

CHERWELL DISTRICT COUNCIL

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Appeal by Mr and Mrs Alex Pasteur against the refusal of Cherwell District Council to grant listed building consent for the creation of a jib door and stair, and associated works to include the removal of ceiling joists at Cedar Lodge, North Side, Steeple Aston, OX25 4SE.

Appellant : Mr and Mrs Alex Pasteur

Appeal Site : Cedar Lodge
North Side,
Steeple Aston
OX25 4SE

Appellant's Agent : Mr Nicholas Worlledge
Worlledge Associates
3 Cornmarket Street
Oxford
OX4 4JG

LPA Reference : 19/02465/LB

Planning Inspectorate Reference : APP/C3105/Y/20/3251498

1. INTRODUCTION

- 1.1. The Council's case in this appeal is principally as set out within the Officer's report for the planning application, a copy of which has been attached as Appendix 1. This Statement of Case does not intend to repeat or duplicate the arguments set out in this report, but instead focuses on responding to and clarifying the key issues that arise from the appellant's grounds of appeal.

2. COMMENTS ON THE APPELLANT'S GROUNDS OF APPEAL

- 2.1. Cherwell District Council Senior Conservation Officer Jennifer Ballinger has provided detailed comments on the appellant's grounds of Appeal and these are attached at Appendix 2.
- 2.2. At Paragraph 20 of the appellants Appeal Statement, the Agent explains that the Ward Councillor submitted a request for the application to be determined at Planning Committee, although this was subsequently rejected by Officers, ultimately leading to the application being refused under delegated powers.
- 2.3. For clarity, the Interim Senior Manager of Development Management did receive a request for the application to be called before the Planning Committee. In accordance with the terms of the Council's Constitution and Scheme of Delegation, the request was forwarded to the Chair of the Planning Committee and they were consulted with. The conclusions of that consultation were that the application would be determined by Officers under delegated powers for the following reasons:
 - That the request had not been made within 21 days of the registration of the application and therefore falls outside the period for a call-in request;
 - No planning or other reason, as set out in the Constitution/Scheme of Delegation, has been put forward that would justify the application being referred to Committee.
- 2.4. It was noted that the applicant disagreed with the Officer's assessment of the application, but that was not considered a reason that justified the application being referred to Planning Committee.
- 2.5. The Officer report and this statement refer to unauthorised works that were found at the time the subject of this appeal was assessed. Further investigation into this matter is ongoing and a decision regarding whether it is expedient to take enforcement action has temporarily been delayed due to the current situation with COVID-19.

3. CONCLUSION

- 3.1. The Council submits that the proposed breach through the building would result in less than substantial harm to the significance of the grade II listed Cedar Lodge through the erosion of the distinction between the differing functional areas of the building.
- 3.2. Government guidance contained within the National Planning Policy Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This guidance is echoed in Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1. Saved Policy C18 of the Cherwell Local Plan 1996 seeks minor and sympathetic alterations to listed buildings.
- 3.3. The Council considers that no public benefits would arise as a result of the proposed development, and that the works are not required to secure the optimum viable use of the building. The proposed breach is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. Accordingly, the Inspector is respectfully requested to uphold the decision made by the Local Planning Authority and dismiss this appeal.

4. SUGGESTED CONDITIONS

Without prejudice to the preceding statement, if the Inspector is minded to allow this appeal, the District Council would suggest the following conditions be included:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the details provided by the following plans: Drg. No's. 2018-1014-PL10 Rev. B and 2018-1014-PL14

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with The National Planning Policy Framework.
3. Prior to the commencement of the development hereby approved, a method statement detailing how the structural opening would be carried out, whilst avoiding the loss of historic evidence from earlier phases of the building, to include the recording of the existing evidence, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the work shall be undertaken in accordance with the approved method statement.

Reason - To safeguard the preservation and retention of historic evidence from earlier phases of the building, to record and advance understanding of the significance of the heritage asset and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

APPENDICES

Appendix 1 – Officer report for application 19/02465/LB

Appendix 2 - Conservation Officer response to Appellant's Grounds of Appeal

Appendix 3 – Photographs of ceiling following unauthorised removal of lath and plaster and two perspectives of gable wall showing remnants of internal plaster and possible timber lintel for a former window

Appendix 1 – Officer report for 19/02465/LB

Appendix 2 – Conservation Officer response to Appellant’s Grounds of Appeal

The proposal which forms part of the appeal has a significant planning history as has been outlined by the appellants.

