

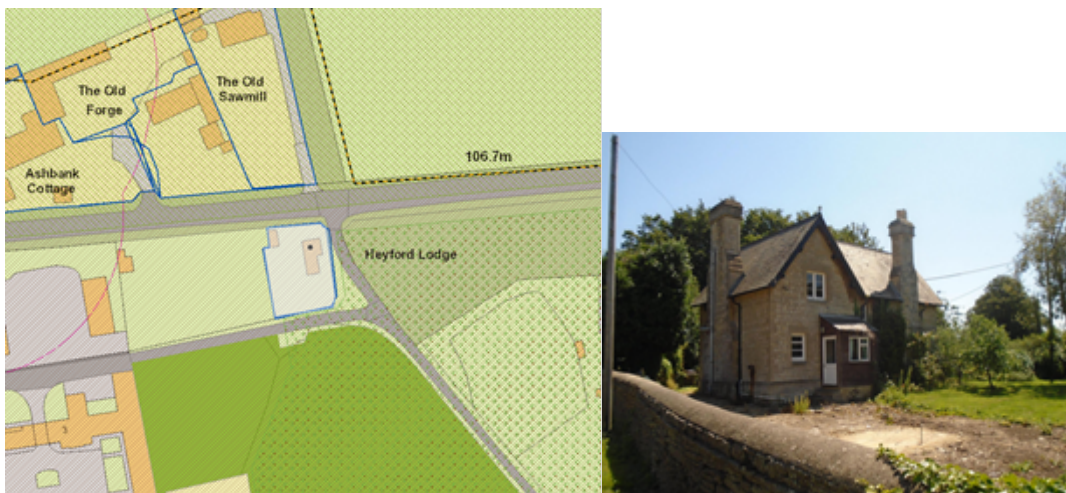
Case Officer: Gemma Magnuson

Recommendation: Refuse

Applicant: J H Norman & Sons

Proposal: Erection of a two storey rear extension with single storey lean-to side element, together with a minor enlargement of the open framed canopy over the front door

Expiry Date: 9 February 2024



1. Relevant Features of the Site

Potentially contaminated land
Major aquifer
Ardley Trackways SSSI within 2km
Minerals Consultation Area
NERC Act Section 41 Habitat Wood pasture and parkland in close proximity
Ponds in the vicinity
Adjacent to Middleton Park Grade II Registered Park and Garden

2. Description of Proposed Development

The application seeks planning permission to extend and alter the existing dwelling. More specifically, this would involve the erection of a two-storey pitched roof extension off the western facing elevation of the dwelling, and a single storey lean-to extension off the northern facing elevations of both the existing dwelling and the proposed two storey extension. The existing canopy lean-to canopy porch would also be extended with existing front door re-used.

The two-storey rear extension would have a depth of 5.3 metres from the existing rear wall, with a height and width slightly less than the existing rear gable feature. Two dormer windows are proposed within the southern facing elevation. The single storey lean-to extension would have a width of 3.2 metres, and a depth of 8.3 metres. Both extensions would be served by steps and a raised platform. The lean-

to porch canopy would be extended and the front door re-positioned within this. A further door would be positioned within the lean-to extension on the eastern facing elevation.

The extensions would be constructed using natural Cotswold stone walls with artificial sone dressed quoins and detailing. The roof would be natural slate to match that existing. Window openings would be double glazed with timber frames and a white finish, and doors would be timber.

3. Relevant Planning History and Pre-Application Discussions

The following planning history and pre-application discussions are considered relevant to the current proposal.

Application: 23/01646/F Refused 10 August 2023

Single and two storey extensions and internal modifications to existing dwelling.

The previous application was refused on the following grounds:

By virtue of their size, design, siting and choice of construction material, the proposed extensions would appear as bulky, overly prominent, unsympathetic and discordant additions to the dwelling that would draw undue attention to themselves, resulting in poor design and detracting from the visual amenities of the area and resulting in less than substantial harm to the historic significance of this heritage asset and the setting of the Middleton Park Grade II listed Registered Park and Garden. Furthermore, the applicant has failed to provide a heritage assessment to determine the impact of the development upon the historic significance of this potentially curtilage listed structure and the setting of the adjacent Grade II listed Registered Park and Garden. The proposed development is therefore contrary to Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

As part of the assessment of the previous application it was identified that the lodge could potentially be a curtilage listed building to Grade I and Grade II* listed Middleton Park House. A Heritage Assessment had not been submitted with the application and I had commented that any subsequent Heritage Assessment should determine whether or not the building is curtilage listed.

