

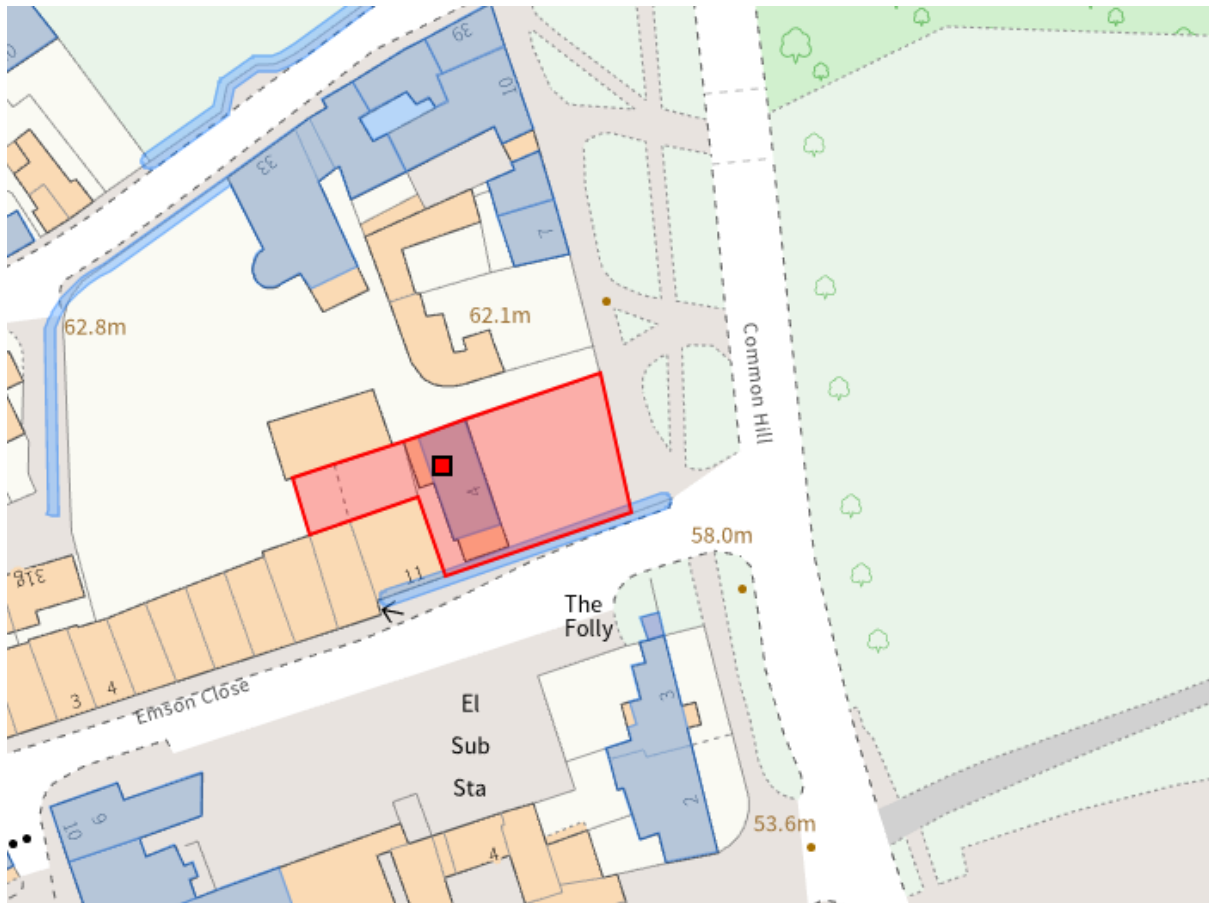
**ITEM NUMBER:** 12

**PLANNING COMMITTEE DATE:** 9 April 2025

**REFERENCE NUMBER:** UTT/25/0001/LB

**LOCATION:** 4 Common Hill  
Saffron Walden  
Essex  
CB10 1JG

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 20 April 2025

**PROPOSAL:** Installation of 14 no. solar panels on the west facing roof of the house.

**APPLICANT:** Mr John Lodge

**AGENT:** N/A

**EXPIRY  
DATE:** 28 February 2025

**EOT EXPIRY  
DATE:**

**CASE  
OFFICER:** James Hoskins

**NOTATION:** Within Development Limits (SAFFRON WALDEN)  
Within Conservation Area (SAFFRON WALDEN 1)  
Listed Building - Reference Number: 1297784 - Grade of Building:  
Grade II - Address: 4 Common Hill, Saffron Walden, Essex, CB10  
1JG  
Listed Building - Reference Number: 1205673 - Grade of Building:  
Grade II - Address: Wall North East End Emson Close, Emson  
Close, Saffron Walden, Essex  
Archaeological Site - Site Number: 0408

**REASON  
THIS  
APPLICATION  
IS ON THE  
AGENDA:** Call In by Cllr Coote

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## 1. **EXECUTIVE SUMMARY**

- 1.1 This listed building consent application is for the proposed installation of 14 no. solar panels on the west facing roof of the house.
- 1.2 The site concerns a Grade II listed property located within the Conservation Area within the Development Limits of Saffron Walden.
- 1.3 The application has been assessed against both national and local planning policies and guidance and it has been concluded that the benefits of the proposals do not outweigh the harm identified in the main assessment of this report to justify approval. The proposals would result in harm to the heritage assets contrary to Policies ENV1, ENV2 of the Uttlesford District Local Plan and the National Planning Policy Framework.

## 2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **REFUSE** permission for the development for the reason outlined in Section 16 of this report.

## 3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site lies to the west of Common Hill facing onto Saffron Walden Common on the eastern side of the historic core of Saffron Walden.
- 3.2 The site consists of an existing building used as a private residence. It is an early 17th century timber framed and plastered building, altered in the C18 and refurbished in C20 currently. The building is Grade Two Listed and lies within the Saffron Walden Conservation Area.

## 4. **PROPOSAL**

- 4.1 The application is for listed building consent for the proposed installation of 14 no. solar panels on the west facing roof of the existing dwelling house.

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## 6. **RELEVANT SITE HISTORY**

6.1	<table><tr><th>Reference</th><th>Proposal</th><th>Decision</th></tr></table>	Reference	Proposal	Decision
Reference	Proposal	Decision		

UTT/0506/07/FUL	Single storey side extension.	(REFUSED)
UTT/0510/07/LB	Single storey side extension, internal alterations.	(REFUSED)
UTT/2027/07/FUL	Single storey side extension.	(APPROVAL)
UTT/2028/07/LB	Single storey side extension, internal alterations.	(APPROVAL)
UTT/24/1353/LB	Install 12 solar panels on the west facing roof of the house.	(REFUSED)

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 This application has not been the subject of any Pre-Application advice.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 Not Applicable

## **9. CONSULTEE RESPONSES**

### **9.1 Place Services (Conservation and Heritage)**

9.1.1 Objection (See Appendix)

## **10. REPRESENTATIONS**

10.1 Site notices were displayed on site and 29 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application. No representations have been received at the time of the preparation of this report.

## **11. MATERIAL CONSIDERATIONS**

11.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
  - (aza) a post-examination draft neighbourhood 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.

- 11.3** Section 16(2), of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

## **11.4 The Development Plan**

- 11.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made February 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made December 2022)  
Great & Little Chesterford Neighbourhood Plan (made February 2023)

## **12. POLICY**

### **12.1 National Policies**

- 12.1.1** National Planning Policy Framework (2024)

### **12.2 Uttlesford District Local Plan 2005**

- |               |      |  |
|---------------|------|--|
| <b>12.2.1</b> | ENV1 | Design of Development within Conservation Area |
|               | ENV2 | Development affecting Listed Building          |

### **12.3 Neighbourhood Plan**

- 12.3.1** Saffron Walden Neighbourhood Plan (made October 2022).

### **12.4 Supplementary Planning Document or Guidance**

- 12.4.1** Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document – Accessible homes and playspace  
Supplementary Planning Document – Developer's contributions  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)  
Uttlesford District Council Design Code (2024)

### **13. CONSIDERATIONS AND ASSESSMENT**

**13.1** The issue to consider in the determination of this application is:

#### **13.2 A) Impact upon Heritage Assets:**

**13.3** The building affected by this application is a Grade II listed. The building is also located within the Saffron Walden Conservation Area.

**13.4** It should be firstly acknowledged that this proposal is a re-submission of a previous application which sought listed building consent under application reference UTT/24/1353/LB to 'Install 12 solar panels on the west facing roof of the house'.

**13.5** This application was refused under delegated powers for a single reason of refusal as outline below:

**13.6** *The proposal, by reason of its design and location fails to preserve the special interest of the listed building and the Saffron Walden Conservation Area contrary to Policies ENV1 and ENV2 of the Uttlesford District Local Plan 2005 (as Adopted), Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (NPPF, 2023).*

**13.7** The only material difference between the proposals that was previously refused, and that of which is proposed under this re-submission, is that the development now proposes an additional two panels making the total of panels being 14.

**13.8** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.

**13.9** The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

**13.10** The 'Setting of a heritage asset' is defined as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

**13.11** Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 13.12** Paragraphs 214 and 215 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 214). Whereas Paragraph 215 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 13.13** Policies ENV1 and ENV2 of the Uttlesford District Local Plan is broadly in accordance with the aims and objectives the Framework. In addition, Policy SW3 of the Saffron Walden Neighbourhood Plan states that ‘All planning applications for development with the potential to impact on the Conservation Areas and/or heritage assets including listed buildings will be accompanied by a Heritage Statement that describes the significance of the Conservation Area and/or heritage assets and assesses the impact of the development’.
- 13.14** The application was consulted to Place Services conservation officer who confirmed:
- 13.15** *“As advised in our previous response, the applicant has not discussed or eliminated alternative locations that would be less harmful than roof-mounted panels, nor the installation of solar panels on the north part of the western pitch (which could be considered less harmful). Therefore, our concerns regarding the previously refused UTT/24/1353/LB remain unchanged.”*
- 13.16** *“the proposal in its current form would cause harm to the significance of No. 4 Common Hill and the Saffron Walden Conservation Area in terms of the National Planning Policy Framework (NPPF, December 2024), with Paragraph 215 being relevant”.*
- 13.17** Taking the conservations officers comments into consideration, there are clear concerns regarding the proposals impact to both the listed building and the surrounding conservation area.
- 13.18** The applicant has not demonstrated that the proposed location is the only one suitable, nor taken into account the previous concerns or suggestions of the conservation officer, which included a repositioning, as a result the same response has been received from Place Service conservation officer for both this application and the earlier refusal.
- 13.19** The conservation officer has identified that the proposals would cause harm to both the significance of the listed building and the conservation area, without any justification that would be in the public interest. The proposal claims to save emissions of approximately 3000 kg of CO<sub>2</sub>, and



whilst this would be beneficial, this has not been fully established particularly given the west facing nature of the roof, neighbouring properties and the gradient of the town in relation to the sunlight and the time of day that the panels would actively function.

- 13.20** The proposal involves attachment to the roof structure of the listed building which is claimed to have been re-tiled around nine or ten years ago. There is no evidence of listed building consent for such works, although they do appear to have taken place. Granting this application would effectively also grant permission for potentially unauthorised works, which should be subject to an application for retention.
- 13.21** Insufficient details regarding fixing methods, relating to harm to the listed building have been submitted, the energy production and energy savings have not been fully assessed to justify the harm, and consideration has not been given to the detail of the previous refusal.
- 13.22** For the above reasons which are provided in full within the conservation officers assessment of the scheme (refer to Appendix 1), it is concluded that the proposed development would not preserve the setting and significance of designated heritage assets. In respect of the harm caused to the designated heritage assets, it would be moderate on the spectrum of 'less than substantial harm'.
- 13.23** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. (Parag 199 of the NPPF).
- 13.24** Having established that the harm resulting from the proposed Development is a severe level of 'less than substantial', it is then necessary to weigh this level of less than substantial harm against the public benefits of the Proposed Development in accordance with Paragraph 202 of the Framework. Planning Practice Guidance (ID: 18a-020-20190723) explains:
- 13.25** *"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit".*
- 13.26** As identified above, the applicant submits that the proposal would save emissions of approximately 3000 kg of CO<sub>2</sub>, although no information has been provided to demonstrate this. Although this does not provide direct public benefits, is concluded that 'limited weight' can be given to this.

**13.27** In summary, it is considered that the resulting moderate harm to the heritage assets should be afforded significant (negative) weight in the planning balance. The public benefit should be afforded limited (positive) weight in the planning balance.

**13.28** Taken together, it is considered that the overall harm that significantly weighs against the scheme and that this would be contrary to policy ENV1 and ENV2 of the Uttlesford District Local Plan and Policy SW3 of the Saffron Walden Neighbourhood Plan, and the National Planning Policy Framework.

## **14. ADDITIONAL DUTIES**

### **14.1 Public Sector Equalities Duties**

**14.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

**14.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**14.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

### **14.2 Human Rights**

**14.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## **15. CONCLUSION**

**15.1** The proposal fails to accord with the development plan and the NPPF. Regard has been had to all other material considerations, and it is recommended that listed building consent be refused for the following reason.

**REASON FOR REFUSAL**

1. The application lies within the Saffron Walden Conservation Area to the north and the existing building is Grade Two Listed. The Local Planning Authority has a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

The proposals consisting of the installation of 14 no. solar panels would be a modern and visually intrusive addition, which would not be sympathetic to both the listed building and the conservation area. As such, it would detract from the architectural interest and setting of the heritage assets resulting in less than substantial harm.

Having regard to the guidance in paragraph 215 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the setting of the designated heritage asset. The proposals are thereby contrary to Policies ENV1 and ENV2 of the Uttlesford District Local Plan 2005 (as Adopted), Policy Sw3 of the Saffron Walden Neighbourhood Plan and the National Planning Policy Framework.

## APPENDIX 1 – PLACE SERVICES (CONSERVATION)

Place Services  
Essex County Council  
County Hall, Chelmsford  
Essex, CM1 1QH  
T: 0333 013 6840  
www.placeservices.co.uk



FAO: Planning Department,  
**Uttlesford District Council**

Ref: UTT/25/0001/LB  
Date: 23/01/2025

### BUILT HERITAGE ADVICE

Dear Sir / Madam,

**RE: 4 Common Hill Saffron Walden Essex CB10 1JG**

Built Heritage Advice pertaining to an application for: *Installation of 14 no. solar panels on the west facing roof of the house.*

The building affected by this application is a Grade II listed early seventeenth century house altered in eighteenth century and refurbished in twentieth century. The building is timber-framed and plastered with twentieth century panelled fan combed pargetting, peg-tiled roof and red brick and its statutory address for listing is 4 and 5 Common Hill (list entry number: 1297784). The brick wall bounded the property to the south is separately listed at Grade II (list entry number: 1205673). The building is also located within the Saffron Walden Conservation Area.

The current application follows the refused application UTT/24/1353/LB. Place Services were consulted on this application, and we raised concerns regarding the proposed installation of PV panels on the roof of the Grade II listed No. 4 Common Hill. We concluded that:

*Whilst sustainability and energy efficiency are legitimate issues, for historic buildings and buildings which form part of the setting of heritage assets, a balance must be achieved between generating its own energy and avoiding damage both to the significance of the building and its fabric, and the visual impact of the renewable installation on the character and appearance of the historic building or site. Solar panels have the potential to greatly diminish the special architectural interest and character of a heritage asset. Existing guidance instructs that consideration needs to be given to the visibility of the solar panels and that less conspicuous locations are key with regards to the success of their installation. When choosing a location for a proposed solar array it is considered best practice to appraise each option sequentially in the following order of preference:*

- Ground-mounted
- To the roof of any outbuilding (such as garage or shed)
- To the roof of a later / modern extension
- To the rear, or least visible, roof slope of the host dwelling

*It should be noted that demonstrating that a preferred alternative location is not viable, does not mitigate the potential harm caused by solar panels to roofs, and some heritage assets may not have the capacity for this change. There is no presumption for acceptability without carefully considered options.*

*In this specific case, no alternative locations, less harmful than roof-mounted panels, has been discussed and eliminated as not viable. Therefore, the installation of roof-mounted solar panels was not justified as the only viable option. Aside from this, the submitted Heritage Statement mentioned that the roof tiles have been replaced 9 years ago. However, no Listed Building Consent application for such repair can be found on the Planning Portal, therefore, this statement cannot be confirmed. Furthermore, there is no plans of how the panels would connect to the building's services and fixed to the roof. As such, I cannot draw any conclusions on whether this element of the proposal may impact on the fabric of the building.*

*Nevertheless, the above there is concern regarding the location of the solar panels on the south part of western pitch, close to the road. Such location would detract from the architectural interest of the listed buildings and Conservation Area and thus cause the harm to their significance. The installation of solar panels on the north part of western pitch might offer a more sympathetic location for the installation of PV panels, mitigating the visual impact on the listed buildings and Conservation Area, however, not eliminating it.*

It is understood that the current application is almost identical to the refused UTT/24/1353/LB, with the only difference being the addition of two more PV panels.

As advised in our previous response, the applicant has not discussed or eliminated alternative locations that would be less harmful than roof-mounted panels, nor the installation of solar panels on the north part of the western pitch (which could be considered less harmful). Therefore, our concerns regarding the previously refused UTT/24/1353/LB remain unchanged.

While I acknowledge the examples of PV panels installed on listed buildings and within the Conservation Area submitted by the applicant, this application is assessed on its own merits.

In conclusion, the proposal in its current form would cause harm to the significance of No. 4 Common Hill and the Saffron Walden Conservation Area in terms of the National Planning Policy Framework (NPPF, December 2024), with Paragraph 215 being relevant. Therefore, the proposal would fail to preserve the special interest of the listed buildings, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would fail to preserve the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Yours sincerely,

Marcin Krzewicki BSc (Hons) MSc  
Historic Environment Team  
Place Services