



Appeal Decision

Site visit made on 4 October 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 NOVEMBER 2022

Appeal Ref: APP/A2470/D/22/3304857

19 Main Road, Barleythorpe LE15 7EE

- 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 Dr Hayley Travers against the decision of Rutland County Council.
 - The application Ref 2022/0089/FUL, dated 14 January 2022, was refused by notice dated 19 May 2022.
 - The development proposed is additional floor and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference is made, in the Council's decision, to the Oakham and Barleythorpe Neighbourhood Plan (NP). I have been provided with a copy of the October 2020, Regulation 16 submission version of this document. However, I have not been advised if the NP has been successful at Referendum, with or without amendments, or if it has been made part of the statutory development plan.
3. I have also been provided with a copy of the November 2021, draft final of the Design Guidelines for Rutland and South Kesteven. The current status of this document has not been confirmed.
4. Consequently, I have not taken the above documents into account in reaching my decision.

Main Issues

5. The main issues are the effect of the proposed development on i) the character and appearance of the area, ii) the living conditions of occupiers of Nos.17 and 21 Main Road, with regard to privacy and light, and iii) protected species.

Reasons

Character and appearance

6. No.19 Main Road is one of two modern, brick built detached houses, located on the end of a row of traditional, two-storey semi-detached, stone built cottages. From the evidence before me it is apparent that No.19 was originally a gable fronted house, with an attached single storey garage to the side. The garage was subsequently altered and extended to include an ensuite bedroom above it, served by dormer windows to the front and rear. The front gable roof slopes

away from No.17, and the extension above the original garage retains a lower ridge line than the main dwelling, and those on either side.

7. It is proposed to increase the ridge height of the whole of the building and to alter the roof form, creating a new gable roof, with the ridge line spanning almost the full width of the plot, with dormer windows in the front and rear roof slopes. The new roof would be higher than those of the dwellings to either side.
8. Although Nos.19 and 21 Main Road are set much further back from the road than the older cottages, the dwellings within this row are all very similar in terms of height and have very limited space between them. Consequently, the increased roof height and mass would appear visually prominent and incongruous, in this row of modest dwellings.
9. I therefore conclude that the proposal would detract from the character and appearance of the immediate surrounding area. As such it would be contrary to policies CS19 of the Rutland Core Strategy Development Plan Document (CS) (July 2011), policies SP5 and SP15 of the Rutland Site Allocations and Policies Development Plan Document (SAPDPD)(October 2014) and the Council's Extensions to Dwellings Supplementary Planning Document (SPD) (March 2015). Collectively these seek, amongst other things, to ensure that all new development is sympathetic to its setting in terms of scale, height, appearance and materials.

Living conditions

10. Three dormer windows are proposed in the rear of the roof extension from which views over the gardens of neighbouring properties could be obtained. As these gardens are already overlooked by the appeal property and other neighbouring dwellings, this would not in my view, erode the degree of privacy currently enjoyed by occupants at Nos.17 and 21 Main Road.
11. The proposal would also result in the appeal dwelling being slightly higher than neighbouring No.21, which is located to the north. However, with the exception of the single storey rear extension, no part of the appeal property would extend beyond the two-storey rear wall of No.21. Given this and the orientation of the appeal property to No.21, and its height and design, I am satisfied that there would be no discernible loss of light to No.21 or its rear garden. The Council is satisfied that the single storey element of the proposal would not result in overshadowing or loss of light to No.21 and I have no reason to disagree with this view.
12. I therefore conclude that the proposal would not result in harm to the living conditions of neighbouring occupiers of Nos.17 and 21 Main Road. As such there would be no conflict with policies CS19 of the CS, SP5 and SP15 of the SAPDPD or the guidance contained in the SPD, in so far as they relate to overlooking and overshadowing.

Protected species

13. The appeal site is located in an area with good bat foraging habitat. As bats are a European Protected Species, regulations require that their presence or otherwise, and the extent to which they may be affected by a proposed development, is established before planning permission is granted.

14. Whilst I accept that the appeal property is a relatively modern brick dwelling, with accommodation in part of the existing roof space, the proposal would involve the removal of the roof, including the fascias and bargeboards. Such works could disturb and potentially harm any bats that may be present.
15. As a minimum, a bat scoping report would be required, which can be undertaken at any time of year. The Appellant has accepted this in her appeal statement and suggests that such a report is to be completed. However, in the absence of such a report at the time of making my decision, I cannot be certain that no bats would be disturbed or harmed by the proposal.
16. I therefore conclude that it has not been satisfactorily demonstrated that no protected species are present and consequently the proposal would not comply with policies CS21 of the CS, SP19 of the SAPDPD or the National Planning Policy Framework, which seek to prevent harm to, or loss of protected species.

Other Matters

17. In reaching my decision I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, and to the provisions of the Human Rights Act 1998. These aim to eliminate discrimination, to advance equality and to foster good relations. I have also had regard to CS Policy CS21, which seeks to provide housing types to meet the needs of all the community.
18. I have carefully considered the appellant's family circumstances and wellbeing and the desire to remain in the local area, close to work, school and relatives. I also note the desire for a property that ideally does or can accommodate a swimming pool, which I have no reason to doubt is beneficial to the health and wellbeing of the whole family.
19. However, these circumstances do not override the legislative requirement to ensure that no protected species could be harmed by development. Moreover, it has not been demonstrated that these personal needs cannot be met by an internal reconfiguration of the existing dwelling and a more sensitively designed scheme.
20. My attention has been drawn to a proposal for approximately 500 dwellings on the opposite side of Main Road, which if built would alter the character and appearance of the area. However, I do not have any details of the proposed scheme before me, or confirmation of its status. I must therefore assess the proposal against the surroundings that currently exist.

Conclusion

21. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

R Bartlett

INSPECTOR