A Heritage Assessment has been submitted with the current application that concludes that the building is not a curtilage listed building. This assessment has been considered by the Conservation Officer and their response is included later in the report.

4. Response to Publicity

This application has been publicised by way of a site notice displayed near the site, expiring **18 January 2024**. The overall final date for comments was **18 January 2024**. One response was received in support of the application.

The comments raised by third parties are summarised as follows:

- Will enhance property and in-keeping with rural surroundings

5. Response to Consultation

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Middleton Stoney Parish Council – no comments received.

Mid-Cherwell Neighbourhood Plan Forum – no comments received.

The Gardens Trust – do not wish to comment.

OCC Minerals and Waste – no comment.

CDC Arboriculture – no comments received.

CDC Conservation – Object to the application and comment as follows:

Background

Heyford Lodge comprises a Victorian lodge house that was historically associated with the Grade I listed Middleton Park. Stylistically the lodge is designed in a gothic style of coursed squared stone with pitched slated roofs over featuring overhanging eaves with exposed rafters and stone stacks. The site lies at the northern end of the drive which approaches the Grade II registered park and garden (RPG) of Middleton Park from the north and lies immediately adjacent to the northern boundary of the RPG. Middleton Park was listed on 26th November 1951 and later converted into apartments in 1974.

Although not thought to be curtilage listed, the building is of some historical and architectural merit and could arguably be deemed to be a non-designated heritage asset.

This application follows previous application REF: 23/01646/F which was refused.

Curtilage listing

The curtilage of a building (the principal building) is in general terms any area of land and other buildings that is around and associated with that principal building. The courts have said that there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building:

- *the physical layout of the listed building and the structure;*
- *their ownership, both historically and at the date of listing; and*
- *the use or function of the relevant buildings, again both historically and at the date of listing (these tests were first proposed in the Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC, 1982, as accepted by Debenhams plc v. Westminster CC, 1987).*

The law that refers to curtilage only came into effect on 1 January, 1969. Although there is no case law to confirm the matter, it would appear that the most logical way of dealing with buildings listed before 1969 would be to consider the position at 1 January, 1969, and apply the above three-part assessment of the facts to that situation.

Although the lodge predates 1948 and undoubtedly shares a historical association with Middleton Park, it was not within the same ownership as the listed house or used for purposes ancillary to it at the time of listing in 1951. Thus, it is our informal opinion that it probably cannot be treated as part of the listed building. However, it is important to note that curtilage is a legal matter. For legal certainty, we would recommend that a professional legal opinion is sought. The Listing Enhancement Service at Historic England may also be able to assist in providing some clarity on the issue.

Impact on setting of Grade I listed building, registered park and garden and non-designated heritage asset

We welcome the submission of a heritage impact assessment that sets out the position in relation to the question of curtilage listing and assesses the impact of the proposals on the lodge itself and surrounding heritage assets. However, further views studies, elevations and site sections showing the proposed relationship between the building and surrounding heritage assets are required to make a fully informed assessment of the proposals.

I am afraid that we cannot support the proposals in their current form. Although the current proposals constitute a slight improvement on the previous proposals, we are concerned that the proposed extension is overly large in scale and is not subordinate to the existing historic building. In addition, the proposed side extension acts to mask existing architectural detailing. We would strongly recommend that the rear extension is reduced in scale, ideally to single storey and some kind of visual separation is introduced between the old and new elements of the building. In addition, we have concerns that the proposed fenestration is not in keeping with the style of the building, particularly to the south elevation. The relocation of the front door and the proposed infilling of the front porch is not supported as these features make an important contribution to the original design and should be retained in situ, whilst the proposed four panel door with lintel to the single storey extension is not in keeping with the prevailing Victorian gothic style of the building featuring distinctive pointed arched doorways.

CDC Environmental Health – requests condition regarding unsuspected contamination.

CDC Land Drainage – no comments or objections.

6. Relevant Policy and Guidance

Cherwell Local Plan 2011-2031 Part 1 - (CLP 2015)

- PSD1 – Presumption in favour of Sustainable Development
See page 36 of the CLP 2015 for full details.
- SLE 4 – Improved Transport and Connections
Requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported. *See page 55 of the CLP 2015 for full details*

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
Requires relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones. *See page 106 of the CLP 2015 for full details*
- ESD13 – Local Landscape Protection and Enhancement
Development is expected to respect and enhance local landscape character, securing appropriate mitigation where appropriate to local landscape character. *See page 111 of the CLP 2015 for full details*
- ESD15 - The Character of the Built and Historic Environment.
New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. Where development is in the vicinity of the District's distinctive natural or historic assets, delivering high quality design that compliments the asset will be essential. *See page 117 of the CLP 2015 for full details.*

Cherwell Local Plan 1996 (saved policies) – (CLP 1996)

- C28 – Layout, Design and External Appearance of New Development
New development required to have standards of layout, design and external appearance sympathetic to the character of the urban or rural context of that development. *See page 120 of the CLP 1996 for full details.*
- C30 – Design of New Residential Development
Development should be compatible to the scale of the existing dwelling, its curtilage and the character of the street scene. Development should also provide acceptable standards of amenity and privacy. *See page 120 of the CLP 1996 for full details.*
- C33 – Protection of Important Gaps of Undeveloped Land
Seeks to preserve a view or feature of recognised amenity or historical value, such as trees of amenity value or the loss of features such as boundary walls where they constitute an important element of an attractive or enclosed streetscape. *See Page 115 of the CLP 1996 for full details*

Mid-Cherwell Neighbourhood Development Plan Policies (MCNP)

- PD4 – Protection of Important Views and Vistas
Development should not harm to the Conservation Area and its setting, other heritage assets or historic street and village views and longer distance vistas. *See page 33 of the MCNP 2031 for full details.*
- PD5 - Building and Site Design
New development should be designed to a high standard which responds to the distinctive character of the settlement. *See page 35 of the MCNP 2031 for full details.*
- PH6 – Parking Facilities for Existing Dwellings
Requires applications to alter or extend an existing dwelling that would reduce the existing level of off-street parking provision will be resisted unless it can be demonstrated that the amount of overall parking provision retained on site is satisfactory, and will not exacerbate existing difficulties with on-street parking in the locality. *See page 45 of the MCNP 2031 for full details.*

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

7. Appraisal

Design and impact on character of the area

The existing dwelling consists of a modest former lodge house associated with one of the entrances to the Middleton Park estate. A Heritage Assessment accompanies the application and this concludes that, whilst there may have been some sort of functional connection between Heyford Lodge and Middleton Park, it was within separate ownership and used as a separate residential dwelling at the time of listing in 1951. As such it is considered that Heyford Lodge was within a separate planning unit at the time of listing, and the building was physically separate and distinct, whilst being occupied for different and unrelated purposes. The overall conclusion of the Heritage Assessment is that Heyford Lodge cannot be considered as a curtilage listed building.

The Conservation Officer has advised that confirmation as to whether or not a building is curtilage listed can only be obtained via a legal determination. The Local Planning Authority is unable to provide such confirmation, although based on the information submitted I consider it unlikely that the building is curtilage listed and do not intend to pursue an application for listed building consent as a result. If the applicant requires legal confirmation, they are advised to seek legal advice.

I do, however, remain of the view that Heyford Lodge is a non-designated heritage asset and that it plays a role in forming a part of the setting of the Grade II listed Registered Park and Garden Middleton Park, given that it sits beside a former entrance to the park and unrestricted views are possible between the two sites. I note that the Conservation Officer has requested further details showing the proposed relationship between the building and surrounding heritage assets before making a fully informed assessment of the proposals. I also note that the Heritage Assessment concludes that no harm would be caused to the setting of Middleton Park as a result of the proposed development.

The site is immediately adjacent to the B4030 road, separated by a low stone wall and narrow grass verge. There is no other boundary treatment on the northern boundary and, as a result, the northern facing side, and rear, elevations are visually prominent within the existing street scene. Trees and mature vegetation partially obscure the frontage of the dwelling, although glimpses are possible from the existing gated access. Aerial images suggest that a mature tree has recently been felled within the garden, and an outbuilding also appears to have been demolished.

