



Appeal Decisions

Site visit made on 8 February 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal A: APP/J0405/W/22/3291020

Lodge Farm, The South Pavilion, Wotton Underwood, Aylesbury HP18 0SB

- 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 Mrs Cherie Blair against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/03290/APP, dated 16 August 2021, was refused by notice dated 2 November 2021.
 - The development proposed is proposed single storey addition to existing cottage.
-

Appeal B: APP/J0405/Y/22/3291018

Lodge Farm, The South Pavilion, Wotton Underwood, Aylesbury HP18 0SB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Cherie Blair against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 21/02462/ALB, dated 12 June 2021, was refused by notice dated 2 November 2021.
 - The works proposed are proposed addition to the North of Lodge Farm, located within the garden, and concealed behind the historic wall.
-

Decision

Appeal A

1. The appeal is allowed and planning permission is granted for proposed single storey addition to existing cottage at Lodge Farm, The South Pavilion, Wotton Underwood, Aylesbury HP18 0SB, in accordance with the terms of the application, Ref 21/03290/APP, dated 16 August 2021, subject to the attached schedule of conditions.

Appeal B

2. The appeal is allowed and listed building consent is granted for proposed addition to the North of Lodge Farm, located within the garden, and concealed behind the historic wall at Lodge Farm, The South Pavilion, Wotton Underwood, Aylesbury HP18 0SB, in accordance with the terms of the application Ref 21/02462/ALB, dated 12 June 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters

3. I have taken the address for both appeals from the Application Form for Appeal A, as this more accurately reflects the location of the site.

4. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning.
5. The Council's Statement, Officer Reports and Decision Notices refer to heritage assets that could be affected by the proposal, but they are unclear as to the full extent of all of the assets the Council consider to be affected. In light of this, I asked the Council to precisely clarify the heritage assets it considers would be affected by the proposal. I subsequently invited the appellant to comment to heritage assets not previously mentioned in her evidence.

Main Issue

6. The main issue is whether the proposal would preserve a Grade I listed building, known as 'Wotton House', a Grade I registered park and garden, Wotton House Park and Garden, and any features of special historic interest that they possess, the effect of the proposed development on the setting of the Grade I listed buildings, known as 'The South Pavilion' and 'The Clock Pavilion', the Grade II listed buildings known as 'Two Piers and Railings 160 Metres to South of Entrance Gates to Wotton House', 'Gate Piers and Wall attached to South End of Screen', 'Walls Surrounding Garden to South of Wotton House, with Garden Pavilion and Wall to South West' and 'Ha-ha to West of Wotton House', and the extent to which it would preserve or enhance the character or appearance of the Wotton Underwood Conservation Area.

Reasons

Special Interest, Setting and Significance

7. The appeal site concerns an open area of land within the former kitchen garden of Wotton House, a Grade I listed country house. It is partly laid to grass and planted adjacent to the tall east wall of the garden, next to the property the subject of the appeal scheme. The site and property are both situated within the Registered Park and Garden (RPG), Wotton House Park and Garden, listed at Grade I, and the Wotton Underwood Conservation Area (CA). There are numerous other listed buildings surrounding Wotton House.

Listed Buildings

8. *Wotton House* is a Grade I listed building of the highest order and likely originates of the early 18th Century but was largely rebuilt following a fire in the early 19th Century. It is a magnificent example of a country house, rectangular in plan form and constructed of red brick and finished with stone ashlar dressings and other elaborate detailing. It therefore displays traditional grace and craftsmanship to all façades, which are intricately described in the listing and the appellant's Heritage Statement. The listing includes the low walls which physically join the house to its pavilions but they, and the walled formal garden to its south, are in separate ownership. This includes the grand dual flight of balustraded stone steps that previously connected the house and garden, but which is closed off at the stone arcaded terrace, south of the house. Moreover, while the house is elevated above the garden, it is cut off from it. There is also no formalised access to the exterior face of the orangery at its northwest corner. As far as it is relevant to the appeals before me, the special interest of the house lies in its architectural and historic interest as a marvellous example of an early-18th Century country house. with later alterations.

9. *The South Pavilion and The Clock Pavilion* are separate Grade I listed buildings constructed around the same time as Wotton House. The South Pavilion is a former coach house and service pavilion to Wotton House, whereas The Clock Pavilion is a former pavilion. Both are now used as separate houses but are arranged on L-shaped plans flanking the enclosed formal entrance forecourt of Wotton House. They are also finished in red brick with elaborate detailing across their façades and to their roofs, the principal difference between them being the central wooden clock turret on the latter. The South Pavilion's lower level is within the former walled garden to the house.
10. *The Two Piers and Railings 160 Metres to South of Entrance Gates to Wotton House* are Grade II listed and were constructed in the early 18th Century. The piers are brick with moulded stone bases and cornices, ball finials (the right being missing) and carved stone scrolls to side pilasters. There are wrought iron railings to either side of the later 19th Century inner gate piers, decorated centrally with scrolls and crests. As far as it is relevant to the appeals before me, the special interest of this listed building lies in its architectural and historic interest in its demarcation of the entrance to the private estate of Wotton House.
11. Beyond the eastern side of the formal walled garden are the *Gate Piers and Wall attached to South End of Screen*. These likely originate from the early 18th Century and are Grade II listed. They flank the entrance to the former stable yard, but now serve as the vehicular entrance to The South Pavilion. The piers and wall are of brick, the wall with a stone coping and piers with moulded stone bases and cornices and carved stone urn finials. There are also carved stone scrolls to the walls and side pilasters. As far as it is relevant to the appeals before me, the special interest of this listed building is to be found in its architectural and historic interest as an ornately defined former entrance to stabling for Wotton House.
12. The remaining walls to the formal garden are designated as a Grade II listed building described as *Walls Surrounding Garden to South of Wotton House, with Garden Pavilion and Wall to South West*. They are constructed of red brick with stone copings and some finials and likely originate in the early-18th Century, with alterations and repairs carried out in the 20th Century. The south wall separates the formal and kitchen gardens but the pavilion, which enables access between, was restored with ornamental plaster panels in the late-20th Century. The walls to the east and west are lower, with the latter broken by 20th Century steps to adjacent land. Despite alteration and restoration, the special interest of the walls remains in their architectural and historic interest, as fine examples of early-18th Century enclosures to a formal garden comprising part of the former estate of Wotton House.
13. The Grade II listed *Ha-ha to West of Wotton House* likely originates from the early or mid-18th Century and is semi-circular in plan form, with recessed flanking bays. It is situated some distance west of the house and is part constructed of ashlar, which is later covering to parts of the original rubblestone with brick arches infilled with sloping dry stone. The special interest of the ha-ha is to be found in its architectural and historic interest, particularly its role in separating the garden of Wotton House from its landscaped park and its curious method of construction.

Setting

14. The listed buildings also draw special interest from their settings, which is defined in the National Planning Policy Framework (the Framework), as being the surroundings in which a heritage asset is experienced. The unified grand composition of Wotton House, its pavilions, entrance gates, formal and kitchen gardens and their original walling are all crucial components of the setting of the aforementioned listed buildings, apart from the Ha-ha, which is some distance west. The setting of Wotton House also includes the panoramic views to the east and west through the park in either direction, but principally along broad straight treelined avenues. To the west, the Ha-ha plays an important role in distinguishing the garden and pleasure grounds of Wotton House, another important aspect of its setting. The forecourt to Wotton House is arranged with a circular lawn within a gravel turning circle and its frontage is enclosed by an early 18th Century wrought iron screen, gates and overthrow supported by stone gate piers and walls. The listing for the park and gardens indicates that this is also separately Grade I listed.

Wotton House Park and Garden (RPG)

15. The listing refers to two phases in the development of the landscape that create a design of exceptional interest. The first of these related to the formal garden enclosures, evidenced by the timing of the construction of walling and the avenues radiating from the house. These works are credited to George London and Henry Wise. Secondly, in the 1750s and 1760s considerable work was undertaken by Lancelot 'Capability' Brown and his colleagues to the landscape including the pleasure grounds for the owner at the time, George Grenville. Possibly as early as the 1730s, the later first Earl of Chatham, William Pitt, helped to plan the lakes and other water bodies still present today. Some garden buildings were designed by Sanderson Miller and Grenville's wife, Elizabeth Wyndham. The Grenville family and Brown have links with nearby Stowe and were influential in 18th century politics.
16. The landscape created remained largely unaltered except with regard to works undertaken in the 19th Century, including the addition of the Rustic Summer House and islands in The Lake. The estate remained in the Grenville family until the 1920s, with several owners thereafter until 1957 and much of the standing timber was felled. As alluded to above, the estate is now in divided ownership, with the majority of the designed park and pleasure grounds retained with Wotton House. The listing indicates that garden buildings, originally constructed of wood, have been partially or wholly rebuilt on surviving stone foundations.
17. The walls contribute to the enclosure of the formal garden, which is now arranged with a lawn, gravel perimeter path and low, clipped hedges, around sculptures towards all four corners.
18. The kitchen garden is also included in the listing description. Up until the 1920s it contained a series of ponds arranged north to south and used for watering. The 21st Century has seen a number of features introduced, including a tennis court, the pool house up to the wall between the kitchen and formal gardens arranged at its northwest corner. There is also an enclosed sculpture garden to the south and a gym building in the southwest corner, replacing an earlier lean-to, as well as children's play equipment and a tractor shed. These have had a negligible effect on the character and appearance of the RPG and have

not affected its significance, including the ability to appreciate the characteristic large open space within the kitchen garden. I refer to the current form of Lodge Farm, the building the subject of the appeal, in further detail below.

19. Despite these later alterations, the landscape remains of great significance, as it illustrates the design and engineering expertise for which Lancelot Brown were known, including the structured views, and has remained largely undisturbed since it was planned. The listed buildings within the pleasure grounds, not mentioned above, also inform its historic design.

Wotton Underwood Conservation Area

20. The CA includes two separate groupings of buildings in the south and southeast of the village, but is dominated by Wotton House, its extensively landscaped grounds within the RPG and the other listed buildings therein. Its boundary largely resembles that of the RPG but not the radiating routes leading from the house north, northeast, east and south. As far as it is relevant to the appeals before me, the significance of the CA is to be found in the interest provided by the gardens and pleasure grounds of the RPG and the listed buildings therein.

Contribution of Lodge Farm to the Heritage Assets

21. Lodge Farm is a curtilage listed building to Wotton House, as it was historically served as a lodge to it. Designed in a Tudor Gothic style, the appellant states it was first constructed between the mid to late-19th Century, within the second phase of the estate's development. It was originally confined to the east of the kitchen garden wall but, between the mid to late 20th Century, it was extended to its north, infilling an entrance to the garden. It was subsequently extended in the late 20th Century into the garden but that addition was demolished and replaced with the current extensions to the same footprint. These consist of three west-facing bays arranged up to and perpendicular to the wall south of the lodge. This is a secondary plane to the original part of the lodge, east of the wall, which contrasts with the angled form of the original lodge that tapers between the two walls west and north of it. The relationship between the two planes of the wall has therefore been diluted by the existing buildings.
22. Despite the extensions in the garden being convincing traditionally informed additions, constructed in a form and to detailing matching the original lodge, they are of limited historic interest to its status as a curtilage listed building. Nevertheless, they are not harmful to the character of the kitchen garden or the enclosing effect of its walls, nor the settings of the listed buildings in the RGP, principally the House and its Pavilions. Moreover, it is the original lodge building, east of the wall, that is of historic interest to Wotton House and its setting, and the RGP and CA.

The Proposal

23. The proposal would be to the northern extent of the existing projections beyond the wall and would taper in width where it meets the wall north of the lodge. It would be a separate structure joined to the existing building by a glazed link next to the gated access from the estate driveway. The materials and detailing of the façades would be consistent with the existing extensions, including windows and doors. The western roof slope would incorporate a tiled hip, with deep overhanging eaves, to match the existing buildings, but its remainder would take on a different form, with a seamed flat roof to the

eastern side. The roof would sit just below the wall to the east, the coping of which would be exposed.

Effect of the Proposal

24. The proposal would be similar to the majority of other incursions into the kitchen garden, as it would be positioned at its perimeter. The most notable of those existing is, perhaps, the relatively recent addition of the pool house to the wall separating the formal and kitchen gardens. In contrast to that building, the proposal would be discreetly sited below the coping of the east wall, north of and behind the existing extension. The glazed link separating it from the existing extension would also clearly define the proposal as a later phase in the development of the building and would ensure that it would be a largely reversible intervention.
25. Some of the fabric of the inner side of the east wall would be obscured, but the vast majority to its north would remain legible in views available in the garden. The enclosing effect of the outer face of the wall to the kitchen garden and driveway to Wotton House would also be unaffected in views from the east.
26. The proposal may be glimpsed beyond the wall, in the view available over the garden gate, but it would not be prominent and its plan form would adopt a similar approach to the tapered form of the lodge, so it would respect the lines of both walls. Its position over the wall from the lodge would also ensure the plan form of the original lodge remains intact and legible. Accordingly, the proposal would not compete with or distract from the lodge building, which would continue to dominate its immediate setting east of the garden walls and the approach to the private estate of Wotton House.
27. The roof form of the extension would be of marked difference to others in the RPG, including through its use of rooflights, and it would likely be evident in views available from higher ground to the north, and from Wotton House and The South Pavilion. However, its impact would be negligible, as it would be discreetly sited and largely inconspicuous due to its proportions, detailing, and palette of materials.
28. The proposal would not interrupt the ability to appreciate any of the heritage assets from within or beyond the kitchen gardens or detract from the ability to be able to appreciate the large open space within the kitchen garden itself, which would remain considerably greater in size than the formal garden despite later additions. Due to changes in topography, the extent of separation and presence of intervening buildings and mature planting, the proposal would also not be seen in the context of The Clock Pavilion and Ha-ha, so it would not detract from the settings of these listed buildings that contribute to their special interest.
29. The proposed extension would add to the scale and footprint of later additions to the original lodge building, beyond the kitchen garden wall. However, the architectural form and composition of the proposal would amount to a rational approach to its extension and it would be executed in a manner that would significantly limit its physical presence within its sensitive surroundings. Notwithstanding this, I consider that a more subtle approach to the hard and soft landscaping around the perimeter of the building would be required to limit domestic interference with the kitchen garden, such matters could be agreed by planning conditions.

30. For these reasons, I conclude that the proposal would preserve the special historic interest, including the setting of the Grade I and Grade II listed buildings, including the curtilage listed building known as Lodge Farm, and the Grade I RPG; and would preserve the character and appearance of the CA. This would satisfy the requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and would not conflict with the design and heritage aims of Policies BE1 and BE2 of the Vale of Aylesbury Local Plan 2013-2033 (September 2021); the Aylesbury Vale District Council Design Guide for Residential Extensions; and the Framework. As such, the proposal would therefore also not constitute an unsustainable form of development, as claimed by the Council.

Other Matters

31. As I outlined above, the appeal property is also near to the Grade I listed wrought iron screen, gates and overthrow with stone gate piers and walls for the forecourt of Wotton House. There are also several garden buildings including the Grotto, Fivearch Bridge, two Tuscan Pavilions, Turkey Building, The Rotunda, Statue of Neptune, and the Rustic Summer House, all of which are designated as Grade II listed buildings. I have therefore had regard to the statutory duty referred to in the Act. However, given the proximity and physical relationship of the proposal with these designated assets, their settings would be preserved and the proposal would not detract from them.

Conditions

32. In addition to the standard time limits for both appeals, in the interests of clarity I have specified the approved plans in Appeal A. This is unnecessary in the listed building consent appeal, as the decision incorporates the plans.
33. In the interests of preserving the contribution made to the special interest, setting and significance of the heritage assets by Lodge Farm and the kitchen garden, conditions for the specifications and samples of materials are necessary but, for reasons of clarity, I have merged and altered the conditions suggested by the Council. In addition, for reasons outlined above, I have included a condition for Appeal A regarding hard and soft landscaping. This is not necessary for Appeal B as the details can be secured through the former.
34. An additional pre-commencement condition relevant to an archaeological written scheme of investigation is necessary for Appeal A, as the available evidence indicates that ground works are likely to affect a heritage asset of archaeological interest because archaeological investigation within the gardens of the South Pavilion have previously recorded features and finds.

Conclusion

35. For the reasons given above, I conclude that both of the appeals should be allowed.

Paul Thompson

INSPECTOR

Schedules of Conditions

Appeal A: APP/J0405/W/22/3291020

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LF EX01, LF EX02, LF Pr02 (General Elevations), LF Pr02 (General Plans), LF Pr03, LF Pr04, LF Pr05, LF Pr06, LF Pr07, PR08, PR09, PR10, PR11, PR12, PR13, SK01, SK02, and Protection of Existing Wall and Footing 1:1, 1:2 and 1:3.
- 3) No demolition/development shall take place until an archaeological Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - the programme and methodology of site investigation and recording; the programme for post investigation assessment;
 - the provision to be made for analysis of the site investigation and recording; the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation; and
 - the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 4) No development above slab level shall commence until details of the hard and soft landscaping works have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Apart from the details shown on the approved plans relevant to windows and the glazed link, specifications and samples of the other materials to be used in the construction of the external surfaces of the development hereby granted shall be submitted to and approved in writing by the local planning authority prior to their use on site. The works shall thereafter be carried out in accordance with the approved specifications/samples.

Appeal B: APP/J0405/Y/22/3291018

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Apart from the details shown on the approved plans relevant to windows and the glazed link, specifications and samples of the other materials to be used in the construction of the external surfaces of the works hereby granted shall be submitted to and approved in writing by the local planning authority prior to their use on site. The works shall thereafter be carried out in accordance with the approved specifications/samples.

End of Schedules