
Appeal Decision

Site visit made on 25 April 2022

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 16 MAY 2022

Appeal Ref: APP/A2470/W/22/3290466

1 Wheatsheaf Lane, Greetham, Rutland LE15 7NS

- 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 William Ashmore Developments against the decision of Rutland Council.
 - The application Ref 2020/0818/FUL, dated 22 July 2020, was refused by notice dated 17 September 2021.
 - The development proposed is the erection of 1 no. dwelling. Single storey side and rear extension and new porch to existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - (a) the character and appearance of the Greetham Conservation Area (GCA);
 - (b) the living conditions of neighbouring occupiers with regards to overlooking;
 - (c) the living conditions of future occupiers with regards to outdoor amenity space, and
 - (d) trees.

Reasons

Character and appearance

3. The appeal site comprises a brick-built bungalow and associated residential curtilage. Located on the southern side of Wheatsheaf Lane, it is within the built-up part of Greetham and enclosed by existing housing on all sides. There is a significant drop in levels across the site with the southern site boundary at a significantly higher level than the existing bungalow, garden, and Wheatsheaf Lane.
4. The site is within the GCA which encompasses the historic core of the village which is set out in linear form along Stretton Road. The listed Wheatsheaf Public House is located a short distance to the north-east of the site.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers in conservation areas,

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. While there is no dispute that the principle of development is acceptable on this brownfield site, I share the Council's concerns that the size of the proposed dwelling would be excessive for a site with significant constraints in terms of its shape, size, and topography.
7. Although there are a wide range of building styles in the immediate area, dwellings tend to be well proportioned to their plots. By contrast and despite attempts to set the dwelling back from Wheatsheaf Lane, it would have the appearance of being hemmed in by its site boundaries particularly the steep banking to the rear. I am also concerned by the lack of separation to the existing bungalow. Overall, the dwelling would appear excessively cramped in its plot.
8. The proposed linked design would be an atypical feature in this part of the GCA. There is also a notable lack of information regarding the proposed materials. Given the highly sensitive nature of the appeal site within the GCA and close to listed buildings, it would not be appropriate to deal with this matter by way of a planning condition.
9. While I have not been provided with an appraisal for the GCA, I consider that the settlement pattern including the way buildings relate to their plots is a key component of its character. Although the dwelling would not be prominent in views of the listed public house or Stretton Road more generally, that does not overcome the harm I have identified.
10. Although the level of harm would be towards the lower end of the 'less than substantial harm' range, paragraph 202 of the Framework indicates that where this is the case, the harm should be weighed against the public benefits. I have not identified any significant public benefits in this case.
11. I therefore conclude that the development would fail to preserve or enhance the character of the GCA conflicting with Policy CS22 of the 2011 Rutland Core Strategy (the CS) and Policy SP20 of the 2014 Site Allocations and Policies Development Plan Document (SAPDPD) insofar as they seek to preserve or enhance the character and appearance of conservation areas.

Living conditions – Overlooking

12. The houses to the rear (south) are set at a higher level than the appeal site. Accordingly, I do not consider there would be any significant overlooking of these properties particularly bearing in mind the timber fence along the boundary.
13. To the front, the dwelling would face towards 2 Wheatsheaf Lane. Whilst the hedge across the site frontage would prevent any significant overlooking at ground floor level, the same cannot be said of the upper floor windows. The front bedroom windows to the proposed dwelling would have a direct line of sight into those of No 2 at fairly close quarters.

14. Although no details of any separation distances that might be breached by the development are before me, from my observations I consider that the degree of separation would be significantly less than 21m, which is the oft-quoted minimum separation distance for opposing principal elevations.

Living conditions – Outdoor amenity space

15. The retained garden to the existing bungalow would be of a generous size. However, one has to take into account its topography. As I saw on my site visit there is little separation between the banking and the rear elevation of the house. The only usable area would be set up at a higher level and only accessible by steps or a ramp, making it inherently unsuited to older and less mobile occupiers who are more likely to want to live in a bungalow. I accept that there are flatter areas of garden space to the front and side of the bungalow. However, these are limited in their extent and overall, I am not satisfied they would provide a reasonable standard of living for future occupiers.
16. I also have concerns about the quantum of outdoor amenity space shown for the new house, particularly bearing in mind the proposal is for a two-storey family dwelling. As the section through the site demonstrates, the rear garden would be little more than a small section of banking between the house and rear boundary. The small area of open space to the front of the house would be flatter but heavily shaded by the trees and mature vegetation along the eastern site boundary. It would also be immediately adjacent to Wheatsheaf Lane and in that respect would not benefit from the level of privacy one might normally expect from a garden. In view of these constraints, the garden area would not be conducive for sitting out, growing plants, hanging washing and all the other day to day activities that future occupiers might reasonably expect from a garden to a three-bedroom property.
17. Based on the foregoing, I conclude the proposal would not provide a suitable standard of outdoor amenity space to future residents of the bungalow and dwelling. It thus conflicts with CS Policy CS19 and SAPDPD Policy SP15 insofar as they seek to foster high quality design that protects the amenity of occupiers of new development.

Trees

18. The trees within and abutting the appeal site benefit from statutory protection due to their location within the GCA. Section 15 of the Application Form confirms that the proposed development would not affect trees on the land. Paragraph 7.6 of the Appellant's Grounds of Appeal reiterates that the only tree works would be the management of the hedge across the site frontage and the removal of low-lying branches along the side boundary.
19. The Council refers to a Sycamore which it considers maybe under threat from the proposed parking area. However, I was unable to find any evidence of a tree in this location when I visited the site. Overall, and given the lack of any credible evidence to the contrary, I conclude that the development would not harm trees on the site.

Other Matters

20. The Council and others have concerns about the accuracy of the submitted plans. However, the matter was not raised with the Appellant during the

determination period. Moreover, the Council has failed to adduce any substantial evidence at the appeal stage to support its concerns in this regard. I am therefore satisfied that the plans are fit for purpose.

Conclusion

21. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector