
Appeal Decision

Site visit made on 16 May 2017

by Jameson Bridgwater DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/A2470/D/17/3171061

The Old Post Office, 30 Main Street, Greetham, Rutland LE15 7NL

- 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 Ms Sue Johnson against the decision of Rutland County Council.
 - The application Ref 2016/1057/FUL, dated 17 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is described as 'Retrospective application in relation to feather edged fence panels attached to my garden wall on left of house – as facing from Main Street.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Greetham Conservation Area (CA), and the significance of the setting of the Grade II Listed 'Hill Farmhouse' (No 37 Main Street).

Reasons

3. The Greetham CA is characterised by a built form generally of domestic scale/two-storey in height; constructed predominantly from stone. A key feature of both sides of Main Street are the stone boundary walls, these form a significant and unifying element within the conservation area. Some of the stone boundary walls within the CA retain their original railings. These features contribute positively to the character and appearance of the CA as a whole and the setting of Hill Farmhouse a Grade II Listed Building and therefore their significance as designated heritage assets.
 4. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and also to the desirability of preserving or enhancing the character or appearance of the CA in accordance with section 72 (1) of the Act.
 5. The appeal site occupies a prominent position on Main Street close to the junction with Pond Lane, with its stone boundary wall providing a backcloth to the small village green which is a component part of the setting of the historic settlement. The proposal relates the erection of a timber fence attached to and
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projecting above the stone boundary wall. The fence was in place at the time of my site visit

6. I have carefully considered the appellant's representations in relation to the proposal including their concerns in relation to privacy and increased security together with the submitted crime statistics for the area. Further I have taken into account the amendments to the fence, comprising of the reduction in height and the addition of climbing plants.
7. I have a degree of sympathy for the appellant, in that there are clearly real concerns in relation to the security and privacy of their home, a view supported by their neighbour. However, based on the evidence before me and my on-site observations, I consider that the fence due to its height, materials and prominent location appears stark and at odds with the prevailing rural character of the area. Furthermore, the addition of the timber fence on top of the stone wall would incrementally erode the significance of a unifying and component part of the conservation area. Such a conclusion is not altered by the reduction in height of the recent screen planting. Moreover, I have viewed other fences in the village drawn to my attention by the appellant; however they only serve to reinforce my conclusions above. Consequently the siting, materials and design of the fence would result in material harm to the setting of the Grade II Listed Hill Farmhouse and consequently fail to preserve the character and appearance of the Greetham CA.
8. Therefore, when considered in the context of the significance of the setting of Hill Farmhouse and the effect on the character and appearance of Greetham CA as a whole, the degree of harm would be less than substantial. I recognise there would be some very limited public benefit; in relation to the potential reduction in crime. However, having found harm to the heritage assets, I must give that harm considerable importance and weight. In balancing the harm against the wider public benefit, therefore, the harm is not outweighed.
9. Having come to the conclusions above, it follows that the proposal would fail to preserve the character or appearance of the Greetham Conservation Area, and the significance of the setting of the Grade II Listed Hill Farmhouse. The proposal would therefore be in conflict with Policies CS19 and CS22 of the Rutland Core Strategy and Policies SP15 and SP20 of the Rutland Site Allocations and Policies DPD. These seek amongst other things to ensure that new development respects and complements the characteristics of the site and its surroundings; and the historic scale and context of the setting.

Other considerations

10. The appellant contests the Council's view that the stone boundary wall is a curtilage listed building. However, the evidence before me is limited. Notwithstanding this, in view of my conclusion in relation to the effect of the proposal on the character or appearance of Greetham Conservation Area, and the significance of the setting of Hill Farmhouse Grade II Listed Building, it has not been necessary to pursue the matter further as my decision would not turn on this.
11. The appellant within their appeal statement raised issues regarding the Council's handling of the original application. However, this is a matter of local government accountability and even if the application had been administered

differently, I have no evidence before me to suggest that the decision would have been different.

Conclusion

12. I have found that the proposed development would cause a degree of harm to the significance of the Greetham Conservation Area a designated heritage asset, albeit such harm would be less than substantial. Further, I have also found that the proposal would cause less than substantial harm to the setting, and thereby the significance of the Grade II Listed Hill Farmhouse. I have to attach considerable importance and weight to these harms. The National Planning Policy Framework makes clear in paragraph 134 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the benefits of the proposal. However, with due regard to matters of increased security and privacy as raised by the appellant, there are insufficient public benefits or other considerations which lead me to allow the appeal.
13. Consequently, for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR