



Appeal Decision

Site visit made on 11 July 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/A2470/D/23/3318823

Serendene, 16 Cold Overton Road, Langham, Oakham LE15 7JG

- 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 Ms J Dodman against the decision of Rutland County Council.
 - The application Ref 2022/1289/FUL dated 10 November 2022, was refused by notice dated 5 January 2023.
 - The development is described as proposed bungalow alterations and extension including detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of existing property and the Conservation Area in general; and (ii) highway safety.

Reasons

Character and Appearance

3. The appeal site is a bungalow with rooms in the roof in a predominantly residential area within a village setting. Situated at the end of a long drive shared with another property, the site is within the Langham Conservation Area. I understand that extension and alterations have been approved for the site and at the time of my sit visit works were being carried out.
4. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
5. The parties have not provided evidence to describe the conservation area's characteristics or the significance of the appeal site within the designation. Nevertheless, it seems to me that the conservation area is characterised by dwellings which vary in design and scale but share a coherence in external materials and features.
6. Properties in the immediate area of the appeal site include traditional forms of development which are set back from the highway. The appeal property is not

- of visual or historical merit and due to limited views of the property it has a neutral effect on the conservation area's significance as a heritage asset.
7. The Rutland Local Plan, Supplementary Planning Document, Extensions to Dwellings (2015) (the SPD) states that extensions to dwellings should be subordinate additions and respect its wider surroundings, in terms of its scale, position, design and building material. The proposed extension and alterations are extensive and in combination with the previously approved alterations and extensions are not subordinate to the existing dwelling by virtue of the scale, design and location. However, the proposed development would be to the rear and would have limited exposure to public views.
 8. The appeal proposal includes roof tiles to match the existing property, and rendering would match into the extended property. The materials used for the development could be secured through the imposition of a planning condition as a consequence the dwelling would be read as a whole and not as an extension to the existing dwelling.
 9. Paragraph 199 of the National Planning Policy Framework (2021) (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on Framework paragraph 200.
 10. The appeal site is within a relatedly secluded location, set back from the highway notwithstanding this the extension would be in part visible from Cold Overton Road, nevertheless I find that the proposed development would not harm of the significance of the Conservation Area.
 11. Whilst there is conflict with the SPD in terms of the scale of the proposal, I do not consider the lack of a subordinate addition harmful to the character and appearance of the area or the existing dwelling itself for the reasons outlined above.
 12. I conclude that the proposed development would not harm the character and appearance of the existing property and conservation area in general. There is no conflict with Policies CS19 and CS22 of the Rutland Local Development Framework, Core Strategy Development Plan Document (2011) and Policies SP15 and SP20 of the Rutland Local Plan, Site Allocations & Policies Development Plan Document (2014) (the Local Plan) which amongst other things seek to ensure developments are of high quality design which respects the design of the original property and preserves or enhances character and appearance of the conservation area.
 13. There is no conflict with Policies BD1 and CH1 of the Langham Neighbourhood Plan 2016-2036 (2017) which seeks to be sympathetic in scale and materials, preserving or enhancing the character and appearance of the area.

Highway Safety

14. Appendix 2 of the Local Plan sets out parking standards for developments, in terms of residential parking standards this is set by the number of rooms in a property. The appeal proposal would generate a requirement for a minimum of 3 allocated parking spaces, which is confirmed by the Council's Highways Team in the Delegated Report, there is also concern that adequate turning within the

- site would not be achievable to ensure all vehicles enter and leave the site in forward gear.
15. I understand that the previous approval¹ also had a requirement for a minimum of 3 allocated car parking spaces, and that the parking arrangement is not proposed to change.
 16. The Appellant contends that the site can accommodate a vehicle parked externally at the end of the driveway to the north elevation of the property and a vehicle parked on the driveway to the south-west of the dwelling. With the development of the garage, the site will be able to accommodate a third parked vehicle.
 17. The Appellant has provided a proposed parking arrangements – statement relating to layout matters prepared by SLR Consulting Ltd (SLR) to demonstrate the amount of parking and manoeuvrability on the site.
 18. The statement demonstrates via the tracking assessment that there is space to turn a car within the area to the north-west of the dwelling itself and the area to the front of the dwelling, between the front of the property and the rear garden fence of the property to the north. The Appellant contends that on this basis, the retained on-site parking and turning areas offer the potential for all vehicles entering and leaving the site to do so in a forward gear.
 19. I agree there is sufficient space to ensure vehicles enter and leave the site in a forward gear based on the tracking assessment, however I am not convinced that this would be possible if a vehicle were parking in front of the garage, as this area appears to be necessary to allow vehicles to manoeuvre. I am also not convinced that a vehicle could park on the driveway leading to the site without impeding on the turning area.
 20. The porch which has been previously approved on the front elevation of the appeal property would inhibit parking and manoeuvrability of vehicles however a condition could be imposed requiring this area to be retained for car parking and access.
 21. The Appellant can demonstrate two on-site parking spaces can be provided with the ability to enter and leave the site in a forward gear.
 22. Whilst the number of rooms has not changed between the previously approved scheme and the proposal before me I have not been provided with substantive evidence to persuade me that the proposed larger living areas, including an additional bedroom, and larger bedrooms which could allow for increased occupation of the property, would justify a reduction in minimum parking standards required. I therefore cannot be confident that adequate parking and vehicle turning could be achieved.
 23. I conclude that the proposed development would have an unacceptable effect on highway safety. There is conflict with Policy SP15 of the Local Plan which amongst other things seeks to ensure adequate vehicle parking facilities are provided to serve the needs of the proposed development.

Other Matters

¹ Application Ref: 2020/0665/FUL

24. The Council have not raised issue with regard to the effect of the development on No. 8 Cold Overton Road to the east of the site. The proposed development would elongate the two storey projection set off the shared boundary with No. 8. Whilst No. 8 is also set away from the shared boundary, the proposed development would extend to the rear of the plot which is in-line with the rear plot boundary of No.8.
25. A single storey extension has been approved in this location, nevertheless a larger extension in this location would appear stark and dominant to the occupiers of No. 8 owing to the proposed mass and location. Due to the orientation of the proposed extension to the south west of No. 8 there is potential for the propose development to cause overshadowing.
26. Notwithstanding my concerns relating to the effect of the proposed development on the living conditions of the occupiers of No. 8 Cold Overton Road, given my findings in relation to highway safety I have not raised this as a main issue as it would not alter my reasoning and ultimately my decision.

Conclusion

27. Whilst I have found that the proposed development would not harm the character and appearance of the existing property or the conservation area, this does not outweigh the harm I have identified in relation to highway safety.
28. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR