



Appeal Decisions

Site visit made on 26 September 2023

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal A Ref: APP/A2470/W/23/3319653

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 Miss Rebecca Patiniotis against the decision of Rutland County Council.
- The application Ref: 2023/0054/FUL, dated 14 January 2023, was refused by notice dated 24 February 2023.
- The development proposed is described as "new driveway and estate fencing, widening of existing access".

Appeal B Ref: APP/A2470/Y/23/3319654

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Miss Rebecca Patiniotis against the decision of Rutland County Council.
- The application Ref: 2023/0055/LBA, dated 14 January 2023, was refused by notice dated 24 February 2023.
- The works proposed are the same as Appeal A.

Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. The appeals relate to Stone Cottage, which is a Grade II listed building located within the Hambleton Conservation Area. By virtue of its positioning, the appeal site falls within the setting of neighbouring Grade II listed 'Mary's Cottage'. Therefore, in making my decision I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The proposals involve alterations to widen an existing vehicular access serving the appeal dwelling which include the demolition of a section of an existing stone boundary wall, the heightening of an existing gate pier, the erection of an additional one and the installation of new gates. The proposals also include the creation of a new additional vehicular access to the other side of the property's road frontage, erection of estate fencing and gates and the laying of a driveway, parking and turning area.
4. During my site visit I observed some remnants of metal 'estate' style fencing that had previously adjoined that of neighbouring Mary's Cottage. The Council has indicated that the necessary consent for its recent removal has not been secured. The submitted plans show that part of the front boundary to be open

and consent is not sought for the demolition works. The scope of my determination of both appeals can extend only to the acceptability of the proposed boundary treatment, not any previous demolition which has been undertaken.

5. Furthermore, whilst components of the proposal relating to Appeal A may, as the appellant argues, be permitted development by virtue of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), it remains that they form part of the appeals before me.

Main Issues

6. The main issues for Appeal A are the effect on highway safety, whether or not the appeal proposals would preserve the setting of Stone Cottage and Mary's Cottage and whether or not they would preserve or enhance the character or appearance of the Hambleton Conservation Area. The main issue for Appeal B is whether or not the appeal proposals would preserve Stone Cottage, and any features of special architectural or historic interest which it possesses.

Reasons

Highway safety

7. Vehicular access is currently taken to one side of Stone Cottage, directly off Ketton Road. This stretch of road is of a two car width, relatively level and straight with a footpath and grass verge running between the frontage of Stone Cottage and the carriageway. There is no evidence before me to substantiate whether or not this is an area prone to traffic accidents. There is no dispute about the alterations to the existing access in highway safety terms given this is already well established. There is nothing before me to lead me to reject that stance. Furthermore, from my site visit I was able to discern that reasonable visibility from the proposed second vehicular access could be secured through a suitably worded planning condition.
8. However, it remains that the positioning of the proposed additional gated access could encourage vehicles to stop within the road or straddle the road and footpath at a right angle whilst the gates were opened or closed. This would be in the vicinity of an access serving Hambleton Hall on the other side of the road. The submitted evidence does not adequately demonstrate that this would not give rise to greater risks for the safety of users of the highway.
9. A condition requiring the gates to remain open would not meet the tests for planning conditions. Crucially, the Local Highway Authority has expressed concerns which could not be addressed through this appeal. In the absence of clear evidence to the contrary, I attach great weight to their concern as the authority on safety on the local highway network.
10. Consequently, that component of the proposals would be harmful to highway safety and, as such, Appeal A would conflict with Policy SP15 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (the DPD).

Heritage

Setting and special interest features of listed buildings

11. Rutland Water and the surrounding open countryside form an important backdrop to the rustic village of Hambleton within which the appeal property

stands. Stone Cottage, its outbuildings and front boundary enclosure are situated within a generous, historically well-contained, verdant plot. Grade II listed Mary's Cottage bounds the appeal site to one side and is also set within generous mature grounds.

12. Stone Cottage is listed as a fine example of a probable early 20th century vernacular revival 2 storey dwelling in a simple style, built in well-coursed stone rubble with angle quoins and a stone roof. The existing vehicular access leads to a range of outbuildings which are clustered around a yard area to its side, providing garaging and further living accommodation. Pedestrian access is through a narrower wrought iron gate positioned more centrally along the frontage which leads directly to the front door. These historic access points are clearly defined by breaks in the existing boundary walling and taller piers topped with simple spherical finials. Although there is currently an open section of boundary to the other side of Stone Cottage's frontage, these arrangements clearly convey an ongoing hierarchy of site access according to the nature and purpose of any visit.
13. The special interests of this particular listed building group are both historic and architectural, largely derived by its age, individual form, design and traditional construction. Its rustic appearance does not distract from its stature and obvious presence within the wider historic street scene. The existing access arrangements are a feature of special historical interest.
14. The special interest features of the more understated neighbouring stone and thatched Grade II listed Mary's Cottage are also both historic and architectural.
15. Stone Cottage, its associated outbuildings and Mary's Cottage have a mutual setting. Crucially, this setting contributes positively to understanding and experiencing the special historic and architectural interests of Stone Cottage and its outbuildings, including in terms of how, through its access arrangements and means of enclosure it has functioned. The means by which the historic building group continues to be accessed ensures that visually, it remains intact as a collective building group.
16. It is unclear from the submitted details whether the proposed estate fencing and gates would be attached to that which encloses Mary's Cottage. Nonetheless, the juxtaposition between these listed properties' frontages is such that the proposed access, driveway, estate fencing and gates would also fall within the rustic foreground setting of that neighbouring listed building.
17. The proposals would result in the creation of a second gated vehicular access within a part of the frontage which has previously been enclosed and laid as garden. The proposed estate style fencing, gates and hardstanding would be experienced from short distance vantage points in both directions along Ketton Road and from within the grounds of Stone Cottage.
18. My attention has been drawn to the fact that estate style fencing has previously defined that exposed section of boundary frontage. However, the submitted evidence is inconclusive in terms of the originality of that former enclosure. A condition could be necessarily imposed to manage the detailing and profile of the new enclosure to ensure that it is appropriate to the historic context. Nonetheless, the appeal proposal would be significantly different by its very nature. This is because when opened, the proposed additional gateway would cause a substantial visual break in the front boundary enclosure. Hence,

I attach negligible weight to that argument. In disturbing the surviving clear hierarchy of historic accesses to the site, the historic building group and therefore its integrity in both visual and functional terms would be fragmented.

19. Overall, the proposed changes would undermine the enclosed character of Stone Cottage's frontage which is a historic interest feature of this particular listed building. The developed appearance of the proposed access and hardstanding would further compound this impact. This would notably alter the way in which the site as a whole is experienced and understood. Whilst a condition requiring the gates to remain closed when not in use would assist in mitigating these visual effects, it would not meet the prescribed tests for conditions in terms of reasonableness and enforceability. Furthermore, it would exacerbate the highway safety concerns I have identified.
20. Whilst the proposals would also represent change to the setting of Mary's Cottage, the submitted evidence does not demonstrate that this would translate as harm to its own special interest features. Nonetheless, overall, the proposals in both appeals would not preserve Stone Cottage or its setting and features of special architectural or historic interests which it possesses but would harm it.
21. In terms of the National Planning Policy Framework (the Framework), the nature and scale of the harm arising from those components that relate to the proposed access amount to less than substantial harm to Stone Cottage. I address whether this harm is justified under the terms of the Framework later.
22. Policy CS22 of the Rutland Local Development Framework Core Strategy Development Plan Document (the Core Strategy) states that the quality and character of the built and historic environment of Rutland will be conserved and enhanced. This policy gives particular protection to the character and special features of listed buildings and requires, where possible, enhancement of them and their setting. Furthermore, Policy SP20 of the DPD re-emphasises this approach. In view of my findings, in terms of Appeal A the proposals conflict with both of these local policies.

Character and appearance of conservation area

23. The Hambleton Conservation Area embraces many of the buildings within this village, including the appeal site. The area is characterised by stone buildings which vary in age, design and detailing. Most of the vernacular development has remained intact. The layout of buildings and spaces is irregular, although dwellings along Ketton Road tend to have enclosed linear frontages. Trees, shrubs, private gardens and hedges add positively to the verdancy of the village. This together with the age of development, architecture, building materials and spaces around buildings contribute towards the highly evident historic and architectural significance of the Hambleton Conservation Area.
24. The presence of Stone Cottage and its associated historic detached outbuildings is particularly evident due to their traditional form, appearance and generous proportions. Collectively, they provide a strong linear built frontage onto Ketton Road which is both framed and softened by the somewhat verdant, generous enclosed grounds which surround it. These important positive characteristics continue along Ketton Road in both directions.

25. Overall, the building group of Stone Cottage, including its boundary treatments continues to make a valuable contribution to the historic rustic fabric of this conservation area and the strong sense of enclosure of the historic plots which characterise it.
26. The Council, by its own admission, has accepted that the removal of the identified trees would not impact negatively on the character and appearance of the conservation area. However, I agree that the additional access and parking proposals would significantly erode the verdancy of that part of the appeal site.
27. Crucially, the identified harmful effects of the proposed changes in terms of how the historic building group is experienced and understood within its heritage setting would also undermine the integrity of the prevailing historic rustic character and appearance of this conservation area.
28. Therefore, the proposals would not preserve or enhance the character or appearance of this conservation area but would harm it. In having special regard to the desirability of preserving and enhancing the Hambleton Conservation Area, the provisions of the Act would not be met.
29. In terms of the Framework, the nature and scale of the identified harm would amount to less than substantial harm. I address whether this harm is justified later.
30. Policy SP20 of the DPD requires that the scale, form, siting and design of development in conservation areas would preserve or enhance the character and appearance of the area. In view of my findings, in terms of Appeal A there is conflict with this policy.

Heritage balance

31. In overall summary, having special regard to the desirability of preserving the setting of the listed buildings and features of special architectural or historic interest which they possess, the proposals would not meet the provisions of the Act but would be harmful to those of Stone Cottage. Neither would the provisions of the Act be met when having special regard to the desirability of preserving and enhancing the Hambleton Conservation Area.
32. My attention has been drawn to the heritage effects of other properties in the locality which have been altered. However, the detail provided regarding their site circumstances coupled with the uniqueness of the appeal site in terms of its special interests leads me to attach negligible weight to that argument.
33. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The appellant considers that the proposed changes would enable safer access to and from the appeal site. However, no substantive evidence has been submitted which would indicate any current highway safety issues associated with the use of the site. I observed that there is sufficient room for one vehicle to pass through the existing vehicular access unimpeded. Furthermore, I have found the potential for harm to highway safety arising from the positioning of the proposed gates for the new access. I therefore afford negligible weight to this matter as a public benefit.

34. I attach considerable importance and weight to the identified harms to each of these important designated heritage assets. These harms are not outweighed by any public benefits and are therefore unjustified in terms of the Framework's approach to designated heritage assets.

Conclusions

35. In terms of Appeal A, the appeal proposal would conflict with the Act and the development plan when taken as a whole. Furthermore, material considerations do not outweigh the proposal's conflict with that Plan. In terms of Appeal B, the proposed scheme would cause unjustified harm to the special interests of Grade II listed Stone Cottage, in conflict with the Act and the Framework. For these reasons, I conclude that both Appeal A and Appeal B should be dismissed.

C Dillon

INSPECTOR