

PLANNING AND LICENSING COMMITTEE

15 March 2022

APPEALS

Report of the Director of Places

Strategic Aim:	Delivering Sustainable Development	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Ian Razzell - Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

- 1.1. This report lists for Members' information the appeals received since the last meeting of the Planning & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/A2470/W/21/3285313 – Jenny Campbell / Russon Campbell Developments– 2021/0997/FUL**
35 Main Street, Empingham

Demolition of detached garden outbuildings and boundary fence and construction of new detached dwelling.

Delegated Decision - The proposal development would result in the loss of a historically undeveloped space that contributes to the character and appearance of Crocket Lane and the setting of the Listed Buildings on land to the south. The design of the proposed dwelling would be of excessive proportions for such a restricted plot, both in terms of its footprint and massing, and the design also includes an excessive number of rooflights and some elevations appear over-fenestrated. The development would also have an adverse impact on the setting of the neighbouring Listed Buildings (Nos. 2 and 4 Crocket Lane) by removing the openness that the site in its undeveloped state affords to their setting and harmfully interrupts views of these buildings and have an overbearing presence. Consequently, the proposal would result in harm to the identified heritage assets. The degree of harm is assessed as being less than substantial, and therefore paragraph 202 of the NPPF (July 2021) requires that this harm to be weighed against any public benefits arising from the development. The proposed development would neither preserve nor enhance the character and appearance of the Empingham Conservation Area, contrary to the provisions of Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 and therefore would fail to preserve or enhance the character and appearance of the adjacent Conservation Area and setting of nearby listed building. As such the proposed development would be contrary to policies CS19 (Promoting good design) and CS22 (The historic and cultural environment) of the Council's Adopted Core Strategy (2011), and policies SP5 (Built development in the town and villages), SP15 (Design and amenity), SP20 (The historic environment) of the Site Allocations and Policies DPD (2014) and Chapters 12 and 16 of the NPPF (2021).

The proposed access to the site is inadequate and below the standard required by reason of substandard vehicle to vehicle visibility and vehicle to pedestrian visibility splays. As a consequence, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety of users of the adjoining public highway. The proposed development would not provide adequate facilities within the curtilage of the site for turning of vehicles and the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway. It has not been demonstrated that vehicles can enter and egress the proposed access within the constraints of the narrow carriageway of Crocket Lane. The proposal is therefore contrary to Section 9 of the NPPF (2021) and policies SP5 and SP15 of the Site Allocations and Policies Development Plan Document (2014). Paragraph 194 of the National Planning Policy Framework (2021) requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum the relevant historic environment record should have been consulted and the heritage assessed using appropriate expertise where necessary. The submitted Design and Access statement does not properly assess how the proposed development conforms to national and local plan policy requirements and guidance published by Historic England on assessing the significance of heritage assets and how their setting contributes to their significance.

Paragraph 194 of the National Planning Policy Framework (2021) requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum the relevant historic environment

record should have been consulted and the heritage assessed using appropriate expertise where necessary. The submitted Design and Access statement does not properly assess how the proposed development conforms to national and local plan policy requirements and guidance published by Historic England on assessing the significance of heritage assets and how their setting contributes to their significance. The requirements of paragraph 194 of the NPPF and Policy CS22 (The historic and cultural environment) of the adopted Core Strategy (2011) and Policy SP20 (The historic environment) of the adopted Site Allocations and Policies Development Plan Document (2014) have not in this instance been complied with and so an informed decision as to the impact of the proposed works on the Empingham Conservation Area cannot be arrived.

The proposed new dwellings and car port block by virtue of their location, scale, design and form would result in a detriment impact of the residential amenities of existing and future neighbouring properties. In addition a large number of trees are proposed to be removed, including those in an existing orchard. No arboricultural and ecology reports have been submitted nor has any relevant information been submitted to show how the development would conserve and/or enhance biodiversity on the site. The proposal is therefore contrary to Sections 12, 15 and 16 of the NPPF (2021), Policy CS19 (Promoting good design), CS21 (The natural environment) and C22 (The historic and cultural environment) of the Core Strategy, Policy SP5 (Built development in the towns and villages), SP15 (Design and amenity), SP19 (Biodiversity and geodiversity conservation) and, SP20 (The historic environment) of the Site Allocations and Policies Development Plan Document,

3. DECISIONS

3.1 APP/A2470/D/21/3281386 – Mr N Cox – 2021/0624/FUL

8 Larchfield, Oakham, Rutland, LE15 6PP
Rear first floor extension to dwelling.

Refused – Delegated Decision

Appeal decision: Dismissed 22 February 2022

3.2 APP/A2470/D/21/3285015 – Mr Kevin Williams – 2021/0926/FUL

9 Main Street, Barrow, Rutland, LE15 7PE

Conversion of existing front elevation roof window into a pitched roof dormer window. Installation of a heat pump to rear side elevation. Erection of steel open frame supporting a glazed pitched roof with three solar panels on the south facing pitch. Installation of additional solar panels to the south facing pitch of existing roof of dwelling. Electricity storage batteries for the panels to be positioned on existing flat deck of single storey extension.

Refused – Delegated Decision

Appeal Decision: The appeal is dismissed insofar as it relates to an upper storey rear extension. The appeal is allowed insofar as it relates to a front dormer window and a heat pump 28 February 2022

3.3 APP/A2470/W/21/3288785 – Mr J Gibbison / Hereward Homes Ltd – 2020/0906/FUL

Land to the rear of 30A Main Street, Cottesmore, Rutland

Refused – Delegated Decision

Appeal Decision: Dismissed 01 March 2022

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

7.1 Alternatives have not been considered as this is an information report

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

10. EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 This report gives details of decisions received since the last meeting for noting.

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.