

Appeal Decision

Site visit made on 18 April 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMi MRTPI

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

Decision date: 12th May 2017

Appeal Ref: APP/A2470/D/17/3167846
12 North Street West, Uppingham LE15 9SG

- 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 David Larkworthy against the decision of Rutland Council.
 - The application Ref 2016/1140/FUL, dated 11 November 2016, was refused by notice dated 12 January 2017.
 - The development proposed is described as “replace the existing metal gate with a hard wood quality gate sympathetic to the area.”
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber gate at 12 North Street West, Uppingham LE15 9SG.

Procedural matters

2. I shall describe the development more simply as the erection of a timber gate.

Main Issue(s)

3. The main issues are the effect of the gate on the settings of the listed buildings, namely 10, 12 and 14 North Street West, and whether it preserves the character and appearance of the Uppingham Conservation Area.

Reasons

4. Nos 10, 12 and 14 North Street West are 3 Grade II listed buildings in a terrace of 6. They date from the early 19th century and their significance lies, in part, in the way their original style and form can still be appreciated despite various alterations that have occurred since.
 5. The front garden of No 12 is fully enclosed by an existing mature evergreen laurel hedge which is around 2 metres in height. The height of the hedge provides a substantive means of screening and enclosure such that only the first and second floor windows of No 12 are visible from the road. There are no views into the front garden or of the ground floor windows and main entrance door of No 12 because of the height and density of the existing hedge.
 6. The terraced row including No 12 is on the northern edge of the Uppingham Conservation Area (UCA). The significance of the UCA lies in the way it includes a variety of buildings and structures that reflect the historic evolution of the town. A variety of boundary treatments are evident within the UCA, which together with the siting of the buildings gives a sense of enclosure to
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parts of the Conservation Area. North Street West as a whole has a mixed character of enclosure punctuated by some open frontages.

7. The solid timber pedestrian gate was already in situ at the time of my site visit. It is approximately 1.8 metres high and 1 metre wide and set into the centre line of the existing front boundary hedge. I note the Council's concerns in relation to the height and materials of the gate. However, given the siting within the established hedge that is already higher than the gate itself, and unless standing directly in front of the property the gate is substantially concealed. The design of the timber gate is simple and sympathetic design and as such it does not compete with the limited views of No 12 from the highway and would not harmfully encroach into the views of No 10 and No 14. I do not find the gate to be unduly prominent or an incongruous feature. Solid timber gates are found elsewhere in the UCA; therefore it is not an unusual choice of material or design. Other examples include opposite the appeal property at No 9 North Street West and within the heart of the UCA near to the junction of London Road and High Street West.
8. The Council has indicated that it does not consider it is necessary to impose any planning conditions if the appeal were to be allowed. Given that the development has already been undertaken and I have concluded that it is acceptable in its current form there is no need for any planning conditions in this case.

Conclusions

9. I have had regard to statutory duties set out in s72(1) and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I conclude that the proposal preserves the setting of the listed buildings, namely Nos 10, 12 and 14 and has a neutral effect on the character and appearance of the UCA, causing no harm to the significance of any of these designated heritage assets. Consequently I find that it conforms to the design and heritage principles contained in policies CS19 and CS22 of the Rutland Core Strategy, adopted July 2011 and policies SP15 and SP20 of the Rutland Site Allocations and Policies Development Plan Document, adopted October 2014.
10. The appeal is allowed.

Rachael A Bust

INSPECTOR