Whilst I acknowledge that the proposed extensions have now been reduced in size, they remain of substantial footprints and would be positioned upon the most visually prominent elevations when viewed from the adjacent B4030 road. The existing neat and attractive gable feature on the western elevation, with characteristic eaves detailing, would be largely obscured, and whilst I acknowledge that the eaves features and first floor window would be replicated within the extension, I am concerned regarding the large size of the ground floor opening within the gable and the interruption of the view of the existing gable by the proposed dormer windows. When combined with the depth of the two-storey extension taken from the original

wall, almost doubling the depth of the existing dwelling, and the lack of any visual breaks or openings in the northern elevation, I consider that the extension would continue to appear as a bulky and dominating addition to the existing dwelling.

The appearance of the two-storey extension is worsened by the addition of a shallow pitched single storey side extension that would run across the northern elevation of both the extension and the existing dwelling. The shallow pitch and bland design of single storey extension would not be in-keeping with the appearance of the Victorian gothic style of the existing dwelling. The extension would also cut across part of the existing chimney feature upon the northern facing elevation of the extension, appearing awkward and disrespectful of this non-designated heritage asset. The introduction of a second front door upon the eastern facing elevation of the dwelling also results in a confusing frontage, with visitors to the dwelling likely to be unable to discern which is the main entrance to the dwelling.

I am therefore in agreement with the Conservation Officer in that, whilst the proposal does constitute an improvement over the former, it remains unacceptable.

I acknowledge the concern of the Conservation Officer with regard to the proposed porch, although I must consider the scope of permitted development with regard to such work. The retention of the existing front door is welcomed.

Government guidance contained within the NPPF requires the significance of a non-designated heritage asset to be taken into account in determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Conservation Officer has advised that the building has some architectural and historical merit, being of gothic style with coursed squared stone with pitched slated roofs over featuring overhanging eaves with exposed rafters and stone stacks. Further, the site lies at the northern end of the drive that approaches the Registered Park and Garden and is immediately adjacent to the northern boundary of Middleton Park.

It is considered that the extensions, by virtue of their size, design and siting would appear as bulky, overly prominent, unsympathetic and discordant additions to the dwelling that would erode the distinctive gothic design of the existing dwelling and draw undue attention to themselves, detracting from the visual amenities of the area and resulting in less than substantial harm to the historic significance of this non-designated heritage asset.

However, in light of the conclusion of the Heritage Assessment with regard to the impact upon the setting of the Registered Park and Garden and the lack of argument to the contrary from the Conservation Officer, I do not consider that the refusal of the application on the grounds of harm to the setting of the Middleton Park Grade II listed Registered Park and Garden could be sustained at appeal.

As a result, I consider the proposal to be contrary to Policies ESD 15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996, and Government guidance contained within the NPPF.

Conclusion: Unacceptable.

Residential amenity

The proposed extensions and alterations are positioned a sufficient distance from all neighbouring properties to avoid any harm in terms of a loss of privacy or amenity.

The proposal therefore accords with the above Policies in terms of residential amenity.

Conclusion: acceptable.

Highway safety

The proposed development would not increase the number of bedrooms at the property, and it would not involve the loss of existing off-street parking. As a result, I do not consider that the development would present any harm in terms of highway safety and parking provision, in accordance with the above Policies.

Conclusion: acceptable.

Ecological impact

Due to the age and proximity to suitable habitat features I consider that the site may be suitable for use as a bat roost. However, given the lack of records in the vicinity of the site and as the development would not involve an interruption to the existing roof space. I have not, therefore, requested the submission of a protected species survey. However, I consider that the applicant's attention should be drawn to the potential to discover protected species during the course of the development and their responsibilities should this be the case. This can be done via an informative.

The development therefore complies with the above Policies in terms of protected species and their habitat.

Conclusion: acceptable.

8. Planning Balance and Conclusion

Despite the development not resulting in harm in terms of residential amenity, highway safety or ecological impact, the proposed extensions would detract from the visual amenities of the locality and cause less than substantial harm to this non-designated. The development is not considered to constitute sustainable development for this reason, and the application is recommended for refusal.

9. RECOMMENDATION

By virtue of their size, design and the proposed extensions would appear as bulky, overly prominent, unsympathetic and discordant additions to this distinctive dwelling that would draw undue attention to themselves, resulting in poor design, detracting from the visual amenities of the area and resulting in less than substantial harm to the historic significance of this non-designated heritage asset. The proposed development is therefore contrary to Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Gemma Magnuson

DATE: 09 February 2024

Checked By: Nathanael Stock

DATE: 09.02.2024
