
Appeal Decision

Site visit made on 29 November 2022

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/A2470/D/22/3295803

The Limes, 42 Burley Road, Langham, Oakham, Rutland, LE15 7HY

- 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 David Taylor against the decision of Rutland Council.
 - The application Ref. 2021/1134/FUL, dated 10 September 2021, was refused by notice dated 28 January 2022.
 - The development for which permission is sought is a tarmacadam driveway and yard.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal seeks retrospective planning permission for development that has already been undertaken. As such, I was able to inspect the driveway and yard during my site visit.
3. As the development is in a conservation area and within the setting of a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the adjacent Grade II listed building, The Limes, and the extent to which it would preserve or enhance the character or appearance of the Langham Conservation Area.

Reasons

Listed building

5. The Limes is an early 19th Century linear red brick house with slate roof and large chimney stacks. It occupies a large plot and is set back significantly from the public highway within a well landscaped garden containing numerous trees. The driveway the subject of this appeal is served by two vehicular access points that join one another in a horseshoe shape, with a small yard to the side. A low-level red brick wall stands on the highway boundary and tall, solid wooden gates set back from the highway are located at each access. The spacious plot and abundant landscaping contribute significantly to the setting of the listed building, which was formerly listed as the Manor House, and maintains an appearance consistent with this status.

6. The tarmacadam driveway and yard has replaced a series of much more informal surfaces comprising rutted tracks over bare ground and sections of concrete. The previous appearance, evident in the submitted photographs, was unkempt and poorly maintained but appeared relatively inconspicuous in the large grounds such that the driveway was not a prominent feature.
7. The new driveway and yard are much more formal with a block paved edging strip and black uniform surface. The material used presents a stark urban appearance that is very different from the previous arrangement and somewhat at odds with the period in which the property was built. Whilst tarmacadam was invented some time ago, it was not widely used for private driveways until more recently.
8. Whilst it is accepted that rutted earth tracks are unlikely to be suitable for modern requirements, an alternative material with softer tones and a more traditional appearance would have been more suitable, particularly given the extent of the hard surfacing introduced. The development undertaken would harm the setting of the listed building and this would not significantly alter with the growth of moss.
9. The harm arising would be less than substantial in the terms of the National Planning Policy Framework (the Framework) but is nevertheless of considerable importance and weight. I note the appellant's position that the material used is hard wearing and requires little maintenance, but these are private rather than public benefits. Improvements to accessibility and drainage, to the extent that these could be considered public benefits, attract limited weight and are not sufficient to outweigh the identified harm.
10. As such, I find that the proposal would fail to preserve the special architectural and historic interest of the listed building. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies CS19 and CS22 of the Rutland Core Strategy (2011) (CS), and policies SP5, SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) (SAP DPD) that seek, among other things, to ensure good design and the preservation or enhancement of heritage assets. There would also be conflict with emerging policy D3g of the Langham Neighbourhood Plan (NP), which specifically encourages traditional materials such as gravel for driveways, albeit that this policy currently attracts limited weight given its stage of preparation. As a result, the proposal would not be in accordance with the development plan.

Conservation area

11. The Langham Conservation Area covers much of the village, the core of which comprises the church and large amounts of open space with substantial properties of some age standing within spacious plots. These characteristics are particularly evident in the vicinity of the site and the appeal property contributes to the character and appearance of the conservation area. Many of the driveways in the vicinity are constructed from gravel or pavements, particularly the larger properties on Burley Road, many of which are historic.
12. The development would not be prominent but would be visible in glimpsed views when the wooden entrance gates are open and for people walking along the public footpath. The stark black modern appearance of the driveway does

not reflect the traditional materials generally found in the conservation area and appears incongruous.

13. Again, there would be some less than substantial harm to the conservation area which attracts considerable importance and weight. The public benefits identified above are not sufficient to outweigh this harm.
14. As such, I find that the proposal would fail to preserve the character and appearance of the Langham Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies CS19 and CS22 of the CS, and policies SP5, SP15 and SP20 of the SAP DPD that seek, among other things, to ensure good design and the preservation or enhancement of heritage assets. There would also be conflict with emerging policies CH1 and D3g of the NP, which seek to preserve the conservation area and specifically encourage traditional materials such as gravel for driveways, albeit that these policies currently attract limited weight given their stage of preparation. As a result, the proposal would not be in accordance with the development plan.

Conclusion

15. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR