



Appeal Decisions

Site visit made on 9 November 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2020

Appeal A: APP/A2470/W/20/3255133

The Horse and Panniers, 12A Church Street, North Luffenham LE15 8JR

- 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 C Milburn against the decision of Rutland Council.
 - The application Ref 2019/0879/FUL, dated 1 August 2019, was refused by notice dated 8 October 2019.
 - The development is described as the use of property as two separate dwellings.
-

Appeal B: APP/A2470/Y/20/3255132

The Horse and Panniers, 12A Church Street, North Luffenham LE15 8JR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr C Milburn against the decision of Rutland Council.
 - The application Ref 2019/0880/LBA, dated 1 August 2019, was refused by notice dated 8 October 2019.
 - The works are described as to regularise a property being used as two separate dwellings.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matter

3. As the appeal site is in a conservation area and concerns a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The description of development and works on the application forms for planning permission and listed building consent makes reference to the use of the property as two dwellings. However, from the evidence before me, there would also be physical works to the property which require consent. The works comprise alterations to two windows to accommodate the installation of louvres on the west elevation of the east wing of the building and the erection of a fence.
5. At the time of my site visit the property was vacant but appeared to have been previously used as two dwellings. The fence the subject of these appeals has not been erected, but a high close boarded fence sited in wooden troughs subdivided the courtyard area. The louvres had not been installed.

Main Issues

6. The main issues are:

Appeals A and B:

- the effect of the development and works on the special architectural and historic interest of the listed building including its setting; and
- whether or not the development preserves or enhances the character or appearance of the North Luffenham Conservation Area;

Appeal A only:

- the effect of the development on the living conditions of the occupiers of both dwellings with particular regard to privacy; and
- the effect of the development on highway safety.

Reasons

Significance

7. The appeal property is made up of a number of different elements. To the west is the designated grade II listed building forming a late 17th century/18th century, one and a half storey building with an attached single storey building, constructed from coursed rubble stone and a Collyweston slate roof. This is connected to a small part brick/part stone built out house to the east, with a welsh slate roof by single storey extensions. Evidence supplied by the appellant shows that parts of the building were originally separate. While the western part of the building may first have been used as a farmhouse, there is little evidence of this before me. Although previously in separate ownership the bakery and pub had the same owner in 1891 according to the Leicestershire and Rutland directory.
8. Sometime between 1904 and 1952 an extension linked the public house to the outbuilding to the north. In addition, at some point after 1952 the public house was linked to the living accommodation to the east, although there is no internal link between the two parts of the property. The appellant advises that the building has been used as two dwellings following the closure of the public house in 2012. The courtyard area in front of the buildings was used as an outside seating area for the public house. This forms a small, intimate area which provides an open setting to the buildings as a whole, facilitating the only public view of the front principal elevation of the listed building.
9. The significance of the listed building, in so far as it relates to these appeals is derived from its architectural and historic interest as a former public house, bakery and associated curtilage buildings retaining many of the original materials. As a consequence, the open courtyard between the buildings allows an understanding of their former use as a public house and bakery and allows an appreciation of the principal elevations of the buildings. The immediate setting therefore contributes considerably to the significance of the listed building.
10. The appeal site is located within the North Luffenham Conservation Area (CA). The CA comprises a relatively small area of the village containing a high number of historic buildings. The buildings are mainly constructed from

coursed rubble with quoins and dressed stone around the windows and doorways. Furthermore, there are a number of boundary walls also constructed from coursed rubble, giving a consistent material palette within the CA. Gaps between the buildings provide views of the wider countryside and large gardens and areas of open space are visible. Given the above, I find that the significance of the CA to be primarily related to the appearance of historic buildings with the use of traditional materials and the relationship of buildings to open space.

11. As a good example of a historic building in the settlement which is constructed from traditional materials, the appeal building contributes positively to the significance of the CA. The position of the entrance and the courtyard setting allows good visibility of the listed building within the CA.

Effect on the significance of the listed building and CA

12. There are no internal alterations proposed. External alterations to the property are limited to alterations to two windows to facilitate the installation of louvres on the west elevation of the east wing of the building. The timber louvres would be fixed in place as part of the structure. These windows are not particularly remarkable, and the opening would remain with no other alteration to the fabric of the building, albeit the window itself would be covered. I note that the Council raises no objection to this alteration in heritage terms, and I see no reason to disagree, subject to conditioning the detail of these.
13. The Council's key concern relates to the subdivision of the courtyard. Currently an area is divided from parking spaces near the entrance by a low picket fence which was in place when the property was in use as a public house. In addition, at the time of my site visit the courtyard was separated by a high close boarded timber fence sited on wooden troughs. However, it is proposed to replace this with a low picket fence to match the existing, together with a high lattice fence for a length of about 1.8 metres extending immediately from the property. Detail of the lattice fencing is limited to a photograph of a typical detail showing a high timber fence, which would be nearly solid, particularly with the proposal for it to have climbing plants on it.
14. While the fence would be provided at a point between two parts of the building which are not internally linked, it would lead to the artificial separation of the external area which would erode the coherence of the courtyard as an area which served the former public house and bakery. The intimate contained area where there is an appreciation of the building as a whole would be eroded, as would views of the building from the CA. Furthermore, the provision of a high, relatively solid area of fencing close to the listed building, even only for a short distance, would be an intrusive feature with a stark appearance which would reduce openness and detract from the appearance of the listed building, diminishing the legibility of its principal elevation. Consequently, the contribution the historic building makes to the character and appearance of the CA would also be reduced.
15. Given the above, I find that the proposal would fail to preserve the significance of the listed building and the CA. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of

- those assets or from development within their setting and that this should have a clear and convincing justification. In this instance I find the harm to be less than substantial, but nevertheless of considerable importance and weight.
16. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because, given that there is no internal door between the western and eastern parts of the building, if the building were to be used as only one dwelling, the eastern part may deteriorate through under use contrary to Aim 4 of Rutland's Housing and Homelessness Strategy. This seeks to reduce the amount of properties vacant for more than six months. However, I note that there has been no discussion with the Council as to whether there could be a link between the parts of the building.
 17. The appellant is also of the view that the shared courtyard would not be conducive to one larger property which would require a family garden. Instead it would suit smaller properties which do not require gardens for families. However, the houses here are two and three bedroom properties which could equally serve as family properties and require gardens and therefore this line of argument does serve to support the development and works. Given my finding regarding the harm caused by the alterations, I am of the view that the appellants have not investigated all options for the optimum viable use. Therefore, I give these suggestions limited weight.
 18. The site may have historically functioned as two dwellings which shared the intimate arrangement around the courtyard. However, that is not certain and there is a longstanding history of commercial use with attached residential accommodation on this site. That is different to the relationship between two separate residential properties.
 19. The use of the buildings as two dwellings would contribute to the Government's objective of significantly boosting the supply of homes. However, given the number of homes involved any benefit would be minor. Therefore, the benefits are not sufficient to outweigh the harm that I have identified either to the listed building or the CA.
 20. Given the above, I conclude that, on balance, the proposed fence would fail to preserve the setting of the Grade II listed building and therefore its special architectural and historic interest, and the character or appearance of the North Luffenham Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with policies CS19 and CS22 of the Rutland Local Development Framework Core Strategy Development Plan Document 2011(The Core Strategy) and policies SP15 and SP20 of the Rutland Local Plan Site Allocations and Policies Development Plan Document 2014 (the SAPDPD). These require that development should protect and where possible enhance historic assets and their settings and maintain local distinctiveness.

Living conditions

21. The courtyard area is, according to the Council, about 12 metres in width between each wing of the property. This is not disputed by the appellant. The buildings use as two separate dwellings leads to windows on each wing having a direct view to windows on the opposite wing.

22. However, the proposed installation of louvres to two of the windows in the east wing, which would to a large extent prevent a loss of privacy between the windows in each wing.
23. Nevertheless, this would not satisfactorily address the issue of a lack of private outdoor space, as views are available, particularly from the dormer windows and ground floor 3-light casement of the west wing towards the private space of the east wing. Given the previous use of the east wing as residential accommodation for the public house, this is not a new situation for that dwelling. However, I consider that an occupier working in the associated public house is likely to have a different expectation of living conditions than occupiers of two separate self-contained dwellings with no link in usage.
24. Furthermore, while the outside space is visible from the footway on the opposite side of Church Street, that is a much longer distance than that between the two wings of the property.
25. For the reasons above, I conclude that the development is harmful to the living conditions of occupiers of the dwellings with particular regard to privacy. There is therefore conflict with Policy CS19 of the Core Strategy and Policy SP15 of the SAPDPD. These require, amongst other things, that development should not cause unacceptable effects by reason of overlooking.

Highway safety

26. In accordance with the parking standards set out in Appendix 2 of the SAPDPD, the development requires two spaces per dwelling creating a total of four on site car parking spaces. There are only three spaces available on the appeal site and therefore the development is not in accordance with the standards. However, I note that they were adopted as minimum standards prior to the Framework which sets out what policies should take into account when setting local standards. Furthermore, the Framework states, at paragraph 109, that development should only be prevented or refused if there would be an unacceptable impact on highway safety.
27. The Council is concerned that the lack of one parking space causes occupiers to park on Church Street, where there is a relatively tight bend in the road, causing harm to highway safety.
28. I saw at my site visit that there is no restriction on Church Street in the vicinity of the appeal site preventing parking. Indeed, there were a number of cars parked there at the time of my visit. Although there is a tight bend where Chapel Lane joins Church Street, I saw that on approach from Chapel Lane there is sufficient visibility to see cars parked before having to navigate the corner.
29. Furthermore, I have seen no evidence to suggest that there is no capacity to accommodate additional parking requirements over and above that provided on the appeal site which in this instance relates to only one space. Therefore, in my view the potential addition of just one car to the on street parking situation would not have an unacceptable impact on highway safety. Moreover, the appellant reports that the two dwellings have been occupied for seven years with the existing amount of car parking without incident.
30. For the reasons above, I conclude that while the development does not accord with the standards set out in appendix 2 of the SAPDPD, it does not have an

unacceptable impact on highway safety. There is therefore no conflict with the Framework, Policy CS19 of the Core Strategy and Policy SP15 of the SAPDPD. These require, amongst other things that development is of good design which provides adequate vehicle parking facilities to serve the needs of the proposed development.

Conclusion

31. While there would be no harm to highway safety, I have identified that there would be harm to the significance of the listed building and the CA. Furthermore, there is harm caused to occupier's living conditions.
32. The benefits I have identified above are limited and thus not sufficient to outweigh the conflict with the development plan. Therefore, for the above reasons, and having regard to all other matters raised, I conclude that, on balance, both of the appeals should be dismissed.

Zoe Raygen

INSPECTOR