



Appeal Decision

Site visit made on 29 May 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/A2470/D/25/3363656

38 Stamford Road Oakham Rutland LE15 6JA

- 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 Benjamin Neve against the decision of Rutland County Council.
 - The application Ref is 2024/1441/FUL.
 - The development proposed is new garage in front of house; partial removal of wall to widen access to accommodate new pillars & gates.
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Decision

1. The appeal is allowed and planning permission is granted for new garage in front of house; partial removal of wall to widen access to accommodate new pillars & gates at 38 Stamford Road Oakham Rutland LE15 6JA in accordance with the application Ref: 2024/1441/FUL and the plans submitted with it, subject to the following conditions:
 - 1) The construction of the development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: 2421465-0800 Rev.C2 (foundation design and layout); 2421465-0801 Rev.C1 (foundation details); and Paste Architects drawings AKO185; AKA188; AKA187; AKA 188; AKA189; AKA190.
 - 3) The works shall be undertaken in accordance with the recommendations and measures set out in the Arbtech Arboricultural Method Statement (including appendices listed) dated 21 November 2024 and drawing Arbtech AIA.01.

Main Issues

2. The Main Issue is the effect of the proposed development upon the character and appearance of the Oakham Conservation Area (OCA) having particular regard to the protected lime tree and its root protection area.

Reasons

3. Stamford Road is a main approach road to the centre of Oakham that has a spacious and verdant character with wide verges and significant mature trees. The proposed new garage would be located in the forecourt area of 38 Stamford Road

(No.38) a large detached dwelling aligned, broadly, with neighbouring dwellings that are typically set well back behind established treed frontages. The perimeter of the OCA lies along the main façade of No.38 and its neighbours and therefore includes the whole foregarden area.

4. The proposed garage, by its design which is similar in form to that of the adjacent garage at No.36, would preserve the character and appearance of the OCA. It would, however, partly intrude upon the Root Protection Area for a mature Lime Tree¹, which is located close to, but beyond, the shared boundary with 36 Stamford Road. The tree is subject to a tree preservation order (TPO) and makes a significant and important contribution to the character and appearance of this part of the OCA. Having regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the OCA I consider protection of this tree should have a high priority as its loss would be detrimental to the character and appearance of the OCA.
5. Although the Council's refusal is based on conflict with the protected tree's RPA, it does not appear that the mitigations measures proposed by the appellant, which avoid trenching for foundations, have been fully considered. The Council's refusal reason states that the proposed garage would be '*within the Root Protection Area*' (RPA) of the protected lime tree, whereas the overlap of RPA is limited to a quadrant, approximately one quarter of the garage footprint and the majority of the assumed RPA lies outside the curtilage of No.38 and the proposed garage footprint.
6. The appellant has provided an Arboricultural Assessment and details of protection measures. These include a foundation design which would support the proposed garage on a number of screw piles and thereby avoid foundation trenching. Overall, with the measures proposed I find the development would preserve the tree and its contribution to the conservation area.
7. I therefore find little conflict with Policies CS19 and CS22 of the Rutland Core Strategy DPD which seek to protect the natural environment or with Policies SP15 and SP19 of the Site Allocations and Policies Development Plan Document 2014 which seek that development should meet the requirements for good design and preserve or enhance biodiversity. Consequently, having taken all matters raised into account, my reasoning directs that the appeal should succeed subject to timing and plans conditions and conditions to ensure the development proceeds in accordance with the protection measures proposed.

Andrew Boughton

INSPECTOR

¹ Identified as T13 in the appellant's arboricultural report.