

DRAFT LOCAL LISTED BUILDING CONSENT ORDER FOR THE INSTALLATION OF SOLAR PANELS ON GRADE II LISTED BUILDINGS IN THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

This Local Listed Building Consent Order is made under the provisions as set out in the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014 and Sections 26D - G and 28A and Schedule 2A of the Planning (Listed Buildings and Conservation Areas) Act 1990

1. Introductory

**THE LOCAL LISTED BUILDING CONSENT ORDER is made on the
.....day of 20.....**

2. The listed buildings covered by the order: -

- i) Any Grade II listed building within area of the Royal Borough of Kensington and Chelsea, excluding any ecclesiastical building which for the time being is in use for ecclesiastical purposes.
- ii) Any building listed at Grade II*, within the area of the Royal Borough of Kensington and Chelsea, excluding any ecclesiastical building which for the time being is in use for ecclesiastical purposes, and excluding those buildings listed in Schedule 1 of this Order.

3. Description of the consented works

3.1 Installation of microgeneration solar PV panels and associated equipment.

3.2 Consent is granted subject to the following conditions: -

- i) the solar PV panels are to be installed on a roof structure;
- ii) the solar PV panels are not to be placed on any roof slope facing a highway;
- iii) the solar PV panels would protrude no more than 0.2 metres beyond the plane of the roof when measured from the perpendicular with the external surface of the roof;
- iv) no part of the solar PV panels would be higher than the highest part of the roof, excluding chimneys;
- v) the solar PV array is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- vi) the solar PV array is, so far as practicable, sited so as to minimise its effect on the amenity of the area;
- vii) details of the position, size, fixing, colour and finish of the solar PV array

- and associated equipment shall be submitted to and approved in writing by the Local Planning Authority before works commence;
- viii) the solar PV equipment is removed as soon as reasonably practicable when no longer needed.

Reasons: *In order to safeguard the special architectural or historic interest of the building.*

4. Statement of Reasons

- 4.1 Buildings are listed for their special architectural and historic interest, and listed building consent is required for works which affect this special interest. In the case of solar PV panels, effects on special interest may arise from changes to the building's appearance and from any interventions required in historic fabric.
- 4.2 A solar PV array located on the roof of a listed building may in some circumstances, depending on the design of the building, be able to be concealed completely. For instance, some flat or traditional 'London roofs' are wholly or partially screened by parapet walls. Any potentially harmful effects on the appearance of the listed building itself, and as viewed within the wider townscape, particularly from the public realm, will be limited if any solar panels are restricted to flat roofs or to roof slopes which do not face a highway. If carefully designed and sited, appropriately coloured and normally with a non-reflective finish it is likely that any visual impact from solar panels will be further reduced, even where they are visible to a certain extent. Condition vii) above will allow the Council to have oversight of specific matters such as their position, size, colour and finish.
- 4.3 Solar panels would appear as an honest and clearly modern intervention where they could be seen on a historic building and would normally be read as part of the equipment necessary for servicing uses conducted within the structure. Equipment of this kind is likely to become commonplace within the townscape as the imperative for carbon reduction measures increases and becomes part of everyday life. The impacts of sensitively designed and discreetly located solar panels have to be considered in this context, and the Council concludes that in this context they would not appear unduly prominent or incongruous features.
- 4.4 Standard methods of fixing solar panels on rails mounted to hooks attached to rafters would not be harmful to the historic fabric of buildings, while it is not likely that significant interventions in historic fabric would be required for the installation of the associated equipment such as cabling or inverters. Condition vii) also allows some control of fixings of the panels themselves and their associated equipment.

5. Justification for Making the Order

- 5.1 The Council wishes to encourage the installation of solar panels in the borough without having the barrier of the listed building process to discourage their installation. We have had very few applications for Listed Building Consent for solar panels on listed buildings, but we recognise that their installation on a less sensitive part of a listed building would help to ensure the longer-term sustainability of the outstanding townscape of parts of the borough into the 21st Century and would align with the Council's aim of being a carbon neutral borough by 2040.
- 5.2 The Council considers that installation of solar PV panels for domestic use under this Order, subject to the conditions set out above, would have limited and easily reversible effects in terms of their removal on the special architectural and historic interest of any listed building to which the Order applies. The Order is therefore in compliance with the requirement of S. 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. For the same reasons it also follows the requirements of paragraphs 197 and 199 of the National Planning Policy Framework (NPPF) in respect of the need to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the need to give great weight to the conservation of designated heritage assets.
- 5.3 Any harm which might be considered to arise from works carried out under the Order would be very minor and following the requirements of paragraph 202 of the NPPF, would be balanced by the public benefits of making greater use of renewable energy and thereby reducing carbon emissions.

6. Purpose of the order

- 6.1 The Council has, in recognition of the Climate Emergency, set out its ambition for the Borough to be carbon neutral by 2040, ten years ahead of the government target. The Council will continue to support and work with businesses, residents, and local organisations to cut emissions to meet this ambitious target. The Borough is characterised by a rich historic environment with over 3,800 listed buildings, and so in order to make meaningful reductions in emissions, these must form part of this equation. Changes in building techniques over the years mean that many of the sustainability measures that are commonly recommended for modern or new buildings are not suitable for historic properties and might harm what is special about them. Nonetheless, with careful design the twin objectives of protecting significance and improving energy performance/reducing carbon emissions can be met.
- 6.2 The Borough is also a very densely developed area, where open space, public

and private, is at a premium. This means that there are limited opportunities for renewable energy installations that require outdoor space, such as stand-alone solar panels, ground source heat pumps or wind turbines. The visual effects of such installations on the sensitive historic townscape of the borough also limit the number of locations in which they would be acceptable. Air source heat pumps, an increasingly popular renewable energy source, would normally be located on the exterior of a building, and at present tend to be bulky, and so their effects on the special architectural interest of a listed building may be harmful. As a result, solar panels attached to roofs have been identified as the renewable energy source most likely to be compatible with the duty to preserve special interest while providing opportunities for widespread adoption within the borough to help achieve the net zero carbon target.

- 6.3 This Local Listed Building Consent Order has therefore been prepared to make it faster and easier for residents and businesses to install solar panels on their properties, and to signal the Council's commitment to roll out of renewable energy and carbon saving measures where appropriate in our historic buildings and areas. It is also intended to signal to owners of listed buildings that the principle of use of solar panels on listed buildings is an acceptable one provided careful detailing is applied.
- 6.4 The generally taller heights of the built environment in the Borough, including lofty townhouses, mansion blocks and commercial buildings, means that roofs are often not visible from ground level. Solar panels are generally dark in colour, and if non-reflective in finish, can be recessive in appearance. The Order therefore restricts the possible locations for such panels to flat roofs and roof slopes not facing a highway, and the height about the roof slope at which they may be installed, to reduce likely visibility, particularly from the public realm.
- 6.5 The great majority of roofs in the borough are clad in slates or tiles, with some lead roofs. There are now well-established methods for fixing solar panels to historic buildings with these features which minimise potential for damage to fabric.
- 6.6 The condition requiring approval of details of the position, fixing, size, colour and finish is intended to ensure that they are as visually unobtrusive as possible. While this condition does require the submission of some information to the Council for approval, the process of approving a condition or a Certificate of Lawful Works is much simpler than that for a full Listed Building Consent application. For that reason, it is considered that a reasonable balance has been achieved between a more permissive approach to these works and control of detailed matters of design.

7. Term of order

- 7.1 Dates from ... and to (a period of no more than 5 years from the starting date of the Order).

