



Appeal Decision

Site visit made on 16 February 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/E2530/D/22/3311938

Byre Cottage, Village Street, Oasby NG32 3NA

- 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 Job Winfield against the decision of South Kesteven District Council.
 - The application Ref S22/0133, dated 21 January 2022, was refused by notice dated 24 October 2022.
 - The development proposed is alterations and extensions.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions at Byre Cottage, Village Street, Oasby NG32 3NA in accordance with the terms of application reference S22/0133, dated 21 January 2022 subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Job Winfield against South Kesteven District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect on the setting of Oasby Conservation Area and the setting of Listed Buildings of Oasby Manor, Folly Cottage and Oasby House.

Reasons

4. The appeal site is a detached stone bungalow with pantile roof positioned within a large plot set back from the highway and located within the centre of Oasby. Situated within the Oasby Conservation Area, the area around the appeal site is generally characterised by properties that sit in fairly generous plots. The properties are a mix of one, 1.5 and 2 storeys, with some featuring dormer windows. Tree lined grassed verges create an open rural character.
5. There are a number of Listed Buildings close to the site. Oasby Manor House is a Grade II* Listed Building which dates from the 17th Century. It incorporates some reused 15th Century work with substantial 19th Century alterations. Folly Cottage is a Grade II cottage dating from the 17th Century with 19th and 20th Century alterations. Oasby House is a Grade II 17th Century house with substantial 19th Century additions and alterations. The importance of the Listed Buildings derive in part from their age and distinctive appearance.

6. The proposal would increase the height and floor space area of the property. While it would add to the bulk and massing of the dwelling it would not be out of proportion to other properties in the area and would not be excessively substantial in the context of the plot size. The location of the dwelling within the plot means that it would not be overly dominant within the street scene. The design features of the proposal including the roof line, dormer windows and choice of materials such as stone, pantile tiles, wooden windows and side hung garage doors and metal rainwater goods mean that the development would not be out of keeping with that part of the Conservation Area.
7. The dwelling would be set back within the site some distance from the nearby listed buildings. This and the limited intervisibility between the relevant buildings leads me to agree with the Council's Conservation officer and the findings of the Heritage Impact Assessment that there would not be any harm to the setting of any nearby Listed Buildings.
8. The development would not harm the Oasby Conservation Area or the setting of Oasby Manor House, Folly Cottage or Oasby House. It would not therefore conflict with the part of Policy EN6 of the South Kesteven District Council Local Plan 2011-2036 (Local Plan) which identifies that proposals that would conserve or enhance the significance of a heritage asset shall be considered favourable.
9. It would also not conflict with Policy DE1 of the Local Plan which amongst other things states that new development is expected to make a positive contribution to local distinctiveness, vernacular and character of an area and be appropriate in terms of scale, massing, height and materials. In addition, the policy requires the retention of important on site features such as trees. There would also be no conflict with the relevant parts of the Design Guidelines for Rutland and South Kesteven and the Rutland County Council Extension to Dwellings Supplementary Planning Document.

Other Matters

10. Concern has been raised regarding the impact of the development on the living conditions of a neighbouring dwelling with regards overlooking and privacy. Two dormer windows are proposed on the south elevation facing towards Paddock Cottage. However given the separation distance between the 2 dwellings and the fact that there would be no direct views into habitable rooms there would be no harm to the living conditions of the neighbouring dwelling.
11. Amendments have been made to the design of the property to protect trees important to the rural character of the Conservation Area. I agree with the findings of the tree survey and the assessment of the Council's tree officer that there would be no harm caused to the trees subject to an appropriately worded planning condition which protects the trees at and just outside the site boundary during site clearance and the construction phase and requires temporary protection barriers and ground guards for the duration of the works.

Conclusion and Conditions

12. For the reasons identified I conclude that the appeal should be allowed and planning permission should be granted subject to necessary planning conditions.

13. In attaching conditions I am mindful of paragraph 56 of the National Planning Policy Framework which states that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
14. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions relating to verges, eaves, rooflights, external joinery and materials, garage doors and window and door heads is necessary to protect the character and appearance of the area and the Oasby Conservation Area. A requirement to adhere to the Arboricultural Report is necessary to protect trees on and close to the site.

K Ford

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be commenced before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following list of approved plans: 21-2542-P-04 Site Location Plan received 21 January 2022 and 21-2542-P-02E Amended Proposed Floor Plans, Elevation Plans and Block Plans received 6 July 2022 unless otherwise required by another condition of this permission.
3. Before any construction occurs above ground level, details of the treatment of verges and eaves hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed verges and eaves details.
4. Before any construction occurs above ground level, samples or detailed specifications of all external materials (clay pantiles and stone) to be used on the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out only in accordance with the agreed materials.
5. The tree protection measures as detailed in the Arboricultural Report (East Midlands Tree Surveys Ltd received 21 January 2022 shall be adhered to at all times during the construction phase.
6. Before any window or door heads and cills are installed, details of their design, material and construction, in the form of scale drawings and material samples/ specifications, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed heads and cills details.
7. All rooflights hereby permitted shall be conservation style rooflights set as flush as practicable within the roof slope.
8. All new external joinery including windows and doors shall be of a timber construction only which shall be retained for the lifetime of the development. Prior to their installation, details of their design, specification, method of opening, method of fixing and finish, in the form of large scale drawings and sections (EG 1:20), shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.
9. The garage doors shall be of timber construction, side hung, and outward opening, details of which shall be submitted to and agreed in writing by the Local Planning Authority. The garage doors shall then be installed in accordance with the approved details and retained for the lifetime of the development.