



Appeal Decision

Site visit made on 22 May 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023.

Appeal Ref: APP/A2470/D/23/3314943

Stone Cottage, Ketton Road, Hambleton, Rutland LE15 8TH

- 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 Cassa Miller of David Miller Homes Limited against the decision of Rutland County Council.
 - The application Ref: 22/0262/FUL, dated 24 February 2022, was refused by notice dated 9 November 2022.
 - The development proposed is the erection of a garage, new vehicular access and alterations to the existing access and associated works, including alterations to the boundary treatment.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are whether the development would preserve or enhance the character or appearance of the Hambleton Conservation Area and the setting of the Grade II listed buildings of Stone Cottage, and Mary's Cottage, and the effect of the development on highway safety.

Reasons

Hambleton Conservation Area and Listed Buildings

3. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. Hambleton is a rural village located on a peninsula of land and mainly surrounded by Rutland Water and the open countryside. The conservation area includes the majority of buildings within the village. The buildings are predominantly built in stone and vary in age, design and detailing. The village has several heritage assets, including Hambleton Hall. Most of the vernacular development has remained intact. The layout of buildings and spaces is irregular, although dwellings along Ketton Road are mostly set back from the highway in a linear form. Trees, shrubs private gardens and hedges add

positively to the character and appearance of the village. The age of development, architecture, building materials and spaces around buildings contribute towards the special interest and significance of the conservation area.

5. Stone Cottage is an attractive listed building of linear form which has a positive visual impact in the street scene. It has a number of outbuildings to the west and is set within what appears to be its original plot, with space between it and the listed building of Mary's Cottage, which is located immediately to the east of the appeal site.
6. The proposed double garage would be located in the gap between Stone Cottage and Mary's Cottage. In the Statement of Appeal, the appellant advises that it would be built in stone, with timber doors, and a tiled roof and would have an internal staircase to serve a storage/games room above. The front elevation of the garage would be set back from the front of Stone Cottage. A new access would be created for the garage and a gravel surfaced turning area. Although the Council raised concerns about the visual impact of the proposed access, I am advised by the appellant that the roadside hedgerow at this part of the appeal site had been removed over 18 months ago.
7. The siting of the garage would unduly erode the space between Stone Cottage and Mary's Cottage, by creating a more continuous line of development. That would be contrary to the historic layout whereby outbuildings have been added at the western part of the site, with the gap being a more verdant space. Although there would be separation between the house and garage, and the garage would be set back, the proposed development would reduce the visual dominance of Stone Cottage as a separate building in the street scene because of its scale and height and proximity to the house. The proposed garage would therefore fail to preserve or enhance the character and appearance of the Hambleton Conservation Area and would amount to harm to the significance of the designated heritage asset.
8. Turning to the effect of the development on statutorily listed buildings, Stone Cottage is described in the official listing as probably an early 20th century fine example of vernacular revival in simple style. It is built in well coursed rubble with angle quoins and a tiled roof. Mary's Cottage is a two-storey building with a thatched roof. It dates in part from the late 16th century. Both are Grade II listed buildings and I find the significance of the buildings largely to derive from their age, individual form and design, contribution to the visual quality of the street scene and use of building materials.
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. At Annex 2 the Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
10. The gap between Stone Cottage and Mary's Cottage is an important visual and historic aspect of the setting of the two buildings. I am advised by the Council that the appeal site has remained virtually unaltered when comparing mapping

taken from 1885 and 1931, and in the absence of any evidence to the contrary, it is a matter to which I consider significant to the setting of both buildings. Although the garage is described as single storey by the appellant, its relative height would be significant, with its ridgeline higher than the eaves of Stone Cottage. The length of its front elevation would also exceed that of the proposed garage double doors to a significant degree. Notwithstanding that the proposed garage would be set back from the main façade of Stone Cottage, it would form an intervening development which would fail to preserve the setting of the two listed buildings, because of its height scale, form, and proximity to those buildings.

11. I find that the proposal would fail to preserve or enhance the character or appearance of the Hambleton Conservation Area. It would also harm the setting of the listed buildings of Stone Cottage and Mary's Cottage and would amount to harm to the significance of the designated heritage assets. The harm arising would be less than substantial, however, less than substantial harm does not necessarily amount to a less than substantial planning objection.
12. Paragraph 202 of the Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The benefits from the proposal would primarily constitute private benefits for the appellant, rather than public benefits and would not outweigh the harm from the proposal to the character and appearance of the conservation area and setting of the listed buildings.
13. The proposal would therefore conflict with policies CS19 and CS22 of the Rutland Core Strategy Development Plan Document and policies SP5, SP15 and SP20 of the Rutland Site Allocations and Policies Development Plan Document, which, amongst other things, seek to ensure conservation of the historic environment and sustainable development which reflects its context. It would further conflict with paragraph 202 of the Framework and the expectation set out in paragraph 199 of the Framework that great weight should be given to the conservation of designated heritage assets.

Highway Safety

14. The Highway Authority advised that whilst historic access points in the village traditionally have no access splays it considered that 2 m x 2 m pedestrian visibility splays were necessary, with no obstruction within 600 mm of ground level. The appellant considers that the access would be adequate without the splays but advises that they could be provided if necessary. A condition could be imposed to ensure that the splays were provided.
15. I therefore consider that the reason for refusal on highway safety grounds could be overcome and subject to an appropriate condition there would be no conflict with policy SP15 of the Rutland Site Allocations and Policies Development Plan Document or Section 9 of the Framework regarding the achievement of a safe and suitable access.

Other Matters

16. The appellant has referred to a number of recent developments involving sites and listed buildings in the village which he considers having altered the character and appearance of the area and to be of relevance to this appeal. These include the new build approved next to Mary's Cottage, a garage built next to Olde World Cottage, development at Home Farm including a garage and the new buildings of Walnut House, Howards View, Wishing Well Barn, and Thrashing Barn.
17. Nevertheless, none of these developments are located directly opposite Stone Cottage and their site circumstances would have been different when compared to those at the appeal site. Although a new dwelling has been built next to Mary's Cottage no evidence has been submitted to establish that the development should provide a compelling precedent in the case of the appeal before me. I have determined this appeal based upon the individual merits of the proposal having regard to the particular site circumstances of Stone Cottage, relevant development plan policies and national planning policy in the Framework.

Conclusion

18. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR