



Appeal Decision

Site visit made on 4 April 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/A2470/D/23/3316778

24 Main Street, Empingham, Rutland LE15 8PS

- 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 & Mrs E Lavallin against the decision of Rutland County Council.
 - The application Ref 2022/1129/FUL, dated 3 October 2022, was refused by notice dated 28 November 2022.
 - The development proposed is demolition of single storey side and rear extensions, addition of new single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance, and heritage significance of, the Empingham Conservation Area (the ECA).

Reasons

3. The appeal relates to a stone built, 19th century semi-detached dwelling. The pair of dwellings share a prominent central front gable and matching gothic-style canopies over the front entrances. There is further symmetry to the rear with a smaller gable framed by catslide roofs to either side. There are a series of single storey additions extending to the rear of both dwellings. Closest to the main dwelling are full width, mainly flat roofed extensions, though an L-shaped section to the side of the appeal dwelling features a pitched roof. Beyond this is a former single storey outbuilding with a red tiled roof which is symmetrically split between the dwellings. Finally, the appeal site has a small, detached summer house furthest to the rear, whilst the adjoining dwelling has an older, stone outbuilding with a steeply pitched roof.
4. The site lies within the ECA. I am not provided with an adopted character appraisal or other description of its heritage significance, but from my own observations, the ECA encompasses much of an historic, compact village with evidence of a long period of gradual development, centred on the linear progression along Main Street and clustered development around St Peter's Church. Attractive stone built dwellings and boundary walls along Main Street, including the appeal site, contribute in particular to the quality of the streetscape, which is embellished by mature trees and hedgerows. These visual qualities and the ample historic and architectural value embodied in the surviving built form contribute to the heritage significance of the ECA.

5. The proposed development would see all of the existing single storey elements to the rear of the main dwelling removed and replaced by one continuous single storey extension. The extension would have a dual pitched roof with an angled rear wall reflecting the property line. A replacement entrance porch with flat roof would project to the side of the extension in a similar position to the existing arrangement.
6. The appellants set out that the extension would rationalise the current 'piecemeal arrangement' of extensions to the rear which they regard as a 'visually uncomfortable assortment of design styles,' replacing it with a design reflecting a traditional barn conversion. In contrast, the Council criticises the 'elongated form' of the extension and its extent of glazing, arguing that it is at odds with the appearance, scale and form of the main dwelling.
7. The existing structures to the rear are the result of progressive extension of the dwelling over time. They are not of any particular architectural merit in themselves, but I concur with the Council that they are of a scale which, even taken together, is subservient to the main dwelling, and ancillary in nature. The different roof forms and materials evoke a similar sense of organic development which pervades the ECA more generally. In this sense, the existing extensions are a relevant part of the dwelling's history and thus its contribution to the wider heritage significance of the ECA. However, I accept that the loss of the extensions is not opposed in principle by the Council.
8. The proposed extension would extend a similar distance to the rear as the existing structures, but due to its taller pitched roof and monolithic shape, it would have a larger overall massing than the existing extensions. The singular shape of the roof in particular would contrast starkly with the modest scale and varied roof pattern of the existing extensions. The footprint would also be significantly wider towards the rear compared to the existing small, detached summer house that does not read as a contiguous part of the dwelling. The result would be a single, substantial extension that would exceed the depth of the original dwelling by some margin. In these respects, I agree with the Council that the extension would have a strident, elongated form that would appear considerably more dominant in overall scale compared to the existing arrangement.
9. In addition, the expansive glazing to the side elevation would create a contemporary appearance that would fail to harmonise with the traditional character of the host dwelling, in particular the solidity of its elevations and modest size of its windows. This would conflict with the guidance of the Council's Extensions to Dwellings Supplementary Planning Document (March 2015) which states that architectural features are expected to mirror the character of the existing building to help create a unified overall appearance.
10. The proposal would also upset the symmetry which exists at the rear of the semi-detached pair, in particular through the loss of the catslide roof section and the bisecting of the red-tiled outbuilding which is shared with the adjoining dwelling. The former would result in an awkward junction of the roof with the existing building, whilst the latter would necessitate the creation of a new gable to the surviving half of the outbuilding on the common boundary. The result of this would be an incongruous juxtaposition of historic, varied additions to one side of the boundary and an imposing extension with a single, elongated roof design on the other that would be observable from No 28 and dwellings to the

rear and side of the appeal site. This would be exacerbated by the large number of rooflights proposed, their different sizes and their uncoordinated placement across both roof slopes. The appellants have offered to reduce the number of rooflights, but I am not persuaded that this would be sufficient to mitigate the overall adverse impact of the extension.

