

**Jasmine Cottage, Askham Richard YO23 3PT**

**Application for Listed Building Consent for**

**installation of up to 10 roof-mounted solar panels on rear extension**

**Design, Access and Heritage Statement (January 2021)**

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## 1.0 Introduction

This Statement supports an application by the owners of Jasmine Cottage for Listed Building Consent for the installation of up to 10 roof-mounted solar panels on the rear extension of the property.

Jasmine Cottage is a Grade 2 listed building situated at the south-west end of the Askham Richard Conservation Area. Photographs of the front of the property (Photos 1 & 2), rear of the property (Photo 3) and the south facing elevation of the rear extension (Photo 4) are shown overleaf.

This document provides details of the siting, design and number of the proposed solar panels, 'Permitted Development' rights for solar panels, the Planning History of Jasmine Cottage, the Heritage Context relating to the listing of Jasmine Cottage and the designation of the Askham Richard Conservation Area, the Planning Policy context, and an overall planning assessment of the proposed development. It also explains why it has not been possible to implement the planning permission granted in April 2019 for ground mounted solar panels in the field at the rear of Jasmine Cottage.

It is intended that this Statement should be read in conjunction with the completed application forms, and the following supporting details:

<b>Plan / Document title</b>	<b>Reference number</b>
• Location Plan	JC/Solar/01.
• Site Plan	JC/Solar/02
• Roof Plan	JC/Solar/03
• South elevation of rear extension– existing and proposed	JC/Solar/04
• GreenMatch solar panel selection guide (updated January 2021) at: <a href="https://www.greenmatch.co.uk/solar-energy/solar-panels">https://www.greenmatch.co.uk/solar-energy/solar-panels</a>	

**Photo 1 : Jasmine Cottage – view from village green (2020)**



**Photo 2 – view from village green (undated, but believed to be about 1900)**



**Photo 3: Jasmine Cottage – view at rear**



**Photo 4 : Jasmine Cottage – rear extension (showing south-facing roof on which solar panels will be installed)**



## 2.0 'Permitted Development' rights for solar panels

Under *Town and Country Planning (General Permitted Development) (England) Order 2015, Part 14, Schedule A*, planning permission is not required to install solar panels on the roof of a house in a Conservation Area as long as:

- 1) the solar panels, so far as is practicable, are installed so as to minimise the effect on the external appearance of the building; and
- 2) the solar panels, so far as is practicable, are sited so as to minimise the effect on the amenity of the area; and
- 3) the solar panels (i) do not protrude more than 0.2metres above the slope of the roof or above highest part of the roof (excluding chimneys), and (ii) they are not mounted on a wall fronting a highway; and
- 4) when the panels are no longer required for micro-generation they are removed as soon as is reasonably practicable.

However, in the case of all **Listed Buildings**, these 'permitted development rights' do not apply and Listed Building Consent has to be obtained before installation. Also, unless all the above conditions are met in a Conservation Area, full planning permission has to be obtained as well. These requirements are set out in the Council's ***Solar panels Guidance*** note.

## 3.0 Details of the proposed solar panel installation

The Applicants are proposing to install up to 10 solar panels on the south-facing roof of the single storey rear extension to Jasmine Cottage. The rear extension and attached garage are of modern construction, having been built after 1993 by previous owners of the property as part of the works to combine the 2 original 'host' listed cottages into a single dwellinghouse (see **Planning History – Section 5** below). This modern rear extension now forms part of the statutory listing and hence the need to apply for Listed Building Consent for the installation of solar panels on the roof.

The panels will be mounted in portrait orientation on suitable brackets fixed to the wooden roof trusses underneath the pantiles. The pantiles will be retained under the panels and no other

alterations to the roof structure or its coverings will be made. The roof pitch of 30 degrees is ideally suited and the panels will be mounted so that no part extends beyond the ridge of the roof (excluding chimneys) nor more than 0.2m above the pantiles. All connecting wires will be run inside the roofspace to the electrical consumer unit in the main house. The dimensions of each panel will be approximately 1700mm x 1010mm, with the precise size depending on the chosen manufacturer and availability of panels at the time of installation. Typical panel sizes and designs, and a photograph of solar panels installed on a pantile roof, are included in the **GreenMatch solar panel selection Guide**.

The number of solar panels to be installed will not exceed 10 in total. The actual number will depend on the manufacturer chosen and the output rating of each panel at the time of installation, such that an overall peak generation limit of 3.68kW is not exceeded. **The reason for this generation limit is explained in Section 7 below.** Because solar panel design is improving all the time, it is possible that the generation limit will be achieved with less than 10 panels, as illustrated in the table below. **The description of this application as “up to 10 solar panels” is in order to allow flexibility in the number of panels installed as the technology and market evolves.**

Panel rated output (Pmax)	Number of	Total peak generation (KW)
	panels	Northern Powergrid limit 3.68 KW
320 – 360 watts (commonly used now)	10	3.2 – 3.6 KW
380 – 400 watts (becoming popular)	9	3.42 – 3.6 KW
450 watts (becoming available)	8	3.6 KW
500 watts (possibly available in future)	7	3.5 KW

During the course of a typical year, this level of renewable micro-generation will make a significant contribution to reducing the ‘carbon footprint’, and meeting the electricity requirements, of Jasmine Cottage which, because of its age and solid wall construction, is inherently quite inefficient in terms of energy usage. The panels will also provide power for charging an electric car, when the Applicants acquire one in the future.

**The proposed location, size and arrangement of up to 10 panels is shown on Drawings JC/Solar/02, 03 and 04; and detailed in the following link to the GreenMatch solar panel selection guide:** <https://www.greenmatch.co.uk/solar-energy/solar-panels>

## 4.0 Heritage context

Rose Cottage and Jasmin Cottage are described separately on English Heritage's statutory list because they were separate dwellings at the date of first listing in July 1985. The 2 cottages were combined into one dwelling-house named '*Jasmine Cottage*' after 1993 – see planning history in Section 5 below.

The 1985 English Heritage listing details are as follows:

**Jasmin Cottage** - GV II House. Late C18. Pinkish-brown brick with pantile roof. 2 storeys, one first floor window entrance to right, door under oblong fanlight and elliptical arch. 4-pane sashes throughout, that to ground floor under elliptical arch. End stack. Interior not inspected.

**Rose Cottage** - GV II House. Early-mid C18. Pinkish-brown brick with pantile roof. 2 storeys, 2 first floor windows. Original entrance under elliptical arch to left now blocked. Present entrance to centre, a C20 door under oblong fanlight which breaks 3-course first floor band. 16-pane sashes in flush wood arhitraves throughout, those to first floor under elliptical arches. End stacks. Yorkshire fire mark. Interior not inspected.

Jasmine Cottage is located within the Askham Richard Conservation Area which was designated in 1975 as Conservation Area no. 15 – see red outline on plan below. **Jasmine Cottage is marked with a red dot** <https://www.york.gov.uk/downloads/file/936/conservation-areas-15-askham-richard>.

The Council's Conservation Area heritage statement provides the information set out below.



### **History of Askham Richard**

The name "Richard" reputedly comes from an Earl of Cornwall, who owned the land in the area, and from "Ascam" or "Ascha" possibly meaning the "enclosure of the ash-tree". In medieval times the characteristic "toft and crofts" of an agricultural settlement existed, and much of that field pattern can be traced today. By 1931 the population was still a modest 181, and Askham Richard has continued to avoid the expansion seen in many other villages.

### **Important Buildings in Askham Richard**

The Church of St Mary (listed Grade II star) is late 12c with earlier origins, being restored in 1879. It is built in magnesium limestone ashlar and sandstone with plain tile roof and is unusual in having a continuous nave with no chancel. A Saxon doorway was discovered during the restoration and re-assembled. Of the farmhouses and cottages around the Green, five are listed buildings, mostly 18th century. Askham Grange now HM Prison, is set in extensive landscaped grounds, overlooking the Green. The little Methodist Church has a simple, appealing form and style.

### **Character of the Conservation Area**

Askham Richard retains a precious degree of unity, notably because the traditional relationship between the village envelope and its agricultural landscaped setting remains largely intact. Recent development has been modest and appears as a natural evolution of the village. From the surrounding countryside, the village is compact and well tucked away in a backcloth of trees with the tower of Askham Grange poking through.

There is an interesting contrast between the open, almost infinite, quality of the landscape outside the village and its protected, internal space of the elongated green within. The form of buildings and trees around the Green, its subtle changes in level, the diagonal route taken by the carriageway and the focal point of the pond have the picturesque and enduring qualities of an idyllic English village. Indeed buildings and boundary walls link together to enclose the Green virtually, with the quite narrow road entrances entering at either end, and the substantial but suitably set-back building mass of Askham Grange enclosing the north-west side.



The contrast between Askham Grange and the otherwise small-scale 2 storey farmhouses and cottages create the feeling of an estate village, even though this is not a reality in historical terms. Many elements of a rural village survive: narrow plots of land extending back from the street with outbuildings behind the frontage properties reached by little lanes and yards; groups of 18th century farmhouses and associated farm buildings; the informal mixture of houses and smaller cottages, unified by their scale, 2-storey height and traditional materials of brick, pantile and some slate roofing. On the east side, buildings cluster along the street frontage in a tighter composition, whereas the west side has more loosely arranged buildings, though drawn together visually by the boundary walls. The wooded backcloth to Askham Grange is a strong enclosing feature on the north side. School Lane leads out of the village with the walled and wooded character of Askham Grange to one side and pleasant houses and cottages to the other.

The various elements of the village, gathered and given unity around the Green, create a distinct impression of an unspoilt rural scene. The main elements of the character and appearance are:

- The unspoilt nature of the village envelope and the direct traditional relationship with its rural setting;
- The picturesque qualities of the village Green, arising from a relaxed, informal layout and vernacular building forms drawing together around the Green.
- The wooded setting afforded by the grounds of Askham Grange and other tree groups adding a sense of enclosure from within the village, and from outside, blending it naturally into the landscape.

**Photo 5 : View of Jasmine Cottage (left in red) in context of village green looking to the north**



## 5.0 Planning History of Jasmine Cottage

Jasmine Cottage is located at the south-west corner of the linear village green, set behind a low brick wall which encloses a good-sized front garden (see Photos 1, 2 and 5). The property was originally built as two dwellings (Rose Cottage and Jasmin Cottage) which were combined into a single dwelling pursuant to permissions granted in 1993 (8/85/39/PA and 8/85/39A/LB). These works involved major internal structural alterations and renovations including the removal of the original staircases, replacement of rotten wooden beams, new partition walls and doors, and the installation of one contemporary internal staircase in the centre of the house.

A number of other major changes to the original building have been permitted since 1993:

- Single-storey extension and double garage at rear – approved in 1993 at the same time as consent granted to combine the 2 cottages into a single dwelling (8/85/39C/PA and 8/85/39D/LB).

***Note: it is on the roof of this rear extension that solar panels are proposed in this application.***

- Rear conservatory with slate/glass pitched roof – approved 1996 (7/127/00039F/FUL & 00039G/LBC).
- Internal bathroom alterations and additional rooflights installed on the rear elevation in 2002 (02/00038/LBC).
- Demolition of rear conservatory and erection of two storey and single storey rear extension – approved and built in 2016 (15/02738/FUL, 15/02737/LBC, AOD/16/00054 & AOD/16/00057).
- Replacement of 2 windows to rear roof dormers – approved and built in 2016 (16/00365/LBC).
- Replacement of timber windows and infill wood panelling to single storey rear projection with infill timber boarding and aluminium windows and door – approved 2018, built in 2019 (18/01208/LBC).
- Installation of 16 ground mounted solar panels on land at the rear – approved 2019 (18/02888/FUL) **Not implemented for reasons explained in Section 7 of this statement**

**This planning history demonstrates that all the alterations and additions that have been permitted and carried out at Jasmine Cottage since it was listed in September 1985 have been at the rear of the property.** The prominent and historically important front (east) elevation facing the village green remains essentially unaltered with the result that the building's contribution to the architectural and historic interest of the Conservation Area has been preserved (compare Photos 1 and 2). Approval of this application will not alter that situation.

## 6.0 Planning policy context

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) of February 2019 sets out the Government's planning policies for England and how these should be applied. At paragraphs 7 and 8, the document states that,

*'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) ***an economic objective*** – to help build a strong, responsive and competitive economy ....
- b) ***a social objective*** – to support strong vibrant and healthy communities ....; and
- c) ***an environmental objective*** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Paragraph 10 continues : *'So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development.**'* This presumption is further explained in the Table in paragraph 11 in relation to both **plan-making** and **decision taking**.

Within this overall context, Chapter 13 provides guidance on **Protecting Green Belt land**; Chapter 14 provides guidance on **Meeting the challenge of climate change**; and Chapter 16 provides guidance on **Conserving and enhancing the historic environment**. Each of these Chapters is considered in the following paragraphs in relation to this application for Listed Building Consent.

### Chapter 13 - Protecting Green Belt land

The village of Askham Richard is located within an area generally accepted as being within the York Green Belt as indicatively identified on the Key Diagram of the extant Regional Spatial Strategy. Precise boundaries are in the process of being defined in the new Local Plan for York which is

currently at the Examination stage. The whole village is referred to as being ‘washed-over’ by the Green Belt.

Within Green Belt areas such as this, there is a strong presumption that development is to be strictly controlled to ensure that the 5 purposes of Green Belt are not compromised (paragraph 134) and that the ‘openness’ of the area is not harmed (paragraphs 143 - 147).

This Chapter of the NPPF provides no specific guidance on how the installation of solar panels on the roof of an existing building in the Green Belt should be viewed. This matter is considered further in Section 8 of this Statement.

### **Chapter 14 - Meeting the challenge of climate change**

Climate change is very widely, if not universally, regarded as one of the most important issues facing humanity today, and needs to be addressed both comprehensively and urgently. Chapter 14 of the NPPF identifies the ways in which the planning system in England ‘... *should support the transition to a low carbon future ...*’ (paragraph 148). Paragraph 154 further advises that,

*‘When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, **and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and***
- b) **approve the application if its impacts are (or can be made) acceptable. ...**’.* (emphasis added)

### **Chapter 16 - Conserving and enhancing the historic environment**

The term ‘Heritage assets’ used throughout this Chapter includes listed buildings such as Jasmine Cottage. Paragraph 184 highlights that such assets are

*‘... an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.’*

Paragraph 189 advises that,

*‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.’*

And paragraph 190 further advises that,

*'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

When considering the impact of a proposed development on the significance of a heritage asset, paragraphs 193 – 196 advise that,

*'...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'* (193)

*'Any harm to, or loss of, the significance of a designated heritage asset .... should require clear and convincing justification. Substantial harm to or loss of ... grade II listed buildings should be exceptional.'* (194)

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...'.* (196)

### **York Local Plan policies**

Local planning policies of relevance to this application are in the 'saved' Green Belt policies in the **Yorkshire and Humber Regional Spatial Strategy (RSS)** (Policies YH9C and Y1(C1 and C2), the **Development Control Local Plan 2005** (Policies CYGB1, CYHE2 and CYHE3) and the new **Publication Draft Local Plan for York (February 2018) and Proposed Modifications (June 2019)** which is currently at the Examination Stage (Policies GB1, CC1, D4 and D5).

The site is within the general extent of the **York Green Belt** identified in key diagram of the RSS, and is likely to remain so when the final boundaries are confirmed in the new Local Plan for York. These policies accord with the thrust of guidance in Chapter 13 of the NPPF ie. that 'inappropriate' development will be strictly controlled in Green Belt areas and any development that is permitted should not compromise the purposes of including land within the Green Belt nor detract to any material degree from its 'openness'.

With regard to the important issue of **climate change**, Publication Draft Local Plan **Policy CC1** reflects the thrust of Chapter 14 of the NPPF ie. that the planning system has an important role to play in tackling climate change and that,

*'... Renewable and low carbon energy generation developments will be encouraged and supported in York.*

It is also noteworthy that the village of Askham Richard is identified as one of the *'Heat Priority Areas'* in Figure 11.1 of the Publication Draft Local Plan which, although not relating directly to renewable energy technologies such as solar panels, is further confirmation of the City Council's serious commitment to ensuring that the new Local Plan will facilitate and encourage carbon reductions opportunities at all scales wherever possible.

Draft Local Plan **Policies D4 (Conservation Areas) and D5 (Listed Buildings)** closely follow the thrust of NPPF Chapter 16 guidance on conserving and enhancing the historic environment by ensuring that development proposals do not significantly harm the special qualities and significance of Conservation Areas or cause harm to the significance or setting of Listed Buildings.

## **7.0 Why the previous consent (18/02888/FUL) for 16 ground mounted solar panels on land at the rear of Jasmine Cottage has not been implemented.**

In April 2019, the Council granted planning permission for the installation of 16 ground-mounted solar panels in the field at the rear of Jasmine Cottage. At that time the Applicants believed that this would be an appropriate way of providing renewable energy for the property in the way described in that application.

After planning permission was granted, the Applicants commissioned a specialist contractor to carry out the installation in accordance with the approved scheme. In preparing to do the work, the contractor advised that, because the generation capacity of 16 panels (approximately 5.2kW Peak) exceeded the normal limit for a household system (3.68kW peak), it was necessary to obtain

permission from the network operator, Northern Powergrid, for the necessary connection to the grid network. Previously, the Applicants had not been aware of this legal requirement.

An application to Northern Powergrid was duly made and it was only then that it was discovered that Northern Powergrid would not permit so many panels to be connected to the local network due to local capacity constraints. Their response was that more than 3.68kW of generating capacity would require expensive up-grading of the local network in the village and the cost of this essential work would have to be met by the Applicants.

Unfortunately, this rendered the ground mounted scheme in the field at the rear of Jasmine Cottage completely uneconomic. Even without these additional network costs of several £1,000s, the scheme of 16 panels proved to be only marginally viable anyway because of the abnormal fixed costs of installing the ground mounts and running underground cables over 50+ metres to the main house. Reducing the number of panels to less than 16 to meet Northern Powergrid's 3.68kW limit reduced the financial viability further to the point where the Applicants reluctantly decided they could not proceed with the scheme. They were very disappointed with this outcome after all the time, effort and expense involved in getting to the final stage prior to implementation.

Since having to abort the ground-mounted solar panel scheme, the Applicants have identified that the alternative scheme now proposed is the only practicable way of installing solar panels at Jasmine Cottage. The scheme has been reduced to a maximum of 10 panels to meet Northern Powergrid's requirements and great care has been taken ensure that they will not harm the special qualities and significance of the Conservation Area nor the setting and architectural and historic interest of the Listed Building.

## **8.0 Overall planning assessment of the proposed development**

In deciding where to position solar panels at Jasmine Cottage, the Applicants have taken great care to ensure that there will be no conflict between the conservation objectives of Jasmine Cottage as a listed building within the Askham Richard Conservation Area and the installation of up to 10 solar panels on a modern single storey extension at the rear of the property to produce 'green' electricity.

All four conditions for installing solar panels as 'Permitted Development' on domestic buildings within Conservation Areas are met in full (see Section 2 of this Statement) and therefore an

application for planning permission is not required; only Listed Building Consent needs to be applied for.

These views of the Applicants are based upon the following considerations:

1. The panels will be sited on the south-facing roof of the single storey rear extension to Jasmine Cottage. This is a modern part of the house which was erected after 1993 at the time that the original listed building was converted from 2 cottages into one dwellinghouse. No works to the existing roof are required apart from installing suitable mounting brackets under the pantiles which will then be replaced before the panels are fixed in place. If the panels are no longer required in the future, they can be removed very easily and the roof restored to its original condition. All wiring from the panels to the electricity consumer unit in the main house will be inside the roofspace of the rear extension, so no external wiring will be visible.
2. The number of solar panels to be installed will not exceed 10 in total. The actual number will depend on the manufacturer chosen and the output rating of each panel at the time of installation, which in total must not exceed Northern Powergrid's overall generation limit of 3.68 KW(Peak). Solar panel design is improving all the time and it is possible that this generation limit will be achieved with less than 10 panels., as described and illustrated in the Table in Section 3 of this Statement.
3. The chosen location for the panels is at the rear of Jasmine Cottage and on a single-storey roof. As set out in the Planning History section of this Statement (Section 5 above), it is at the rear of the host listed building that all previous alterations have been permitted. Taken together, these alterations have resulted in an attractive and appropriate rear elevation to Jasmine Cottage, although it cannot now be said to be in anything like its original condition unlike the building's front elevation which remains essentially unaltered. The Roof Plan (Drawing no. JC/Solar/03) clearly shows that it only a small part of the overall roof of the listed building that will be altered by this proposal; and siting solar panels at the rear in the manner now proposed cannot reasonably be regarded as harming in any way the overall integrity, or architectural or historic interest, of the listed building, particularly as the works are wholly reversible in the future when the solar panels are no longer required.
4. Siting solar panels on this low roof at the rear will ensure that they are not visible from any public viewpoint within the Conservation Area, and most importantly, they will have no visual impact on the architectural and historic appearance or relationship of Jasmine Cottage to the village green and its surroundings Conservation Area. Furthermore, outside the curtilage of Jasmine Cottage, the panels will only be visible from the neighbours' garden and driveway at



The Old Barn more than 20 metres away over the boundary wall and hedging. Any view from the rear of their house will be at an oblique angle and will not impinge on their open outlook towards open countryside beyond their garden.

5. The installation of these solar panels cannot reasonably be assessed as having any impact on the openness of the Green Belt which 'washes over' Askham Richard, nor on the 5 well-established purposes of including the village and surrounding area in the York Green Belt.
6. For the reasons explained in Section 7 above, the scheme of ground mounted solar panels that was approved in 2019 has proved not to be implementable. The Applicants, however, remain committed to installing solar panels in order to reduce the 'carbon footprint' of their home in the future. They recognise that these panels will make only a very small contribution to meeting climate change targets, but as the NPPF emphasises "... *even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions ...*". After exhaustive investigations over many months, the Applicants have concluded that this scheme is the only practicable option for achieving this objective without raising serious planning and environmental objections.

For all the above reasons, the Applicants believe that this scheme complies with all the relevant planning policies at the national, regional and local level as set out in the National Planning Policy Framework, the Regional Spatial Strategy and the emerging York Local Plan. Subject to the Council approving this Listed Building Consent application, this Statement demonstrates that the proposed installation may be classed as 'Permitted Development' under the *Town and Country Planning (General Permitted Development) (England) Order 2015* because all the conditions relating to solar panels in Conservation Areas are met in full. This is confirmed on pages 2 & 3 of the Council's *Solar Panels Guidance* note available on the Council's website.

**York City Council is therefore requested to approve this application for Listed Building Consent so that the installation works may be carried out at an early date.**

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