
Appeal Decision

Site visit made on 24 January 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 17 February 2017

Appeal Ref: APP/A2470/W/16/3164821

9 Bede House Farm, Lyndon Road, North Luffenham LE15 8JZ

- 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 and Mrs King against the decision of Rutland Council.
 - The application Ref: 2016/0809/FUL, dated 16 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is the erection of a two bay open fronted, oak-framed garage and reposition existing gates to the front of the driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a Conservation Area and affects a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council has modified the description of development in its decision notice. As this more accurately reflects the scheme and is not disputed by the appellants I have used it for the purposes of this appeal.

Main Issues

4. The main issues are the effect of the proposal on highway safety and whether it would preserve the historic setting of a Grade II* listed building, Bede House Farmhouse, and the extent to which it would preserve or enhance the character or appearance of the North Luffenham Conservation Area.

Reasons

5. The appeal site comprises the house, garden and driveway of a residential dwelling situated in the village of North Luffenham which lies to the northwest of Stamford. The dwelling has a pedestrian access from Lyndon Road, to the north, and a vehicular access from Glebe Road, to the east. The proposed development comprises the construction of a garage in the style of a 'cart shed' and the repositioning of existing gates associated with the vehicular entrance.
6. The North Luffenham Conservation Area (CA) was designated in 1981 and covers a small area encompassing the southern and western reaches of the village. The majority of the historic buildings are arranged along adjoining roads that form the main east-west axis of the village. There is a high degree of consistency of building material with many buildings comprising coursed

rubble, quoins and dressed stone around the windows and doorways. Coursed rubble has also been used in the construction of high boundary walls and barns along the roads which gives rise to pleasing integration and consistency of vernacular architectural form. Gaps between the farmhouses and other dwellings provide extensive views of the wider countryside. This strongly emphasises the rurality and agrarian context of the village. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily related to the use of traditional materials and the historical legibility of its buildings.

7. Bede House Farmhouse was listed in 1984 and dates from the 15th century with alterations and additions over subsequent centuries giving rise to a significant extent of historical layering. It is one of the earlier buildings of the village originally comprising a hall house with a solar cross wing. The main elevation faces an enclosed garden to the east and a historical farm access point onto Glebe Lane. A number of converted farm buildings lie to the south that were part of a former toft or plot belonging to the farmhouse. Historically, this arrangement would have provided ready access to agricultural land immediately to the south of Glebe Road. Given the above, I find the setting of the listed building, insofar as it relates to this appeal, to be primarily related to the juxtaposition of the nearby converted farm buildings with the main elevation of the farmhouse as signifiers of its agricultural origin and former historic layout.
8. I observe from the plans and my site visit that whilst the design of the proposed garage relies upon a vernacular architectural form, its significant massing would nevertheless be highly incongruent and form an overly prominent feature that would detract from the principal elevation of the listed building. I accept that the open-sided southern and western elevation of the garage would help to maintain an, albeit limited, view of this elevation as it is approached along the driveway. However, at a height of nearly 4 m the solid form of its roof would give rise to a highly prominent foreground feature that would disrupt views of the main elevation and erode the visual relationship with the former historic outbuildings. I acknowledge that a similar structure was present before the toft was subdivided. However, it was remote from the farmhouse, more substantial and part of the historical layout, unlike the proposed building which would be an incongruent, domesticated pastiche.
9. The appellants have suggested that the proposal would not harm the setting of the listed building or the character or appearance of the CA because it would be 'mostly hidden from view'. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or any of their curtilage structures can be gained. Whilst I acknowledge that views of the structure from the public domain would be limited and largely confined to the eastern entrance, this would be partly reliant on existing garden vegetation. As this could be removed by future occupiers or die of natural causes at any time it cannot be relied upon to mitigate the impact of a permanent structure. Consequently, this incongruent structure would also be to the detriment of the CA.
10. Given the above, I find that the proposal would fail to preserve the setting of the listed building and the significance of the CA. Consequently, I give the harm to these heritage assets considerable importance and weight in the planning balance of this appeal.

11. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the separation distance, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
12. The appellants are of the opinion that the proposal would be beneficial because it would improve views of the house from Glebe Road by reducing the number of cars on the driveway, improve road safety by allowing cars to enter and exit in a forward gear and provide an amenity typically associated with larger dwellings. However, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence despite the unsubstantiated views of a local estate agent. Moreover, I have no substantiated evidence before me concerning the number of registered cars associated with the property or how frequently the driveway is used as overspill parking. I observed that three cars could be comfortably parked during my site visit whilst still enabling vehicles to enter and leave in a forward gear. Consequently, I am not satisfied that the proposal would result in any significant public benefits to the listed building or the CA.
13. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II* listed building and the character or appearance of the North Luffenham Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policies CS19 and CS22 of the Rutland Core Strategy DPD 2011 and policies SP15 and SP20 of the Rutland Local Plan Site Allocations and Policies DPD 2014 (LP). These policies seek, among other things, to ensure that all new development contributes positively to local distinctiveness, is sympathetic to its setting in terms of scale, conserves the quality and character of the historic environment of Rutland and protects the setting of heritage assets. As a result the proposal would not be in accordance with the development plan.
14. I now turn to the issue of highway safety. The Planning Practice Guidance 2014 (as amended) advises that conditions can enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. In this particular instance I am satisfied that a suitably worded condition mitigating the harm arising from the position of the gateway could have been imposed and that this would have satisfied the tests set out in paragraph 206 of the Framework. More specifically, this could have simply ensured that the gates opened inwards to prevent cars from obstructing the highway. Given the above, I am satisfied that the proposal would not cause significant harm to highway safety under such circumstances and that it would therefore be consistent with policy SP15 of the LP which seeks, among other things, to ensure that development does not have an unacceptable, adverse effect on the highway network.

Other Matter

15. The appellants are of the opinion that the proposal would not be detrimental because the garage would not affect any of the features that are highlighted in the listing. However, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest nor any definition of setting.

Conclusion

16. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR