

## Lynne Baldwin

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**From:** Gemma Magnuson  
**Sent:** 09 February 2024 09:44  
**To:** DC Support  
**Subject:** FW: Heritage comments\_23/03257/F\_Heyford Lodge Heyford Road Middleton Stoney Bicester OX25 4AL

Conservation comments – thanks

Kind regards

Gemma Magnuson (Mrs) MRTPI MTCP  
Senior Planning Officer (South)  
Communities Directorate  
Cherwell District Council  
Tel: 01295 227006

[gemma.magnuson@cherwell-dc.gov.uk](mailto:gemma.magnuson@cherwell-dc.gov.uk)

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**Please note that my usual working hours are Monday to Friday 9.00am to 3.00pm.**

Planning and Development services can be contacted as follows: Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk); Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk); Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk); Conservation - [design.conservation@cherwell-dc.gov.uk](mailto:design.conservation@cherwell-dc.gov.uk). For the latest information on Planning and Development please visit [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Dear Gemma,

**REF: 23/03257/F**

**Site: Heyford Lodge Heyford Road Middleton Stoney Bicester OX25 4AL**

**Proposal: Construction 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**

### 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 26<sup>th</sup> 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.

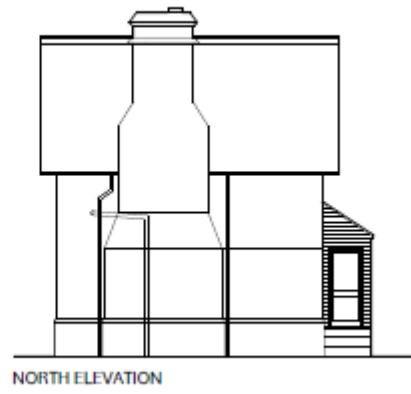
### Impact on setting of Grade I listed building, registered park and garden and non-designated heritage asset

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.



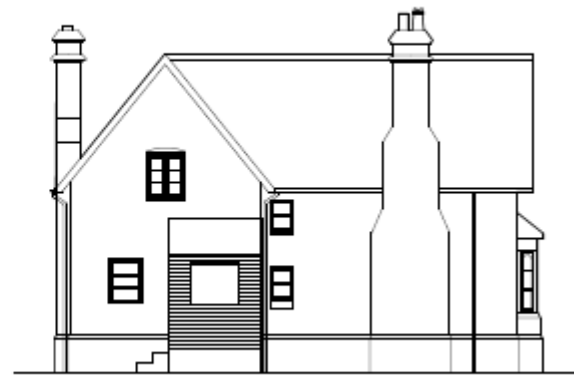
SOUTH ELEVATION



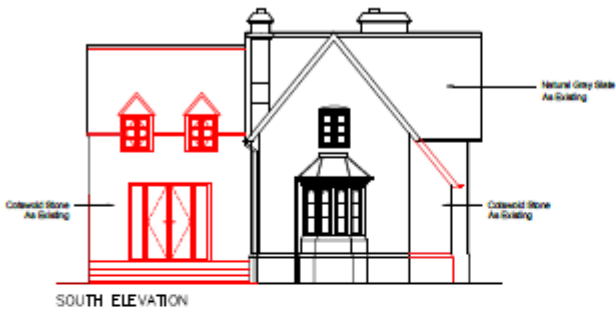
NORTH ELEVATION



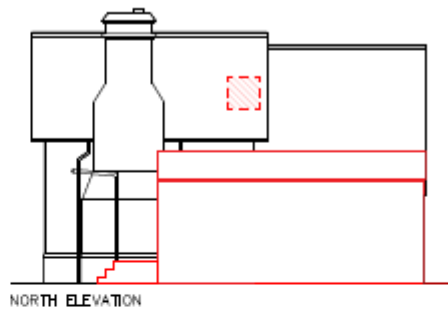
EAST ELEVATION



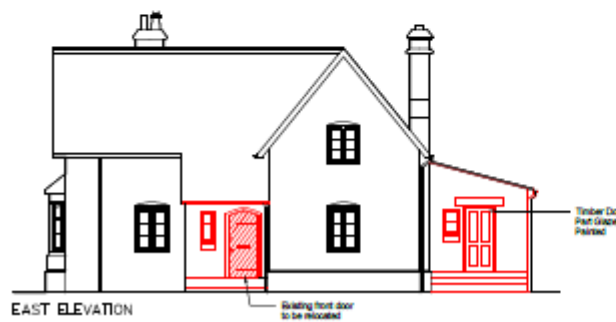
WEST ELEVATION



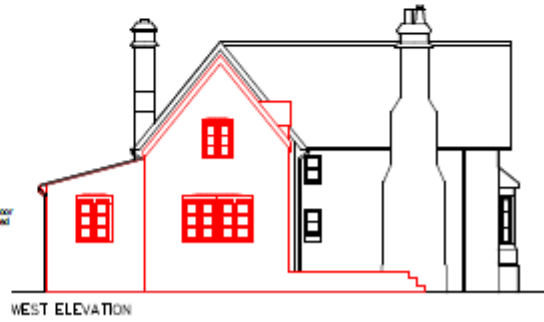
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

