

Appeal Decisions

Site visit made on 26 January 2021

by Helen B Hockenhull BA (Hons) B. PI MRTPI

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

Decision date: 08 March 2021

Appeal A: APP/A2470/W/20/3259092

2 Main Street, Lyddington LE15 9LT

- 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 R Forrest against the decision of Rutland County Council.
 - The application Ref 2020/0676/FUL, dated 25 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is the widening of existing vehicle gateway through existing boundary wall. Enlargement of verge crossover (revised proposals).
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Appeal B: APP/A2470/Y/20/3259089

2 Main Street, Lyddington LE15 9LT

- 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 and Mrs R Forrest against the decision of Rutland County Council.
 - The application Ref 2020/0677/LBA, dated 25 June 2020, was refused by notice dated 20 August 2020.
 - The works proposed are the widening of existing vehicle gateway through existing boundary wall. Enlargement of verge crossover (revised proposals).
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Decision

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the works are in a conservation area and affect 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. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. The boundary wall appears to be a remnant of the outer wall of buildings that occupied this frontage. The buildings were attached to the main house as is the surviving wall. The boundary wall is therefore consequentially listed. This is the basis upon which I have determined these appeals.
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Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building, 2 Main Street, Lyddington (Ref: 1236924) and any of the features of special architectural or historic interest that it possesses and whether it would preserve or enhance the character or appearance of the Lyddington Conservation Area (CA).

Reasons

6. The appeal property occupies a corner plot at the junction of Main Street and Thorpe Road in the village of Lyddington. Vehicular access is obtained from Thorpe Road. It is proposed to widen the existing access by removing a section of boundary wall of around 1.5 metres in length and enlarging the verge crossover.
7. Lyddington CA encompasses this linear village and is focussed along Main Street. I observed on my site visit that the village is centred on the village green and St Andrew's Church. Its character derives from simply detailed gabled buildings constructed in the 17th and 18th centuries built from locally sourced ironstone. A small number of properties in the village retain their thatched roofs while others have been reroofed in slate. A distinctive feature in the village is the presence of coursed rubble ironstone walls which create enclosure and frame views along Main Street. Given the above, I find the significance of the CA, insofar as it relates to these appeals, to be related to the historic form and fabric of its buildings and the stone walls that define their curtilages.
8. No.2 Main Street forms a two-storey dwelling and former farmhouse of mid-late 18th century with 19th and 20th century alterations and additions. It is constructed of coursed ironstone rubble, front roughcast and colour washed, with a slate roof, coped gables and flanking brick chimneys. It has a single storey extension to the south, formerly an outbuilding and further outbuildings attached to the rear which are also listed for their group value.
9. I am advised that on historic Ordnance Survey maps, barns and outbuildings are shown on the southern boundary with Thorpe Road until around the 1960's. These buildings were demolished leaving the surviving boundary wall to provide enclosure to the garden area. The surviving dressed and rubble ironstone wall is around 1.9 metres in height with a mid/late 20th century concrete coping. At the time of my visit there had been a partial collapse of the outer part of the wall close to the vehicular entrance to the dwelling, most likely due to frost damage and weathering. The wall extends beyond the curtilage of the appeal property to the frontage of No.1 Thorpe Road, a dwelling constructed in the grounds of the appeal property in the 1970's.
10. Given the above, I find the special interest of the listed building insofar as it relates to these appeals, to be primarily associated with the historic relationship of No.2 Main Street to the boundary wall as well as its fabric and visual coherence. This, in turn, directly contributes to the significance of the CA through the prominent contribution its form and materials make to its character and appearance.
11. The proposed widening of the access would result in the removal of a section of historic stone wall. This would result in the loss of historic fabric and undermine

the relationship of the main dwelling to the previous outbuildings on the site. Furthermore, the increased width of the opening, the gate and crossover would create an access with dimensions untypical of a building of this age and status. It would diminish the sense of enclosure that the wall provides and weaken the relationship of the listed building to the wider area. As such the proposal would cause harm to the special interest of the building.

12. I acknowledge that the proposed widening would not be out of scale in the context of a wall of around 31 metres in length. I also note that the boundary wall is not identified as an 'important frontage' in the CA appraisal. Nevertheless, it contributes positively to its character and appearance. The widened access and crossover would cause visual harm to this well-established feature in the CA and be detrimental to the street scene. In so doing it would fail to preserve the character and appearance of the CA.
13. The appellant has argued that Thorpe Road is narrow and due to its curvature, the widened opening would only be seen obliquely from either direction. Whilst I accept that a full view of the opening would only be achievable in closer proximity, this does not outweigh the negative visual impact on the immediate area.
14. The appellant has brought my attention to other modified openings and planning applications for developments involving widened accesses in the village. It is notable that the majority of these were accesses directly onto Main Street, the main route through the village, where higher levels of traffic movements would be experienced. I do not have the full details of these developments. In any event, these schemes do not set a precedent as I must assess the impact on its individual merits and the evidence before me.
15. Paragraph 193 of the National Planning Policy Framework 2019 (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. Given the above and having regard to the impact on the CA as a whole, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. As I have found less than substantial harm to the significance of the heritage assets, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has explained that the works seek to provide an improved visibility at the access and to make it easier to park 2 vehicles reducing the likelihood of on street parking.
17. The current access is around 3 metres in width and is set back from the highway behind a grass verge of around 2-3 metres in width. The verge contributes to the achievement of appropriate sight lines for a vehicle emerging from the access either in forward or reverse gears. I have no evidence before me to indicate that the existing access is substandard or poses a risk to highway safety.
18. I acknowledge that currently vehicles have to tandem park and may reverse onto Thorpe Road. However, Thorpe Road is lightly trafficked and whilst the

proposal would eliminate reversing, such an arrangement is not unusual for many dwellings. The appellant has argued that the scheme would eliminate on street car parking. However, the submitted plans do not indicate an increase in off road parking spaces for the dwelling. There would therefore be no benefit in this regard. Whilst I accept that the demand for off road parking may increase as the appellant's family grows, the proposal does not seek to address this.

19. I note that the Council did not ask the Highway Authority for their views on the proposal. I have assessed the scheme based on my observations and in the absence of substantiated evidence to the contrary, I am not persuaded that there is a highway safety issue.
20. Given the above, I conclude that the proposal would provide private benefits for the appellant making it easier to park off road but would not be of wider public benefit. Consequently, in the absence of public benefits, the harm I have identified to the heritage assets would not be outweighed.
21. Accordingly, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building at 2 Main Street and fail to preserve the character or appearance of the Lyddington CA. The proposal would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with Policy CS22 of the Rutland Core Strategy (2011) and Policy S20 of the Rutland Site Allocation and Policies Development Plan Document (2014). These policies amongst other things seek to protect and where possible enhance heritage assets. As a result, the proposal would not accord with the development plan.

Other Matter

22. The appellant has raised concern with the way that the Council dealt with the application, whether a site visit took place and the lack of a proactive approach. It is not my remit to comment on such issues. I also note the support for the scheme from the Parish Council and the adjoining neighbour. However, I must consider the proposal on its individual merits and on the basis of the evidence before me.

Conclusion

23. For the reasons given above, and having had regard to all other matters raised, the appeals are dismissed.

Helen Hockenhull

INSPECTOR