

Appeal Decision

Site visit made on 6 August 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/A2470/W/25/3363905

8 Reeves Lane, Wing, Rutland, LE15 8SD

- 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 D and M Smeeton against the decision of Rutland County Council.
 - The application Ref is 2024/0738/FUL.
 - The development proposed is demolition of existing dwelling, detached garage and shed and construction of 1 no. replacement dwelling with integral garage. Proposed erection of detached outbuilding to rear of site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area; and ii) the living conditions of occupiers of neighbouring properties.

Reasons

Character and appearance

3. The site comprises a modest detached bungalow in a generous plot of land on the western side of Reeves Lane, which slopes gradually downwards from Top Street to Bottom Street. The ground level of the dwellings on the western side of the street is also higher than the road level. The building line is staggered, with the adjacent dwellings at nos.6a and 8a being set further back from the road than other properties. On the opposite side of Reeves Lane, some dwellings are sited close to the edge of the road, whereas others are set back. Nearby dwellings comprise a variety of types, height, scale, age and materials, with no uniformity in terms of either siting or design. However, they are predominately detached properties in spacious plots separated by trees and hedges, with low stone boundary walls to the front. Where buildings are located close to the side boundaries, these tend to be only single or one and a half storeys high. The space and landscaping between and surrounding properties makes a positive contribution to the character and appearance of this rural village.
4. Except for the small single storey projection to the front of the integral garage, the proposed dwelling would be sited no further forward within the site than the front of the existing bungalow. It would extend marginally further back than the existing conservatory and would extend across the existing side driveway, leaving only a narrow footway and limited space for the growth of the boundary hedge between

the side of the house and no.6a. Although the northern side elevation of the new dwelling would be no closer to the boundary than the existing garage, I noted on site that this space is taken up by the hedge and as such, access along this side would require the hedge to be constantly cut back, reducing its screening and amenity value. Marginally increasing the space between the side elevation of the new house and the boundary hedge, would maintain the sense of space between dwellings and ensure the future health of the boundary landscaping.

5. The site reduces in width at the rear, and the new dwelling would be very close to the dog leg boundary of no.8a, leaving limited space for any access and landscaping to screen this part of the development within the appeal site itself. Reducing the depth of the single storey element of the southern rear wing of the proposed dwelling, adjacent to the dog leg corner of the boundary with no.8a, would make the development appear less cramped and would allow space for onsite landscaping. Neighbouring hedges outside of the appellants ownership and control cannot be conditioned or relied upon to screen or soften the appearance of the development.
6. The dwelling would comprise a mixture of complimentary modern and traditional elements. The staggered elevation and roof line would break up the massing of the building and the frontage would be predominantly finished in stone with slate roof tiles, which would be more appropriate than zinc, as originally proposed, on the main frontage building that is more traditional in terms of its appearance. Zinc roofs on the rear wings, which are more contemporary in appearance would be acceptable, particularly if the eaves and ridge height of the northern wing was reduced to appear subservient and to reflect the southern wing and the height of no.6a. As the existing bungalow and part of the dwelling at no.6b are timber clad, as well as other properties in the village and conservation area, the addition of this to the new dwelling would not appear out of character and the charred colour of the cladding would tie in with the slate roof and the aluminium windows and doors. Large windows and roof lights are also not uncommon along Reeves Lane. Whilst the council refer to the principal façade as being unbalanced, I do not concur with that view or the need for it to be so, given that very few properties in the area have symmetrical frontages.
7. The timber clad outbuilding in the rear garden has already been partially constructed and it is apparent that only its truncated hipped roof, which would slope away from the site boundaries and have a glazed flat top, would be visible from within neighbouring gardens. An adequate area of private rear garden space would be retained, which would be proportionate to the size of the dwelling. Accordingly, I find that this aspect of the proposal would not result in any harm.
8. Whilst the increased height and width would make the new dwelling more visually prominent in the street scape than the existing bungalow, it would not be significantly wider or higher than the dwellings to either side of it due to the change in ground levels. I note that no.10 is located uphill from no.8a, projects significantly further forward than it, and is highly visible above the boundary hedgerow in views from no.8a and from the street. It does not however result in any harm to the character and appearance of the area, although I acknowledge it is only one and a half storeys.
9. The site lies outside of the conservation area (CA) and no harm to this is cited in the reasons for refusal, albeit heritage policies have been referred to. The statutory

duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 only applies to buildings and land within a conservation area, not to land adjacent to it or to its setting. The existing building is of no historic interest and has no historic connection to the CA. The new dwelling would not obstruct any important views into or out of the CA and would be of high-quality contemporary design, which would respond to local context through its incorporation of traditional and modern materials, avoiding a bland pastiche approach. Views of this from the CA would not result in any harm to its historic significance, which is derived from the age, materials and architectural features of historic buildings and structures in the village centre. Moreover, the proposed dwelling would be a significant improvement over and above the design and materials of the one it would replace.

10. I have not been advised that the existing dwelling does not benefit from permitted development rights, which would enable a domestic outbuilding up to half the size of the existing garden to be constructed without the need for planning permission, subject to height limitations and boundary proximity. The dwelling could also be significantly extended to the sides, rear and even upwards under permitted development rights and subject to prior approval. These are material considerations to which I afford moderate weight, given that extending the dwelling is not a favoured proposal and would be unlikely to achieve the desired outcome or requirements of the appellants. Nevertheless, that does not mean it would not occur if more favoured proposals do not obtain planning permission, and such a development would be likely to be of lower design quality and energy efficiency.
11. I therefore broadly agree with the conclusion of the council's Design Officer that the style and materials of the proposed dwelling are acceptable but the proximity of the southern rear wing to the western dog leg boundary shared with the bungalow, and to a lesser extent the proximity of the northern side elevation to the northern boundary with no.6a should be slightly increased to safeguard the space and landscaping between plots. I acknowledge that the council's Forestry Officer has raised no objections, and that no mature or protected native species trees would be lost. However, this does not alter my view that space and planting along boundaries are a distinctive and positive characteristic of the area that should be retained and that the long-term future of landscape screening on third party land cannot be guaranteed.
12. The proposal would therefore fail to accord with policy CS19 of the Rutland Core Strategy July 2011 (the CS), policies SP5 and SP15 of the Rutland Site Allocations and Policies Development Plan Document October 2014 (the SAPDPD), policies HBE6 and HEB7 of the Wing Neighbourhood Plan 2024 (the NP) and paragraph 135 of the National Planning Policy Framework (the Framework), in so far as they seek to ensure new development contributes positively to local distinctiveness, is appropriate in terms of its relationship to adjoining buildings and landscape features, retains natural boundaries, features and spaces, contributes to the character of the settlement and incorporates landscaping into its design.
13. However, I find no conflict with policy CS22 of the CS, policy SP20 of the SAPDPD, or Section 16 of the Framework, which seek to preserve historic assets and their settings, or with policy ENV12 of the NP, given that none of the key characteristics listed within the landscape character area would be affected.
14. Appendix 3 of the NP is the Wing Village Design Guide, which like the Design Guidelines for Rutland and South Kesteven, is not policy. I have not been advised

which part or parts of these lengthy documents the council consider the proposal to conflict with, and as such I have afforded these documents very limited weight and have focussed instead on the most relevant policies, as well as the specific site and its more immediate surroundings.

Living Conditions

15. I was invited to view the site from the first-floor rear windows and the gardens of no.6a, from where the difference in ground levels was very apparent. I noted that there are two small ground floor windows in the side elevation to this property, albeit these are not primary sole windows to habitable rooms and already look out onto a high hedge, with one being partially covered by foliage from a climbing plant. Whilst first-floor windows in the new dwelling would inevitably allow some overlooking into the garden of no.6a, which does not currently exist, most gardens are overlooked to some extent, and this is not usually considered harmful or a reason to withhold planning permission. I noted that the garden to the appeal site is already overlooked by the occupiers of no.6a.
16. The roof of the new outbuilding would be visible above the hedge, but as this would slope away from the boundary, I do not consider that this would be overbearing or result in any significant overshadowing. Due to the staggered building line and the space to be retained between the new dwelling and no.6a, the oblique views of the new dwelling from the front windows of no.6a would not be overbearing, provided the boundary hedge is retained in good health to soften its appearance. Marginally increasing the gap between the new dwelling and the boundary would ensure this as well as minimising the risk of any increased overshadowing of the front garden of no.6a resulting from the increased height and reduced separation distance of the new dwelling, which would be on higher ground and to the south.
17. A small part of the western boundary (where it dog legs as opposed to the end of the main garden), is very close to the front corner of the bungalow at no.8a. The bungalow does have a habitable room window in what I assume was its original frontage, at the side of the front projection. The southern wing to the rear of the new dwelling would project almost up to this boundary, and although the closest part of it to the bungalow would be single storey, a privacy wall or planting is proposed above this, the height of which would be overbearing given its close proximity to the boundary and to the bungalow itself, and the lack of space to maintain any landscaping. As the new dwelling would be to the north of no.8a, it would not result in any overshadowing of this property.
18. The side garden of no.8a would be overlooked from first floor windows, but this would be acceptable as already outlined above and the garden area to the rear of the bungalow would remain private. The nearest first floor window to the bungalow would be that to the proposed principal bedroom, which would be at an oblique angle and set back sufficiently from the bungalow to avoid overlooking. As the proposed flat roof areas could not be used as balconies without planning permission, these would not result in harm to the privacy of occupiers of neighbouring properties.
19. The proposal would therefore fail to accord with policy CS19 of the CS and policy SP15 of the SAPDPD, in so far as they require new development to have an appropriate relationship with adjoining buildings, not to cause unacceptable visual intrusion and to ensure neighbouring occupiers are protected.

Conclusion

20. For the reasons given above, I conclude that the proposal conflicts with the development plan when taken as a whole, and the material considerations before me do not indicate that a decision should be taken other than in accordance with this. Accordingly, the appeal is dismissed.

R Bartlett

INSPECTOR