8. Other particulars:

8.1 Operation of the Order

- i) The Order has been made in accordance with the requirements of the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014, including a public consultation of at least 28 days, and consultation with Historic England of at least 28 days. Representations received in response to these consultations have been considered in drawing up the final version of the Order.
- ii) The Council will review the operation of the Order on an annual basis both qualitatively, in terms of the number of solar arrays installed under its provisions, and quantitatively, in terms of the effects on the listed buildings affected. If at any time during the life of the Order it is considered that it is either ineffective in encouraging use of solar panels or is giving rise to unexpected and unacceptable harm to listed buildings to which it applies, it will be varied or revoked.
- iii) If the Council revokes this Order at any point prior to the end date given above, any works authorised by the Order which have been started but not completed may be completed within six months of the date of revocation. Works which have been started but not completed at the end date given above may also be completed within six months of that date. However, once the Order expires or is revoked, any works previously covered by the Order which have not been started, will no longer benefit from the consent granted through the Order.
- iv) If at the end of the term of the Order it is considered that it is operating effectively and does not give rise to undue harm, it will be renewed, and a longer term considered.
- v) As an Order confers listed building consent for specified works, a breach of the Order by carrying out works not authorised by the Order may lead to enforcement action.

9. Supplementary information

9.1 Design Advice for Solar PV Arrays

Historic England advice '[Energy Efficiency and Historic Buildings Solar Electric \(Photovoltaics\)](#)' sets out the issues to be considered when planning the installation of solar equipment on historic buildings. The Campaign for the Protection of Rural England (CPRE) has also produced advice on '[Ensuring Place-Responsive Design for Solar Photovoltaics on Buildings](#)'. This, while primarily focused on rural locations, addresses in some detail approaches which can secure a satisfactory and contextual design standard. In particular, it sets

out a number of principles to consider when planning a solar installation, including the colour, size, symmetry and framing of the panels, and how they might sit in relation to other buildings or solar arrays in the vicinity. These are summarised in a separate CPRE document, '[Solar Design Tips – Your 10 Point Guide](#)'. These considerations remain relevant in the urban environment, particularly where there is some visibility of the roof which is to host the solar equipment.

9.2 Definitions

The Historic England advice signposted above contains a Glossary setting out the definitions of technical terms relating to solar technology.

Schedule 1: Grade II* buildings excluded from the Order: -

- a) The Dissenters' Chapel, Kensal Green Cemetery (List Entry Number: 1080628)
- b) Leighton House, 12 Holland Park Road W14 (List Entry Number: 1191541)
- c) Marks and Spencers, British Home Stores and The Roof Garden, 99-121, Kensington High Street W8 (formerly Derry and Toms Department Store) (List Entry Number: 1222781)
- d) Commonwealth Institute, Kensington High Street (now the Design Museum) List Entry Number: 1227441)
- e) Church of England Chapel, Brompton Cemetery (List Entry Number: 1266241)
- f) The Royal Hospital North East Range, Royal Hospital Road SW3 (List Entry Number: 1226303)
- g) Crosby Hall, Cheyne Walk (List Entry Number: 1358160)

Reasons for the exclusion of certain buildings from the Order

- i) Grade I listed buildings are excluded from the Order as they are of exceptional special interest, and listed building consent for the installation of solar equipment is considered to be the more appropriate means to ensure that their special interest is preserved.
- ii) A number of Grade II* listed buildings are excluded from the Order. These are buildings of more than special interest where, by virtue of their specific design, wider visibility or association with Registered Park or Garden, it is considered that the installation of solar panels even as restricted by the conditions set out in section 3 may require specific assessment through the listed building consent process in order to ensure that their special interest is preserved.
- iii) Ecclesiastical buildings currently in use for ecclesiastical purposes are also excluded, as those operated by the exempt denominations are subject to their own systems of control over works, and so listed building consent is not required for the installation of solar panels in any event. There are a small number of churches in ecclesiastical use but operated by non-exempt denominations, and as they occupy prominent positions within the townscape, detailed assessment of the installation of solar panels through the listed building consent system is considered necessary to ensure that their special interest is preserved. Former ecclesiastical buildings no longer in ecclesiastical use are treated as non-ecclesiastical buildings for the purpose of this Order.