



INSTITUTE OF HISTORIC BUILDING CONSERVATION

Microgeneration Consultation Responses
Communities and Local Government
Zone 3/J5
Eland House
Bressenden Place
London
SW1E 5DU

26 June 2007

Dear Sir/Madam

PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLDER MICROGENERATION

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The Institute welcomes the opportunity to comment on the Consultation Paper.

The Institute strongly supports the Government's objective to reduce the nation's carbon footprint and is working to ensure that listed buildings and other heritage assets make their contribution wherever possible. However, the Institute is concerned that some elements of the current proposals risk an increase in ill-considered and visually damaging installations that will be detrimental to other Government objectives such as promoting quality in the design of developments and the public realm, and capitalizing on the economic, social and cultural value of the nation's heritage.

The Institute's principal concern is the potential visual impact that many permitted developments currently being considered would have on the historic environment – conservation areas, World Heritage Sites and, particularly, listed buildings.

Question 1 – Do you agree with the principle of an impact approach for permitted development?

The Institute agrees in principle that the extent of permitted development rights should be related to their potential impact. In the past care has been taken to ensure that permitted development is of such a scale that adverse impacts are unlikely, with developments where there is a risk of impact being the subject of planning control or, at least, prior notification.

The current proposal introduces forms of permitted development which go well beyond the scope of previous allowances. This means that the potential impacts arising from it will be significantly greater, particularly as regards wind turbines.

Question 2 – Do you agree with a restriction on development facing onto and visible from a highway in conservation areas and in World Heritage Sites?

As worded the question implies that development might be permitted between dwellings and a highway if it was to be obscured by something (say trees or shrubs). Notwithstanding the difficulty in interpreting the words "visible from" this should **not be allowed** as there are extensive rights to remove buildings and landscaping in domestic curtilages which could make something become visible at a later stage to the detriment of the area. Conservation areas are designated because of their visual qualities and World Heritage Sites for their visual character amongst a range of other qualities. If the public interest implied by their designation is to be preserved there must be a presumption that they will not be disfigured by ill-considered developments at least from the most public viewpoints. The Institute believes that in conservation areas and World Heritage sites restrictions should apply to **all** development between dwellings

and highways. There is a case for making the locational restrictions for microgeneration the same as for other permitted development. This would help public understanding of the limitations on developments for householders. In the case of freestanding wind turbines which, because of their height, will often be seen over the roofs of buildings, there is a case for being more restrictive and not having any PD rights. If the Government considers this to be too restrictive, requiring wind turbines and, perhaps, some other classes, to be the subject of the prior notification procedure, would at least allow LPAs the opportunity to address the impacts on a case by case basis.

Question 3 – Should the restriction apply in the same way to the other types of designated area?

Yes. Bearing in mind the urgent need for microgeneration to be developed wherever possible, limitations should be as few as possible. The Institute is happy to allow others to argue the case for further restriction in National Parks and AONBs, but would like to see control of wind turbines where they might affect the setting of historic parks and gardens and battlefield sites.

The greatest potential damage to the historic environment does not, however, come from the developments in designated areas but in damage to the setting of listed buildings. LPAs have a duty to consider the effect of proposals on the setting of listed buildings when they determine planning applications. This often applies to developments well beyond the curtilage of the listed building itself. As proposed in the Consultation Paper there would be no control over wind turbines, for instance, which might adversely affect the setting of important examples of the nation's architectural history. Given the expansion of microgeneration installations envisaged by the Consultation Paper, it would only be a matter of time before instances began to occur.

In the Institute's view, it is not feasible to expect the public to make judgements about the potential impacts of their own proposals and the only effective solution would be to require wind turbines not to be permitted development or, at least, to be the subject of prior notification to the LPA.

Question 4 – Do you agree that the impact of noise should be dealt with by specific noise restrictions based on decibel levels at/in neighbouring dwellings in the way proposed in Annex 2?

As neighbouring residential development is likely to be significantly more sensitive to noise than heritage assets, the Institute has no comment on this question.

Question 5 – If not, what alternative approach would best address this issue?

The Institute has no comment on this question.

Question 6 – Do you support a general restriction on permitted development ... so as to require that visual impact is minimised in exercising the rights?

The Institute is not convinced that this is a practical approach. Wind turbines have substantially greater visual impacts than satellite antennas. It follows that their installation will be much more likely to be contentious. The question as to whether visual impact has been minimised sufficiently will be too subjective to be workable. If, however, it is decided to include this requirement, the Institute suggests that guidance be issued on what is meant. This could, for example, ask that all installations are located discreetly and describe in detail how to do this.

