

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242037
Site Address:	Appletree, Thames Street, Sonning, Wokingham, RG4 6UR
Expiry Date:	2 October 2024
Site Visit Date:	19 September 2024
Proposal: Prior approval submission for the proposed installation of PV Solar Panels on the roof of the garage.	

PLANNING CONSTRAINTS/STATUS

Conservation Area
Archaeological Sites
Bat Roost Habitat Suitability
Scale and Location of Development Proposals – Limited Development Location (Sonning)
Landscape Character Assessment Area
Ordinary Watercourse
Great Crested Newt Consultation Zone Minor

PLANNING POLICY/LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings.
Section 57	Planning permission is needed for all development of land.
Section 187a	Enforcement for breach of conditions

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 7	Prior approval applications: time periods for decision
Article 3	In conjunction with Schedule 2, Part 14 Class A grants planning permission for the installation or alteration etc of solar equipment on domestic premises
Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3

PLANNING HISTORY

Application No.	Description	Decision & Date
011624	Proposed first floor side extension to dwelling and single storey front extension.	Approve 25/01/2002
021379	Proposed erection of detached double garage with new front boundary fence and gates.	Approve 26/06/2002

112427	Proposed raising of roof at second floor level on front elevation to facilitate a staircase plus insertion of window at ground floor level on front elevation and 3 windows to be inserted in the garage elevations plus 3 external freestanding garden lights at a height of 2.4 metres on route to garage.	Approve 04/11/2011
--------	--	-----------------------

CONSULTATION RESPONSES

Internal

WBC Built Heritage – No objection

External

None

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	No comments received

PART A.1 APPRAISAL

Town and Country Planning Act 1990 (as amended)			Yes	No
1	s.55	Does it constitute development?	✓	
2	s.191	Would it be contrary to an enforcement notice?		✓
3	s.187a Art.3 (4)	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)			Yes	No
4	Art.3 (5)	Are the building operations involved in the construction of the original building lawful?	✓	
5	Art.4	Is there an 'Article 4 Direction' in effect for the site?		✓
6	Sch.2 Pt. 14	Does it consist of <i>The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on</i> (a) a dwellinghouse or a block of flats; or, (b) a building situated within the curtilage of a dwellinghouse or a block of flats	✓	
7	A.1(a)	Would the solar PV equipment or solar thermal equipment protrude more than 0.2 metres beyond the plane of the wall or, in the case case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope?		✓
8	A.1(b)	In the case of solar PV equipment or solar thermal equipment installed on a pitched roof, would it result in the highest part of the solar PV or solar equipment being higher than the highest part of the roof (excluding any chimney)?		✓

PART A.1 APPRAISAL

9	A.1(ba)	In the case of solar PV equipment or solar thermal equipment installed on a flat roof, would it result in the highest part of the solar PV or solar equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney)?		✓
10	A.1(c)	In the case of a land within a conservation area or which is a World Heritage Site, would the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway?		✓
11	A.1(d)	Would the solar PV equipment or solar thermal equipment be installed on a site designated as a scheduled monument?		✓
12	A.1(e)	Would the solar PV equipment or solar thermal equipment be installed on a listed building or on a building within the curtilage of a listed building?		✓

PART A.2 APPRAISAL

Development under Class A is permitted subject to following conditions:

A.2 (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;

Noted.

A.2 (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

Noted.

A.2 (ba) the developer applying to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

The impact of the appearance of solar PV or solar thermal equipment on that land

The PV solar panels would only be visible from limited views from the public realm as the panels are on the side elevation of the garage. It could be considered that there may be a slight degree of visual impact on the character and appearance of the conservation area, but not enough to raise objection.

A.2 (bb) the provisions of paragraph J.4 (prior approval process)

The application must be accompanied by-

(a) a written description of the proposed development;

(b) a plan indicating the site and showing the proposed development;

(c) the developers contact address; and,

(d) the developer's email address if the developer is content to receive communications electronically;

Together with and fee required to be paid.

A written description is contained in the application form and additionally a supporting statement along with the relevant plans, fee and contact details has also been provided.

The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to the development in question.

Satisfactory information has been provided with this application to demonstrate that the proposed development complies with the conditions. Those being the siting of the panels to minimise the effect on the external appearance of the building, and the siting of the panels to minimise the effect on the amenity of the area.

The local planning authority must give notice of the proposed development by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which describes the proposed development; provides the address of the proposed development; specifies the date by which representations are to be received by the local planning authority; or by serving a notice in that form on any adjoining owner or occupier.

Letters were sent to neighbouring properties on 9 September 2024. No written representations being received.

The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include assessments of impacts or risks, statements setting out how impacts or risks are to be mitigated; or details of proposed building or other operations.

In relation to sub paragraph (3), this is noted.

The local planning authority must, when determining an application, take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and in relation to the contamination risks on the site, determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012⁵⁶, and if they determine that the site will be contaminated land, refuse to give prior approval.

No representations from neighbours, the parish or councillors were received on this application.

Case law has established that the local planning authority can only have regard to matters relevant to the subject matter of the prior approval.

The site and access to the site lies outside the 5km buffer of the Thames Basin Heath (TBH) Special Protection Area (SPA) and as it involves only works to the garage roof, it would not trigger the requirement for an Appropriate Assessment in respect of impact on the TBH SPA.

Whilst this is a potentially contaminated land zone, this proposal is for the installations of PV solar panels to the garage roof, and it is not deemed that this would have any impact on the contaminated land zone.

There are no other particular aspects of the NPFF that would be able to be considered relevant to the subject matter of the prior notification application.

A.2 (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed

Noted.

The installation of the electrical vehicle charging point has not been considered under this application. The informal and without prejudice opinion of the officer is that the electrical outlet for recharging vehicles would likely benefit from Permitted Development under Schedule 2, Part 2, Class D of the General Permitted Development Order 2015. However, it should be noted that the Council's formal opinion on this matter can only be provided via a formal application for a lawful development certificate.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Approve
Date:	2 October 2024
Earliest date for decision:	31 August 2024

**Recommendation
agreed by:
(Authorised Officer)**



Date:	02/10/24
--------------	----------