



Appeal Decision

Site visit made on 12 June 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/A2470/D/24/3339253

Brookdene House, 11A Water Lane, Ashwell, Oakham, LE15 7LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rob Comber against the decision of Rutland County Council.
 - The application Ref is 2023/1077/FUL.
 - The development proposed is a new attached double garage.
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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 of the Ashwell Conservation Area (CA).

Reasons

3. The appeal property is a detached dwelling, which is situated on the eastern side of Water Lane within the CA. Buildings along Water Lane vary in terms of their age, scale, design and position. The 'L' shaped appeal property is set-back from the highway and is of a relatively modern design. It is positioned between a row of former estate workers cottages on one side and a listed building (number 11) on the other. I note that the Council accepts that the proposal would not adversely affect the setting of the listed building and I have no reason to disagree with that view.
4. The proposal is to extend the existing projecting garage at the front of the property towards Water Lane. It would project forward a further 7m from the existing garage. It would have a lower roof height and space between the end of the extension and Water Lane would be retained.
5. The Council considers that the proposed extension would have a harmful impact on the character and appearance of the CA, because of its siting, size and mass. It points to a conflict with Policies CS19 and CS22 of the adopted Rutland Core Strategy and with Policies SP15 and SP20 of the Site Allocations Policies and Development Plan Document 2014. These (amongst other things) seek to promote good design and to conserve and enhance the historic environment. These policies accord with Chapter 16 of the National Planning Policy Framework 2023 (NPPF), which contains similar provisions.
6. Decision makers have a statutory duty when considering proposals for development to pay special attention to the desirability of preserving or

enhancing the character or appearance of conservation areas. In this case, whilst the character and appearance of the CA varies, I note that the views along Water Lane are considered by the Council to be of significance. Although the Council refers specifically to grass verges, boundary walls, trees and the watercourse, in my opinion, the spacious and semi-rural appearance of Water Lane also contributes to the significance of this part of the CA.

7. In reaching my decision, I have given consideration to the distance that will be retained between the proposed extension and Water Lane. I have also noted that there is a garage/outbuilding sited close to the road frontage at the neighbouring property. Furthermore, the proposed extension would be largely screened by existing trees and vegetation, when approaching from the north. I also accept that the design and external materials would complement the existing dwelling.
8. However, the proposal would be clearly visible from the southern end of Water Lane and its overall mass and elongated length would be a prominent feature that would appear at odds with its surroundings. Furthermore, it would partially obscure views of the former estate workers cottages on its northern side, which the Council considers to be important buildings and a feature within the CA. Consequently, I conclude that the proposal would be harmful to the character and appearance of the CA and it would conflict with the policies of the Development Plan, referred to in paragraph 5 above.
9. Having regard to paragraph 208 of the NPPF, I consider that the harm would be less than substantial. Accordingly, this harm must be weighed against any public benefits arising from the development. Whilst the proposal would benefit the occupants of the appeal dwelling, this would be a private benefit and, therefore, it does not outweigh the harm to the character and appearance of the CA that I have identified above.

Conclusion

10. For the reasons given above, the appeal is dismissed.

Ian McHugh

INSPECTOR