



Officer Report

Application Number: HGY/2023/1944
Application Type: Prior approval Part 14 Class J: Installation or alteration etc of solar equipment on non-domestic premises
Address: 39A Markfield Road, Tottenham, London, N15 4QF
Proposal: Certificate of Lawfulness for the proposed installation of PV panels on southern roof elevation. Applied for under Schedule 2 Part 14 Class J(b) of the GPDO.
Case Officer: Oskar Gregersen
Valid Date: 27/07/2023
Applicant: Mr Robert Burn
Agent:

RECOMMENDATION

Permitted Development

PLANNING HISTORY

The planning history of the site has been taken into account when coming to this decision.

RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development of the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Class J – installation or alteration etc of solar equipment on non-domestic premises

A certificate of lawfulness for the installation, alteration, or replacement of microgeneration solar thermal equipment on a building; microgeneration solar PV equipment on a building; or other solar PV equipment on the roof of a building, other than a dwellinghouse or a block of flats can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Schedule 2, Part 14, Class J(b): installation or alteration etc of solar equipment on non-domestic premises

The current proposal will be assessed against these requirements as follows:

Permitted Development - J.1 Development is not permitted by Class J if—

(a)the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

Complies

(b)the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);

N/A

(c)the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;

Complies

(d)in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;

N/A

(e)the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

N/A

(f)the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

N/A

J.2 Development is not permitted by Class J(a) or (b) if—

(a)the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;

N/A

(b)the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or

N/A

(c)in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

N/A

J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

Complies

Conditions

J.4—(1) Class J development is permitted subject to the following conditions—

(a)the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and

(b)the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Officers deem that application site, being industrial in nature, is such that the impact of the installation of proposed PV equipment would not be detrimental to the character of the host building or surrounding area.

SUMMARY AND CONCLUSION

The proposed development constitutes permitted development by virtue of Schedule 2, Part 14, Class J(b), of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be lawful.