
Appeal Decision

Site visit made on 21 December 2021

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26/01/2022

Appeal Ref: APP/Q3115/D/21/3280465

Felix Lodge, Wood Lane, Kidmore End, Reading RG4 9BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Boycott-Brown against the decision of South Oxfordshire District Council.
 - The application Ref P21/S2189/HH, dated 11 May 2021, was refused by notice dated 2 August 2021.
 - The development is proposed side and rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed side and rear extension at Felix Lodge, Wood Lane, Kidmore End, Reading RG4 9BB in accordance with the terms of the application, Ref P21/S2189/HH, dated 11 May 2021, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on the significance of a non-designated heritage asset.

Reasons

3. Wood Lane is characterised by detached dwellings, both historic and modern, set in spacious grounds behind substantial hedgerows. Felix Lodge is nestled between the Parish Room to the south-east and a modern detached dwelling with a large and prominent catslide roof to the north-west.
4. Felix Lodge is of traditional character and materials with brick and flint walls, an ornate tiled roof, intricate timberwork, and a prominent chimney. Some of these features are also found to varying extents at other properties on Wood Lane such as The Old Vicarage, Lodge Gate Cottage, and the Parish Room. The original building at Felix Lodge was substantially extended in 1983, more than doubling its original footprint.
5. The Council identify the building as a non-designated heritage asset, which is disputed by the appellant. The Glossary to the National Planning Policy Framework ('the Framework') defines a heritage asset as "*a building ... identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)*". Given that the Council have identified it as such, even if not through a formal process,

I have considered it as a non-designated heritage asset. Paragraph 203 of the Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account, making a balanced judgement having regard to the scale of harm or loss and the significance of the asset.

6. Both parties agree that Felix Lodge was once associated with The Old Vicarage. The Council has advised that it has a strong traditional character and was originally a simple two-celled dwelling with a small lean-to at the back providing a bedroom and bathroom. As such, I consider the significance of the non-designated heritage asset stems from its traditional architecture and its relationship with The Old Vicarage.
7. The existing extension sits behind the original building and reflects its roof height, pitch and scale. The proposed extension would be higher, wider and longer, but I agree with the Council that the overall design of the proposed extension would be in keeping with the character of the dwelling. It would be set back behind the original building and would incorporate design features such as ornate fascia boarding, flint and brick, and clay tiles, similar to those on the existing building.
8. The gable end of Felix Lodge, with its distinctive white fascia boarding and tall chimney, is prominent in views from the north-west along Wood Lane. Being set back behind the original part of the existing building, the proposed extension would permit views of these existing distinctive features while introducing new elements of a plainer but nevertheless related design. This would retain the original building as the visually dominant element of the property. Furthermore, the proposed extension would not appear unduly large or dominant, being seen in the context of the much larger adjacent dwelling. Similarly, from the south-east, the proposed extension would be seen behind the original dwelling and its earlier extension.
9. Immediately opposite the appeal site, the height of the extension would be more noticeable, with its broader gable end and shallower roof pitch. However, these views would be limited to a short stretch of the road and would be filtered to some extent by the boundary hedgerows. Although the ridge line of the proposed north-western gable would exceed the height of the ridge of the original building, the significant setback of this element means it would not be seen to conflict with the original dwelling.
10. An element of the original building's significance, as a small two-celled lodge, was affected by its substantial extension in the 1980s. Although the proposed extension would be higher, wider and deeper than the original part of the building, I consider it is sensitively designed and would not harm the building's significance. With matching external materials as proposed, the proposed extension would make a positive contribution to local character and distinctiveness.
11. For the reasons given above, I conclude that the proposed extension would not harm the character and appearance of the area, or the significance of a non-designated heritage asset. It would therefore accord with policies DES1, DES2, ENV6 and H20 of the South Oxfordshire Local Plan 2011-2035 (Adopted 2020) which relate to design, local character, historic environment and residential extensions, and with the advice contained within the South Oxfordshire Design Guide 2016 and paragraph 203 of the Framework as set out above.

Other Matters

12. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). The Framework states that within AONBs great weight should be given to conserving and enhancing landscape and scenic beauty and the conservation and enhancement of wildlife and cultural heritage. The appeal site is located within a predominantly residential area and the development would not have a material impact on the wider landscape setting of the AONB.
13. South Oxfordshire District Council Tree Preservation Order (TPO) No.19/2018 protects a Group of trees in the rear garden, including an early-mature Oak and a mature Walnut tree. Horse Chestnut trees in the neighbouring garden are also subject to a TPO. These trees are adequately distanced from the proposed extension, but suitable tree protection measures would be required during construction. The Council has expressed some concern at the extent of the proposed use of ground protection, as they consider more of the root protection area should be protected by barriers. I agree that further consideration should be given to the extent of the fenced tree protection area to ensure that there is no negative effect on trees, and this should be addressed by condition. This is a pre-commencement condition as it is necessary for such protection to be in place prior to commencement of development.
14. Surveys submitted by the appellant demonstrate that bats use parts of the roof structure of the building. The development would contribute to the improvement of housing stock generally, and of the non-designated heritage asset specifically, in the public interest. In undertaking the proposed development, there is no alternative but to close some existing accesses to the roof void given their location and the intended construction works. Mitigation measures during construction would reduce risk to bats, including advice to contractors, timing of works, and construction safeguards. Following construction, replacement roosting sites would be provided. This would be secured by means of a condition, which I have amended to ensure that the mitigation measures remain in situ. These measures and the condition are necessary to maintain the species at a favourable conservation status. Based on these considerations, there is a reasonable prospect of a licence being granted. Consequently, the development would not have an unacceptable effect on protected species.

Conditions

15. In addition to the aforementioned conditions on tree protection and bat roost provision, I have set out the standard time limit for implementation and the approved plans for certainty. I have required samples of the external materials in the interests of the character and appearance of the dwelling.

Conclusion

16. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is allowed and planning permission granted, subject to the conditions in the schedule below.

Peter White

INSPECTOR

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 413 001, 413 006A, 413 007A, 413 008A, 413 012B.
- 3) No development shall commence until tree protection measures have been installed in accordance with a Tree Protection Plan to be submitted to and approved in writing by the Local Planning Authority. Fencing and other protective measures shall be put in place in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.
- 4) No development shall take place above ground level until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 5) The development shall be implemented and maintained thereafter in accordance with the mitigation and compensation proposals set out in Section 6, and the proposed bat roost provision measures in Appendix 3, of the John Wenman Ecological consultancy Bat Emergence and Re-Entry Survey Ref:2597/b May 2021.

End of conditions.