
Appeal Decision

Site visit made on 20 December 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 17th January 2017

Appeal Ref: APP/A2470/W/16/3158950

Land opposite 2 Blacksmiths Lane, Exton, Oakham, Rutland LE15 8AJ

- 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 Hereward Homes Limited against the decision of Rutland County Council.
 - The application Ref 2016/0636/FUL, dated 24 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is the construction of one three bedroom dwelling with attached garage.
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Decision

1. The appeal is dismissed.

Costs application

2. An application for costs was made by Hereward Homes Limited against Rutland Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the Exton Conservation Area and the setting of nearby listed buildings.

Reasons

4. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 132 advises that when considering the impact of a proposed development on the significance of designated heritage assets, such as a Conservation Area and listed buildings, great weight should be given to the conservation of the assets.
 5. The appeal site is located within the Exton Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It also lies within the setting of listed buildings on Blacksmiths Lane and The Green. In the exercise of planning functions, the statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Policy CS22 of the adopted Core Strategy (2011), policies SP5 and SP20 of the Site Allocations and Policies Development Plan Document (2014) (SAPDPD) require the protection of the character and
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- appearance of a locality, including heritage assets, through high quality design that respects local design features.
6. In terms of assessing the significance of the Conservation Area, in the absence of reference to a Conservation Area appraisal, I have relied upon the comments of the main parties and my observations during the site visit. The Conservation Area covers those parts of the village that contain well designed older buildings. Its pattern of development is characterised by linear development with buildings on the same side of a road either consistently set close to the back edge of the pavement or set back more spaciouly within their plots. Buildings are gable ended and constructed from local stone with thatched or stone slated roofs. The significance of the Conservation Area is therefore historical and architectural.
 7. The appeal site is garden land that lies within the setting of several listed buildings. Nos 2,4,8 and 10 Blacksmiths Lane are a terraced row of small one and a half storey cottages opposite the appeal site. 13 and 14 The Green are larger two storey dwellings located to the rear of the appeal site. The dwellings date from a similar period around the early 18th Century and are built from local stone laid as coursed rubble with stone tiled roofs. Their special interest and significance is due to their history, age, form and appearance. The elements of their setting that contributes to their significance includes their relationship with the narrow lane and garden land on the southern side of the lane including the appeal site.
 8. The design of the proposed dwelling has sought to address the Council's refusal of an earlier scheme this year, an appeal in relation to which was recently dismissed¹. The southern side of the lane, where the appeal site is located, is sparsely developed. The buildings on this side of the lane are fewer in number than the northern side and are set well back behind gardens from the highway. As a result, the proposed dwelling would be positioned far closer to the lane and would be unduly prominent and at odds with the pattern of development that characterises this side of the highway.
 9. In terms of the design of the house itself, the inclusion of a chimney and replacement of the arched lintels present in the previous scheme are improvements. However, the proposed dormers, straddling the eaves, would be distinctly at odds with the dormers present on the nearby listed buildings where it is a feature that dormers are set within the roof slope. Whilst Campion Cottage on the opposite side of the lane next to the row of listed cottages has dormers that straddle the eaves, I agree with the previous Inspector that as it is a more modern building, that is uncharacteristic of the Conservation Area, it is not a template for further deviation from traditional detailing.
 10. For the reasons given above, the proposed development would have an adverse effect on the character and appearance of the Conservation Area and its significance. Given its close proximity to the listed buildings I have described, its prominent position with unsympathetic dormers would also have an adverse effect on their setting and significance.
 11. The harm caused by the proposed development to the significance of the Conservation Area as a whole and setting of nearby listed buildings would be less than substantial. In such circumstances paragraph 134 of the Framework

¹ APP/A2470/W/16/3152539

advises that the harm that would be caused should be weighed against the public benefits of the proposal.

12. In accordance with the statutory duties described, I attach considerable importance and weight to the harm that would be caused to the Conservation Area and setting of nearby listed buildings. On the other side of the balance, the proposed dwelling would help boost the supply of housing in the area, although the increase would be modest. Socially, the additional house would be of benefit in providing a family sized dwelling. Economically, the scheme would generate some construction employment, although by its nature it would be short lived.
13. Taking all these matters into account, my overall conclusion is that the public benefits of the proposal do not outweigh the demonstrable harm that would be caused to the Exton Conservation Area and the setting of nearby listed buildings. The proposal would therefore be contrary to the Framework, as well as failing the statutory tests. As such it would be contrary to policy CS22 of the Core Strategy, and policies SP5 and SP20 of the SAPDPD.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector