



Appeal Decision

Site visit made on 5 August 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2020

Appeal Ref: APP/A2470/W/20/3253613

Hall Cottage, 17 Main Street, Ayston LE15 9AE

- 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 Paul Holt against the decision of Rutland Council.
 - The application Ref 2020/0179/FUL, dated 16 February 2020, was refused by notice dated 22 April 2020.
 - The development proposed was originally described as: 'Extend gravelled area on driveway by approximately 6 linear metres by 2 metres wide. The existing gravel area runs from the road and extends up to within 3m of the boundary fence with the field and enables the parking for two cars. The requested work is to extend the gravel area to curve back onto the road, adding about 12 sqm to its area. It will necessitate the removal of two saplings and some conifer bushes which have self-seeded recently. All mature trees will remain untouched. The extra parking area will enable two more cars to be parked off the road, we are a family of 6 with 2 cars and when people visit, their cars encroach on the road.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the proposal on the character and appearance of the Ayston Conservation Area and on the setting of nearby listed buildings and ii) the effect on highway safety.

Reasons

Effect on conservation area and settings of listed buildings

3. The appeal site lies within the Ayston Conservation Area (the CA), the significance of which derives from its historic, stone built dwellings behind manicured grass verges, historic stone walls and mature tree cover. The large, open paddock to the north of Main Street, which falls within the CA, and the views of the open countryside beyond, add to its demonstrably rural, village character, whilst the historic feel of the village is amplified by the limited amount of car parking along Main Street.
4. The appeal site is a Grade II listed building dating from the late seventeenth century with later additions, built in ashlar with stone tiled roof, which occupies a prominent location at the entrance to the village from the north at a bend in the road. It is adjacent to and historically associated with Ayston Hall, a grand, two storey ashlar house dating from 1807 within spacious grounds behind a boundary wall and mature planting. From my own observations, the significance of both properties draws from a shared history as a traditional

manor house and ancillary cottage, the rural setting of which is maintained by the facing paddock and views over the countryside to the north, mature trees and hedges as one leaves the village and an absence of development within the immediate surroundings.

5. The occupants use a gravelled area on the outside of the bend in the road for parking, which sits between the dwelling and a number of mature and young trees, hedges and other foliage along the roadside. An agricultural field demarked by metal railings stands to the rear. The existing area is somewhat informal in appearance, but it occupies a logical position next to the dwelling and is not excessively large in area, being framed by the building and trees.
6. The proposal would see this area extended to form a U-shape, the intention being to allow for more vehicles to be parked and to create a means of forward egress for vehicles. The extended area would follow a path between a retained mature tree and the field railings before turning to meet the road between two other retained trees. I saw that this path would cut through the foliage and create a larger, more open parking area which would be prominent in views from both directions on the road. The proposal would leave two trees isolated in the middle of the parking area, which would create an incongruous arrangement where the trees would be surrounded by parked vehicles, given the extended area is indicated to be used for parking as well as egress.
7. I note that the Local Highway Authority's (LHA) indication that the access needs to be a minimum of 2.4 metres wide, and to be constructed in a hard bound material such as tarmac for the first 5 metres behind the highway boundary. From what I saw, the area between the tree to be retained and the field railing is not wide enough to accommodate the turning manoeuvre of a large vehicle, which the appellants indicate they own, and this area is also likely to contain the roots of the tree.
8. The Council's forestry officer requested a survey of the trees, and though the appellant indicates a willingness to undertake one, no survey has been put before me, and I cannot be certain that the trees can be retained and their long term health maintained. Therefore, given the site's physical constraints, I am concerned that the extended parking area would lead to damage to the trees and their eventual removal. In view of the protection afforded to trees within the CA, and their positive visual contribution to the surrounding rural character at the transition from the built-up area of the village to the open countryside, their removal would leave an expansive and conspicuous parking area populated by vehicles, which would erode the natural edge to the village that presently exists and would detract harmfully from the character and appearance of the CA.
9. The extended parking area would be an urbanising form of development which would be seen in the same context as Hall Cottage and Ayston Hall. The erosion of the natural setting and increase in number of vehicles along a stretch of road where parking is otherwise absent would detract from the natural, historic village setting in which both listed buildings are experienced.
10. For these reasons, I conclude that the proposal would harm the character and appearance of the Ayston CA, and would harm the settings of the Grade II Listed Hall Cottage and Ayston Hall, in conflict with Policies CS19 and CS22 of the Rutland Local Development Framework Core Strategy Development Plan Document (July 2011) and Policies SP15 and SP20 of the Rutland Local Plan

