilities under the relevant wildlife protection legislation.

Signed <i>S. Loasby.</i> Saffron Loasby	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 15 September 2026	