



Appeal Decisions

Site visit made on 9 July 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal A Ref: APP/F2415/W/23/3330639

Ruperts Rest, 43 Main Street, Great Glen, Leicestershire, LE8 9GH

- 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 G Bains against the decision of Harborough District Council.
- The application Ref is 23/00266/FUL.
- The development proposed is take down existing stone pier of existing boundary wall at entrance to site. Increase width of opening by 1.5metres. Rebuild stone pier in new position. Existing cast iron gate to be replaced with a new cast iron gate to suit new opening width.

Appeal B Ref: APP/F2415/Y/23/3330634

Ruperts Rest, 43 Main Street, Great Glen, Leicestershire, LE8 9GH

- 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 G Bains against the decision of Harborough District Council.
- The application Ref is 23/00267/LBC.
- The works proposed are taking down of the existing stone pier of existing boundary wall at entrance to site. Increase width of opening by 1.5metres. Rebuild stone pier in new position. Existing cast iron gate to be replaced with a new cast iron gate to suit new opening width.

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Both appeals relate to the same proposal under different but complementary legislation. I have therefore dealt with both appeals together in my reasoning.
4. In the Design and Access Statement the appellant notes that the listing description for Rupert's Rest refers to the house itself and not its curtilage features. As listings are primarily for identification purposes, they do not provide a complete description of the building's special interest. Moreover, when a building is listed, it is listed in its entirety. This means that the building itself is protected along with, amongst other matters, any object or structure within the building's curtilage, which although not fixed to the building, forms part of the land and has done so since before 1 July 1948. I have no substantive evidence to indicate that those circumstances do not relate to the structures, subject of this appeal. Therefore, for the avoidance of doubt, I have determined the appeals on the basis that the front boundary features to which the appeals relate are protected by the listed status of Rupert's Rest.

Main Issue

5. The main issue in both appeals is whether the proposal would preserve the Grade II listed building, Rupert's Rest, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

6. The National Planning Policy Framework ('the Framework') identifies at paragraph 195 that heritage assets are an irreplaceable resource. Paragraph 205 of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, such as a listed building, great weight should be given to the asset's conservation.
7. Ruperts' Rest is a Grade II listed building (Ref 1360685) located towards the centre of Great Glen. It is a very attractive, two storey, detached house dating from the early eighteenth century and is spaciouly set within a large mature garden with a wide conservatory attached to its western side. The house is orientated at a right angle to Main Street behind a high brick wall with a double gated entrance framed by tall sandstone piers.
8. The building is constructed from brick with a Swithland slate roof. The front elevation of the house, which was stuccoed in the nineteenth century, has a pleasing symmetry with large, four pane sash windows and a front door framed by carved consoles and a short, flat canopy.
9. The tall boundary wall built in Flemish bond and the impressive stone piers and ornate metal gates provide a high degree of enclosure and privacy to the house and its gardens, and are indicative of the status of the dwelling. Owing to the absence of signs of aging, the gates are most likely to be more recent than the wall and stone piers which are likely to be contemporary with the building. During the site visit I saw that recent slight gouging was present on the lower sandstone blocks on the left pier and older scrapes were present on the lower blocks of the right pier. The appellant states the damage to the left pier, and the resulting removal and storage within the garden of the left pier stone cap, was the result of vehicles coming into contact with the pier when passing through the entrance.
10. On the basis of what I have read and seen, as far as is relevant to the proposed works, the special interest and significance of Rupert's Rest is mainly due to its polite, well-proportioned architectural style associated with the eighteenth and nineteenth centuries and its authenticity. The property's front boundary wall and gated entrance contributes to that significance.

Appeal proposal and its effects

11. The proposal that is the subject of the appeals is widening of the gated entrance. At present it is approximately 3m wide and it is proposed to widen it to approximately 4.5m. This would involve taking down the southern stone gate pier, demolishing 1.5m of the boundary wall, re-erecting the gate pier and installing a new set of wider gates.
12. The proposal would therefore result in the loss of historic fabric. The creation of an entrance approximately 50% wider than the existing entrance would also

reduce the degree to which the house and its garden are enclosed. This would erode the private, intimate setting of the house and garden which contributes to its significance. Furthermore, the increase in width would also result in a far grander entrance than would be in keeping with the scale of the house and would therefore undermine the authenticity of this designated heritage asset and adversely affect its architectural and historic interest.

Other Matters

13. Two Grade II listed buildings are located approximately 100m away to the south: Chesterfield House, Main Street and a war memorial on the green between Main Street and London Road. These heritage assets are not visible from within the house or grounds of Rupert's Rest and are barely discernible from the street directly outside the appeal property. It forms no part of the Council's case that the appeal proposal would adversely affect the setting of these two buildings and I agree with that position.

Public benefits and balance

14. The harm that would be caused to the significance of the listed building would be less than substantial. Paragraph 206 of the Framework requires clear and convincing justification for any harm to the significance of a designated heritage asset. Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
15. In accordance with the statutory duty, I attach considerable importance and weight to the harm that would be caused by the proposed works. Two public benefits are put forward in favour of the scheme: preservation of the heritage asset by reducing the risk of collision and damage to the stone pier and adjacent wall; and, increased public safety by minimising the risk of collision and collapse of the stone pier and wall.
16. In relation to preservation, multiple collisions with the stone piers have been referred to, but no substantive evidence has been provided of these incidents or the circumstances surrounding them. It is evident that some damage has occurred and that the capstone to the left pier has been dislodged and removed pending repair. However, the gouging that has occurred is shallow and is primarily limited to the lower blocks. Moreover, at approximately 3m in width the entrance way exceeds the minimum 2.75m width sought for a single dwelling by Leicestershire Highways Design Guide. The entrance is therefore wide enough for a competently driven vehicle of the size normally associated with residential use to comfortably pass through. The fact that the driveway and parking area within the grounds of the house are sufficiently large for such a vehicle to enter and leave without reversing onto the road adds further weight to this finding.
17. In relation to larger vehicles, I note that an intercom is present by the entrance and that a device has been attached that electrically operates the gates. As a consequence, the occupiers of Rupert's Rest are able to control who uses the entrance and with unrestricted on road parking to the right of the gates there would be no need for vehicles that are too large to pass through the gates to attempt to do so. For the reasons given, I therefore attach limited weight to this public benefit in favour of the appeals.

18. Turning to public safety, given the ample width of the entrance and the control that the occupiers have over its use by virtue of the electrically operated gates there is no good reason why future collisions should occur. Moreover, turning into or out of a residential gateway is a low speed manoeuvre, especially if concerns exist about whether a vehicle will make contact with one side of the entrance. As a result, any contact with a pier is likely to occur at low speed and such contact with a well repaired, stout stone pier is unlikely to result in its toppling or collapse. Accordingly, I attach little weight to this public benefit in support of the appeals.
19. Taking all these matters into account, my overall conclusion is that the public benefits of the proposals do not outweigh the considerable importance and weight that I attach to the harm that would occur.
20. Accordingly, the proposal would not preserve the Grade II listed building, Rupert's Rest, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Conflict would also occur with policies GD8 and HC1 of the Harborough Local Plan and the provisions within the Framework which seek to conserve and enhance the historic environment and good design.

Conclusion

21. For the reasons given above, I conclude that both appeals should be dismissed.

Ian Radcliffe

Inspector