The proposal to breach through between the two phases of the building in this location was originally considered as part of a whole building re-ordering to facilitate alterations desired by the new owners. Each of the proposed elements was considered on its merits with any harm caused balanced against any benefits. Internal alterations to private, domestic listed buildings rarely have any public benefits, but there is a general benefit in allowing the building to evolve and remain in an appropriate use. Listed building consent is about managing change appropriately and the majority of the proposed alterations to this listed building were considered acceptable and have resulted in successful listed building consents.

In the case of the proposed breaching through the building to provide an en-suite to the proposed master bedroom it was considered that the harm caused did not outweigh the benefits and that there were alternative less harmful options for providing this form of accommodation. This position has not changed throughout the applications.

Knowledge and understanding of Cedar Lodge and the relationship between the two phases of the of the building has evolved over time with the production of a series of Heritage Impact Assessments, new information including an historic buildings report by Steeple Aston Village Archive and the (unauthorised) removal of the lath and plaster ceiling in the proposed en-suite / dressing room which revealed historic fabric evidence.

The October 2019 version of the heritage statement (produced following the SAVA report claimed *‘The former farmhouse is adapted and pressed in to use as a service wing to the new house.....The new house with the former farmhouse, adapted to form a service wing dates from the late 18th or early 19th century and forms the basis of the current Cedar Lodge, which was subsequently adapted and extended’* and *‘The SAVA Report (2013) concludes that what is now the service wing as a former farmhouse dating from pre1767 and only became absorbed as part of the service wing once ‘The Lodge’ was constructed around 1767- 1780 to become a small Country Residence. It was subsequently extended in the 19th century. The extent of survival of the earlier building is thought to be limited. Physical examination of the fabric tends to confirm the view that there is very little of the earlier building left’* indicating that the (adapted) service wing pre-dated the principal building’.

The physical evidence revealed during the removal of the ceiling appear, however, to indicate the remains of internal plaster and a possible timber lintel for a former window which would suggest that the existing service wing building was built against the existing principal building.

Notwithstanding the precise phasing of the building the key issue is that the proposed doorway is to be cut through a principal wall between two sections / phases of the building with significantly different levels, functions and status. It is understood that there is already a link between the two phases of the building at ground floor. This appears to have been created prior to listing (it is first shown on ‘existing’ plans for listed building consent application 94/00020/NLB), but if it had been applied for through the listed building consent process the same balancing exercise would need to have been taken to assess the harm against the benefit.

Significance

A core part of the significance and special interest of the building lies in the historic evolution from farmhouse to small country house. The main element of evidence for this lies in the junction between the two phases of the building.

Assessment of Harm

Historic

There would be harm to the historic significance of the building through the disruption to the plan form of the building.

The fundamental issue is that the proposed development breaches through two physically and functionally distinct areas of the building which causes harm to an understanding of the evolution of the plan form of the building. Regardless of the precise historic evolution of the building the internal character of the 'service wing' is different to that of the principal property which is reflected in the change of levels, lower ceiling heights, relative size of rooms etc. ·

The proposal to create a link between the principal bedroom and this small servant's bedroom would create a 'false history' for the building reflecting a property of historically higher status with a series of ancillary rooms more reminiscent of grand country houses rather than the smaller country home of local 'gentleman' status that Cedar Lodge represents.

Evidential

There would be harm to the evidential significance of the building with the loss of historic building fabric from a principal wall and the loss of the lath and plaster ceiling (which has been subject to unauthorised works).

The harm caused would be non-reversible and permanent.

Aesthetic

Harm to the aesthetic significance is limited in the principal bedroom due to the proposal to use a jib door rather than a standard door and doorcase. There has never been an objection to the jib door itself – just its proposed location.

There is some limited harm to the aesthetic significance of the proposed dressing room / en-suite as there will be modern stairs descending into the room.

Communal

There is no harm to the communal significance of the property other than that part of the remaining history of the evolution of farmhouse into a small country house will have been lost.

Public benefit

There is no public benefit as this is an internal change to a listed building with no wider impact on the public.

There is not perceived to be any particular benefit to the property. An en-suite bathroom to this bedroom has already been consented in an alternative location which is considered to be less harmful.

The room can be used for a range of uses including home office, study, dressing / laundry room without this substantial breach through historic fabric.

Appendix 3 - Photographs of ceiling following unauthorised removal of lath and plaster and two perspectives of gable wall showing remnants of internal plaster and possible timber lintel for a former window

Ceiling following unauthorised removal of lath and plaster



Two perspectives of gable wall showing remnants of internal plaster and possible timber lintel for a former window

