



Appeal Decisions

Site visit made on 30 July 2024

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal A Ref: APP/A2470/W/24/3344385

12 Main Street, Tinwell, Rutland PE9 3UD

- 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 and Mrs Frost against the decision of Rutland County Council.
 - The application Ref is 2024/0026/FUL.
 - The development proposed is replacement of existing single storey modern extension with two-storey extension.
-

Appeal B Ref: APP/A2470/Y/24/3344384

12 Main Street, Tinwell, Rutland PE9 3UD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Frost against the decision of Rutland County Council.
 - The application Ref is 2024/0027/LBA.
 - The works proposed are replacement of existing single storey modern extension with two-storey extension.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Main Issues

5. The main issues are whether the proposal would i) preserve a Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Tinwell Conservation Area.

Reasons

Special interest and significance

6. The appeal site comprises a two-storey detached dwelling that is a Grade II listed building¹ located on Main Street. The listed building is a former pair of mid-19th Century cottages that now forms a single dwelling. It is constructed of coursed squared stone with Collyweston stone slate roofs, coped gables, and ridge and end stacks with twin shafts set diagonally. The historic building is well proportioned with a symmetrical structure. Its front elevation has a central gabled projection with a shallow bay to first floor and two round-headed casement windows to ground floor. The central gable is flanked by two smaller gables either side with rectangular windows at first and ground floors.
7. Despite its conversion into one dwelling, the building maintains its integrity and authenticity as a traditionally constructed pair of cottages. Pertinent to the appeals, it largely retains its modest form and symmetrical design, and the historic central gables are still legible on the front and rear elevations. Although there is a modern glazed conservatory to its side elevation, this appears as a wholly subservient and mostly glazed, lightweight structure. As such it does not compete with, or unduly detract from, the historic core of the property, and has a neutral effect on its character. Thus, overall, the building remains an attractive historic residence typical of the local vernacular building styles.
8. Given the above, I find that the special interest and significance of this heritage asset largely derives from its historic and architectural interests. These are drawn from its modest scale and proportions and its symmetrical design. It is also from its illustration of a former pair of cottages located within a prominent position opposite the church, as well as the historic fabric and features that survive from the physical origins of the historic building.
9. The listed building is located within the Tinwell Conservation Area (CA). The CA encompasses the buildings and spaces fronting Main Street, which includes the appeal property and the Church of All Saints positioned opposite the site. This part of the CA is characterised by stone dwellings set back from the road behind boundary treatment of walls and hedges. The buildings vary in appearance and scale but collectively provide a consistent character, including prominent gable features, stacked chimneys, and construction from similar materials. Pertinent to the appeals, the buildings within this area of the CA are generally well proportioned with a symmetrical disposition.
10. The special interest and significance of the CA mainly stems from the variety and architectural richness of its buildings that denote its evolution and the distinct form and layout of the village. The appeal listed building is located within the historic core of the village and largely retains its overall external historic character and detailing. It therefore makes a positive contribution to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Proposal and effects

11. The proposal seeks permission for the removal of the modern conservatory to the side of the building and the erection of a two-storey side extension.

¹ List Entry Number: 1361516, 12 Main Street, Grade II

12. The proposed extension would be wider than the existing conservatory structure and would be substantially taller. It would also project well beyond the rear building line of the property, protruding into the garden area as a two-storey structure. As a result, a substantial and imposing structure would be formed, creating a significant bulk and mass that would not appear subservient to the listed building. Consequently, it would appear as a prominent addition to the historic fabric, particularly by reason of the size of the structure.
13. I acknowledge that the proposed extension would be slightly set back from the listed building's front elevation and would incorporate a lower ridge height. Nevertheless, given its overall size and siting, the significant modern addition would compete with and distract from the historic form and character of the building's front elevation, creating an uneven appearance. Consequently, it would stand out as an incongruous structure, disrupting the visual balance and harmony of the building's front elevation which contributes to its historic merit.
14. The proposal would also almost entirely obscure the listed building's eastern gable end, including the profile of the end chimney. Thus, its presence would overwhelm the modest character and historic features of the building's side elevation.
15. Additionally, the proposed gable feature to the rear elevation would be unduly dominant and its positioning would unbalance the existing rear central gable feature, to the detriment of the structure and harmony of the building. The proposal would therefore be at odds with the existing building, appearing awkward and unrelated to its scale and design. This would harm the legibility of the listed building and its historical form.
16. The appellant states that the proposal's elevation facing the rear garden would be of close-timber cedar boarding, bringing in a modern element which would not be seen from the street-scene. However, the introduction of cedar cladding would be an unfamiliar material to the listed building and thus not sympathetic to its historical design. Although the building is set back from the road and views from Main Street would be partially screened by mature trees and hedgerow, the proposed extension, including the proposed cladding, would be clearly seen from within the appeal site. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
17. The appellant suggests that the conservatory to the east elevation already breaks the symmetry of the existing dwelling, with an addition that is not harmonious to it. However, the glazed conservatory appears subservient to the listed building, unlike the proposal which would have a larger bulk due to its greater overall height and scale and solid structure. In any event, the presence of the existing conservatory, which I find has a neutral effect on the listed building, does not justify unacceptable development and works.
18. The appellant states that no historic fabric would be lost by the proposal. It would also include some sympathetic detailing and materials respectful of the listed building that could be reasonably secured through the imposition of planning conditions. Nevertheless, these acceptable aspects do not overcome the fundamental objections to the proposed extension's scale and form.
19. Taking into account the building's prominence along Main Street, it follows that the identified negative effects to the listed building would also harm the

positive qualities of the CA as a whole. In these regards, the proposal would not preserve or enhance the character and appearance of the CA as a whole and thus would harm its significance as a designated heritage asset.

20. Drawing the above together, the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Tinwell Conservation Area. In doing so it would harm the significance of these designated heritage assets.

Public Benefits and Balance

21. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal, including where appropriate, securing the asset's optimum viable use.
22. In this case, economic benefits would be delivered through the construction phase and the general investment into the property. Social benefits would be generated by an improvement to the local housing stock. The proposal would also make an effective use of land in a sustainable location. These outcomes would be moderated by the extent of the scheme, but still weigh in favour of the appeals. Nevertheless, the proposed two-storey extension to the side of the house to allow for additional accommodation for family use, would primarily be a private benefit to occupants of the property.
23. I am not persuaded that the only way of securing such benefits would be via the proposal. Additionally, it has not been demonstrated that the property would not be usable or viable as a dwelling or that its future would be at risk if the appeals were to fail and the development and works as proposed were not implemented. In these respects, the identified harm to the significance of the listed building and the CA has not been clearly and convincingly justified.
24. On balance, in giving considerable importance and weight to the harm to the significance of the listed building and the CA, I find that this would not be outweighed by the limited public benefits arising from the proposal.
25. I conclude that the proposal would not i) preserve the listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character and appearance of the CA. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policies CS19 and CS22 of the Rutland Core Strategy Development Plan Document (adopted 2011), Policies SP15 and SP20 of the Rutland Local Plan Site Allocations and Policies Development Plan Document (adopted 2014), and Policy KT6 of the Ketton and Tinwell Joint Neighbourhood Plan 2021-2041 (2023). Collectively, these policies amongst other things, seek to ensure development contributes positively to local distinctiveness and the character of identified features, and conserves and where possible enhances the historic assets and their settings.

Other Matters

26. I acknowledge the submitted representation of support, which includes support for replacing the existing conservatory with the proposed two-storey extension. However, none of the evidence before me leads me to a different view.
27. It is suggested that neighbouring properties that are listed buildings have had extensions in recent years. During my site visit I observed that the neighbour's side extension at 'The Old Rectory' was set back from the road and appeared to be lower in height than the proposal before me. Nevertheless, each case must be decided on its own merits, and I am not fully aware of all the circumstances relating to each of these other extensions. For the appeals before me, the proposal would not be appropriate for the reasons given above.
28. The appellant has also referred to several other developments in Tinwell, including developments on Main Street and Crown Lane. I do not have the full details of each scheme before me. However, from the evidence available to me, these other developments relate to differently configured buildings that are set within a different site context to the appeal building. I also note that some of these other buildings are not listed. Thus, these other scheme's effects and situation in relation to the CA are not directly comparable to the proposal before me, which is for a listed building with its own specific characteristics. In any event, I have determined these appeals on their own merits based on the information before me and my own observations of the area.
29. The appeal site sits in proximity to other Grade II* and Grade II listed buildings². From the information before me the special interest and significance of these assets primarily stem from, singularly or in combination, their archaeological, historic and/or architectural interest. However, they are also derived, to a greater or lesser extent, from their respective churchyard, garden and village settings.
30. Given the location and extent of the proposal, the settings of these listed buildings would be preserved and the contribution they make to the assets' significance would not be harmed. This would meet the requirements of section 66(1) of the act; the provisions of the Framework regarding the conservation and enhancement of the historic environment; and the policies referred to above. I note the Council raised no concerns in this respect either.
31. The appellant's states that the proposal would improve the current and future occupier's ability to enjoy the Chilterns Natural Landscape by adding a 'biophilic design'. However, there is insufficient information before me to demonstrate how this would be achieved. It therefore attracts little weight.
32. The proposal would not result in unacceptable adverse impacts on any neighbouring amenities or highway safety. Nevertheless, these are neutral considerations and do not weigh in favour of the proposal.

Conclusion

33. Appeal A: The proposed development would conflict with the development plan when taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the

² Church of All Saints (Grade II*), All Saints churchyard wall and gateway (Grade II), The Old Rectory (Grade II), 13 and 14 Main Street (Grade II), and The Limes (Grade II).

development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.

34. Appeal B: For the reasons given, I conclude that Appeal B should be dismissed.

H Smith

INSPECTOR