Question 7 – Do you agree that local planning authorities should be able to restrict permitted development rights for microgeneration where the benefit from the technology is outweighed by its impact?

Yes. The provisions of Article 4 should apply to microgeneration developments.

Question 8 – Do you agree that the existing protection [for wildlife and geology] is adequate?

The Institute has no comment on this question.

Question 9 – Is guidance sufficient to address the potential impact on archaeologically sensitive areas?

In the Institute's view, there should be no permitted development rights for any form of ground disturbance in designated sites such as Ancient Monuments. In areas defined as sensitive, however, there is scope for a

more balanced approach. Such areas are often no more than areas of theoretical interest in which evidence of archaeological assets is slight or conjectural. Any guidance might usefully recommend that the local archaeological service be informed if any archaeological remains are disturbed to allow them to be recorded and advice given. Consideration might also be given to requiring this in the Order.

Question 10 – In addition to providing advice as to the scope of the changes to the GPDO, what could guidance also usefully cover?

A very substantial proportion of the public is interested in culture, heritage, design and neighbourliness and would wish to undertake developments in a sensitive way. Usually all they need to do this is sound advice. It follows, in the Institute's view, that there should be the fullest possible guidance covering all the potential impacts of microgeneration. This might usefully be web based and interactive, to ensure that people have easy access to issues that concern them.

Question 11 – Do you agree with the recommendations for solar microgeneration?

As solar microgeneration perhaps has the greatest potential to achieve the Government's objectives, the Institute is content with the majority of the recommendations. We do not think, however, that the installation of solar panels on the walls of principal elevations facing highways should be permitted in the interested of visual amenity.

Question 12 – Do you agree that there should be no restriction in terms of the coverage of roofs and walls by solar panels? If not, what would be an acceptable percentage?

The visual impact of solar panels is likely to be affected more by the sensitivity of their design and their layout than by the fixed percentage of the roof that they cover. A percentage limitation, therefore, can only be a proxy for the amount of poorly designed coverage that might be acceptable. The Institute has no view on whether an arbitrary fixed percentage is of any value.

Question 13 – Generally, should the same level of permissiveness apply to solar panels on a wall as on a roof?

Similar issues to those arising in question 12 apply. Solar panels on an otherwise blank gable wall or garden wall might be visually acceptable in a majority of cases. Solar panels on a main elevation would seldom be so. As most such installations will be on roofs and as ground-arrays, there is a case for no PD for solar panels on the walls of dwellings. The Institute would urge the Government to restrict, at least, solar panels on the principal elevations of dwelling facing highways.

Question 14 – Do you agree with a minimum separation distance of 5m to the boundary of a highway or neighbouring property for a standalone solar unit?

The Institute has no comment on this question.

Question 15 – Do you agree with the recommendations for heat pumps?

The Institute has no comment on this question subject to a restriction applying to ancient monuments.

Question 16 – Do you agree that the likely impact of noise from ASHPs should be dealt with by specific noise restrictions in the same way as proposed for domestic wind turbines?

The Institute has no comment on this question.

Question 17 – Do you agree with the recommendations for wind turbines?

Of all the developments proposed to be granted permitted development rights, wind turbines have the greatest potential to adversely affect heritage assets for the reasons already outlined. The Institute urges the Government to be cautious in its approach to these. In addition to the issue of visual impact, there are known concerns about the ability of the fabric of the typical dwelling to take the stresses that will be imposed by wind turbines mounted on them. The Institute would not wish to see widespread fabric damage (in historic contexts or otherwise) cause by an assumption that wind turbines installed within PD limits are safe.

Question 18 – Do you agree that the likely impact of noise from turbines should be dealt with by specific noise restrictions in the way proposed?

The Institute has no comment on this question.

Question 19 – Do you agree with the recommendations for biomass?

The greatest visual impact of biomass installations will typically be a flue. The Institute concurs with the proposals in the Consultation Paper.

Question 20 – Do you agree with the recommendations for CHP?

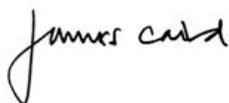
Again, the greatest visual impact of CHP installations will typically be a flue. The Institute concurs with the proposals in the Consultation Paper.

Question 21 – Do you agree there should be no additional permitted development rights for hydro?

The Institute has no comment on this question.

In conclusion, the Institute supports the broad thrust of the proposals in the Consultation Paper but would like to see more restriction where heritage assets are involved. That is not to say that developments should not be allowed, merely that they should be subject to control by LPAs.

Yours faithfully



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