Site Allocations and Policies Development Plan Document (October 2014) (the SAP) which together require new development to contribute positively to local distinctiveness; complement the character of the local area; and conserve and enhance the quality and character of the built and historic environment, including listed buildings and conservation areas.

Highway safety

11. The extended parking area would ostensibly provide a means of forward egress for parked cars, but would be narrow in width at only 2 metres. Moreover, the plan before me is a sketch drawing, not to scale and with no indication of the actual turning area or path required for a vehicle to safely manoeuvre 180 degrees around the retained trees. Therefore, I have strong doubts that the proposed route could in practice be used to egress in a forward gear.
12. The appellant indicates a need for space to park more vehicles safely off the road. However, the proposed layout only provides for the egress route and not additional space for parking. Therefore, in practice, the space would be used either for parking or egress, not both. If used for egress, there is unlikely to be space for cars closest to the house to manoeuvre past other cars to get to the egress route, meaning they would still have to reverse out into the road. If used for parking, it could result in tandem parking and cars having to be manoeuvred onto the road to allow others to exit, creating a hazard for other road users. The increased parking capacity would also add to the number of vehicle movements and the potential for conflict between road users.
13. In addition, gravel poses a risk to motorists should it be deposited onto the highway by cars leaving the parking area, in particular due to the site's location on a bend where drivers are braking and risk skidding on loose gravel. I acknowledge the appellant has agreed not to use gravel, but in the absence of any alternative material being proposed, I cannot be certain that this risk would be overcome.
14. I acknowledge that the appellant perceives a risk to highway and pedestrian safety to already exist, and that a letter in support has been submitted by a neighbour. However, the evidence before me is limited to brief descriptions of drivers speeding, overrunning the highway and causing damage to visitors' cars. I sympathise if damage has occurred, but these incidents are unsubstantiated and anecdotal in nature, which limits the weight I afford them.
15. This aside, the existing parking area looked capable of accommodating three vehicles if parked studiously. Its position on the outside of the bend also means that visibility when reversing is good in both directions. The option to reverse vehicles into the space and egress in a forward gear also exists. In any case, given the intent is to increase the number of cars parked, it follows that some cars would still be parked in the same place and any risk would not be wholly addressed by the proposal.
16. Overall, the evidence before me is not persuasive that the existing situation poses a significant risk to highway safety, but the proposal itself would pose a danger due to the physical constraints of the site and lack of certainty as to its design and operation, which raises the possibility of unsafe manoeuvres within the highway at a bend in the road.

17. For these reasons, I find the proposal would significantly harm highway safety, in conflict with Policy SP15 of the SAP which requires development to make provision for safe access by vehicles and not to have an unacceptable adverse impact on the highway network. The proposal would also conflict with the Framework in this respect, which at Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

18. No objection was raised by the Council in respect of the potential effect on ecology, subject to surveys being undertaken for presence of bats prior to any development. On the evidence before me, I have no reason to find differently.

Planning Balance and Conclusion

19. The harm identified to the significance of the CA and settings of the listed buildings would in each case be less than substantial, in the language of the Framework. Paragraph 196 advises 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.
20. The public benefits in this case are limited to the provision of additional off-street parking. This would not outweigh the less than substantial harm to the significance of the designated heritage assets, to which I must give significant weight. In addition, I have found harm in respect of highway safety. Accordingly, the Framework does not indicate the proposal would amount to a sustainable form of development.
21. The proposal would result in conflict with the development plan, taken as a whole, which is not outweighed by other material considerations. Therefore, for the reasons given, I dismiss the appeal.

K Savage

INSPECTOR