11. The appellants point to examples of similar 'linear' development to other dwellings in the village, many related to farm buildings. I do not disagree that there are a wide variety of shapes and sizes to buildings within the ECA, but their particular histories and contexts are not set out in evidence, and there is insufficient detail in the aerial photo provided to establish if any of these are directly comparable to the appeal before me, particularly in respect of the building being part of a pair showing strong symmetry to the built form. The appeal building is also not a farmhouse to which a barn-like extension may be characteristic. As such, I do not regard these other examples as determinative.
12. It is further argued that the extension would have limited effect on the street scene due to its position to the rear. However, I saw on site that there is a clear view from the road of the existing side porch and given the proposed increase in the massing of the roof, the extension would be visible from the street. In particular, there would be glimpses of the expansive glazing to the side elevation. Indeed, the extension is shown as visible in proposed CGI views within the design and access statement. Moreover, whereas the existing side porch element complements the main house in form and materials, particularly its matching roof pitch, the proposed flat roofed porch would contrast harshly with the traditional form of the main dwelling and would represent a poorer quality addition to the building. The visibility of these contemporary elements from the street would detract from the strong overall composition of the dwelling within the street scene.
13. There are also two Grade II listed buildings to the west of the appeal site at 20 and 22 Main Street. The Council has not alleged that the proposal would harm the settings of these listed buildings. From the limited evidence before me, the settings of these buildings are defined by built form on all sides of varying ages. In this context, the replacement of older extensions for the proposed extension would have minimal impact on the overall context in which these listed buildings are experienced. Therefore, I do not make a finding of harm to the settings of these listed buildings.
14. However, for the reasons set out, I conclude that the proposed extension would detract from the overall composition of the host dwelling, and so would undermine its contribution to the character and appearance of the ECA. This would conflict with Policies CS19 and CS22 of the Core Strategy (July 2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (October 2014), which together require development to meet high standards of design that are sympathetic and make a positive contribution towards the unique character of Rutland's towns, villages and countryside, including through scale, form, massing and height that is appropriate to the local context of the site and to the surrounding streetscape character; and to conserve and enhance the quality and character of the built and historic environment of Rutland, including conservation areas.
15. The harm to the heritage significance of the ECA would be less than substantial, in the language of the National Planning Policy Framework (the

Framework). The Framework states that great weight should be given to the assets' conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Paragraph 202 directs that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

16. The appellants advance that the existing arrangement of extensions has resulted in a contrived internal layout, that they are poorly insulated and that the existing flat roof drains poorly. I recognise that the proposal would create a more modern and usable internal space, but there is nothing in evidence to suggest that the existing layout threatens the long-term use of the dwelling, or that the proposal is the only means by which a better internal living space, insulation or external drainage from the roof can be achieved. As such, I afford these benefits only limited weight. There would also be some economic benefits arising from the construction of the extension, but given the scale of the proposal, such benefits would also attract limited weight.
17. Taken together, the public benefits would be insufficient to outweigh the less than substantial harm to the heritage significance of the ECA, to which I give significant weight. Therefore, in addition to the development plan conflict, the Framework as a material consideration points to the refusal of permission.

Other Matter

18. The Council did not refuse permission in respect of the effect of the proposal on neighbours' living conditions. Having observed the locations of the nearest neighbours, and the form and position of the proposed extension, I have no reasons to find differently to the Council in these respects. However, the absence of harm to living conditions is a neutral consideration weighing neither for nor against the proposal.

Conclusion

19. For the reasons set out, therefore, the proposal would conflict with the development plan, taken as a whole, and material considerations do not indicate that permission should be forthcoming in spite of this conflict.
20. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR