
Appeal Decision

Site visit made on 12 October 2016

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st November 2016

Appeal Ref: APP/A2470/W/16/3153613

Clatterpot House, 4 Clatterpot Lane, Cottesmore, Rutland LE15 7DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jon Gibbison, Hereward Homes against the decision of Rutland Council.
 - The application Ref 2015/1113/FUL, dated 10 December 2015, was refused by notice dated 4 February 2016.
 - The development proposed is the construction of 2 x 3 bedroom detached houses. One with integral garage and one with a detached garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jon Gibbison, Hereward Homes against Rutland Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Cottesmore Conservation Area (CA).

Reasons

4. The appeal site is a largely enclosed area of garden within the Cottesmore CA. It is separated from Clatterpot Lane on two sides by a high boundary wall. Mature landscaping separates the site from the remainder of the garden area. Clatterpot Lane is a former farm track that serves a number of dwellings of different types and ages, including a number of older buildings of traditional design and materials.
 5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is reflected in Paragraph 131 of the National Planning Policy Framework (the Framework) which states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account.
 6. I have not been provided with a Conservation Area Appraisal. However, the information I have been provided, along with my own observations, would
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suggest that the significance of the CA lies in the character of the core of the village and the layout, materials and architecture of the historic buildings. I have noted that the Cottesmore Neighbourhood Plan (CNP) refers to the importance of walls, and their associated materials and copings, to the character of the area.

7. The Council's main area of concern relates to the removal of a 4-5m section of the existing boundary wall to provide access to the site. The wall runs roughly the length of one side of Clatterpot Lane. The wall starts adjacent to the Tithe Barn and is punctured in two places for vehicular access; one to a relatively modern bungalow and one to provide access to Clatterpot House itself. While it is lower here and uses different coping materials, it still appears as part of the same character. Shortly after the second of these openings, the wall rises to its full height and continues unbroken at this level to the end of the lane. At this point, Clatterpot Lane turns sharply to the left and the wall follows unbroken along this route. As a result of its scale, length and nature of the material used, the wall is a prominent, attractive and permanent looking feature that clearly makes a positive contribution to the character and appearance of the lane and that of the wider area. Notwithstanding the presence of some modern housing in the area, the value of the wall to the character of the lane is enhanced when considering how it serves to complement the older buildings in the immediate vicinity of the site.
8. The point at which the access would be made includes a slightly raised part of the wall. The appellant has suggested that this looks out of place and that its loss would not have a substantially harmful effect. I do not agree with this assertion. The Council have suggested that it may be an indication of an earlier building. While the evidence for this is inconclusive, it does not alter my view that it adds something to the visual interest and character of the wall. The lack of consistency in height at this point does not reduce the significance of this part of the wall or reduce the impact that its removal would have on the character and appearance of the CA. Although there are already openings in the wall, none are where it is at its full height and I consider this to be where the impact on character would be at its greatest. The creation of a sizeable gap at the point envisaged would significantly undermine the visual integrity and continuity of the wall to the detriment of its own character and that of Clatterpot Lane as a whole.
9. The Council have suggested that the site could be accessed from an alternative access. I have no evidence before me that suggests access to the site could be accommodated from either of the existing accesses on Clatterpot Lane. Irrespective of this, I am required to consider the proposal before me and I find that the creation of a 4-5m long opening in this important element of the street scene would have a materially detrimental impact on the character and appearance of the area.
10. Turning to the dwellings themselves, I note that the Council has not raised any particular concern with their impact on the CA. The dwellings would be well screened by the wall and would generally only be visible from glimpsed views through the new access. The roof lines of the houses would also be visible to an extent over the wall from certain vantage points. However, this in itself would not be harmful to the character of the area which is semi-rural in nature. The loss of the garden space would also have little impact on the CA as, at present, it cannot be seen from the roadside. Indeed, it is the enclosure of the

garden that provides the importance to the character of the area, rather than the space itself. The design of the dwellings, including the proposed materials, would also be appropriate and sympathetic to the area. Therefore, I consider the dwellings themselves would have a neutral impact and would preserve the character or appearance of the CA.

11. However, this does not alter my view that the breaching of the boundary wall in a prominent and highly visible location would cause material harm and thus the development would fail to preserve or enhance the character or appearance of the CA. Accordingly, there would be conflict with policy CS22 of the Rutland Core Strategy (July 2011) and policy SP20 of the Site Allocation and Policies Development Plan Document (October 2014) which seek to ensure development protects historic assets and maintains local distinctiveness. While not referred to in the Council's reason for refusal, I would also note that the development would conflict with policy COT H1 of the Cottesmore Neighbourhood Plan (CNP) which requires new development to enhance the character of the village and be sensitive to its surroundings.
12. In my view, the extent of harm to the significance of the CA would be 'less than substantial'. In this circumstance, Paragraph 134 of the Framework applies. This states that, *'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, including securing its optimum viable use'*.
13. The benefits associated with this development are the provision of two dwellings to the housing land supply in a sustainable location. It would be reasonable to assume that there would be some associated benefits in terms of a limited contribution to the local economy in terms of support for the facilities and services the village provides, and short term economic benefits associated with the construction of the dwellings. Reference has also been made to the upgrading of the surface of Clatterpot Lane itself, but this does not appear to be part of the application and I have no specific details. Therefore, I have not given this last issue significant weight in my decision.
14. The appellant has suggested that the dwellings are of a size identified as being needed in the CNP. CNP policy COT H2 and its supporting text suggest that new housing should include 3 bedroomed dwellings. The development would be consistent with the requirement of this part of the policy. However, the plan does not quantify any specific level of need or identify a housing target for the village. Therefore, while I have had regard to the requirements of this policy, it is not evidence of a defined or significant shortfall of such housing in the village. I have also not been provided with any evidence of general housing need or supply in the district. Notwithstanding this, I have given weight to the general requirement of the Framework to boost housing delivery. While two additional dwellings would be welcomed they would not make a significant contribution to the housing supply or local economy. I have insufficient evidence before me to conclude that these limited benefits would outweigh the impact on the character and appearance of the Conservation Area and the resulting harm to its significance.

Conclusion

15. While the Framework recognises the need to provide new homes, it also places clear emphasis on the need to protect local character and heritage assets. In

my view, the public benefits of the scheme do not outweigh the harm to the character and appearance of the CA, which gives rise to conflict with Paragraph 134 of the Framework. I therefore conclude that the appeal should be dismissed.

S J Lee

INSPECTOR