



Appeal Decisions

Site visit made on 16 June 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2023

Appeal A Ref: APP/M5450/W/22/3295874

20 Bentley Priory Mansion House Drive, Stanmore HA7 3FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Dr Clifford North against the decision of London Borough of Harrow.
- The application Ref P/4665/21, dated 22 November 2021, was refused by notice dated 13 January 2022.
- The application sought planning permission for Installation, enlargement and replacement of two rooflights in rear roof slope; external alterations to roof without complying with a condition attached to application permission Ref P/2386/20, dated 14 July 2020.
- The condition in dispute is No. 5 which states that: Notwithstanding the plans hereby approved, all the rooflights hereby approved shall be flush with the roofline and retained as such.
- The reason given for the condition is: To protect the special architectural or historic interest of the Listed Building and the Registered Park and Garden.

Appeal B Ref: APP/M5450/W/22/3296578

20 Bentley Priory Mansion House Drive, Stanmore HA7 3FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Dr Clifford North against the decision of London Borough of Harrow.
- The application Ref P/4705/21/, dated 26 November 2021, was refused by notice dated 21 January 2022.
- The application sought planning permission for Replacement of four rooflights in eastern side roof slope without complying with a condition attached to application P/4177/20, dated 15 April 2021.
- The condition in dispute is No. 4 which states that: Notwithstanding the plans hereby approved, all the rooflights hereby approved shall be flush with the roofline and retained as such.
- The reasons given for the condition is: To protect the special architectural or historic interest of the listed building.

Decision

1. Appeal A is allowed and planning permission is granted for Installation, enlargement and replacement of two rooflights in rear roof slope; external alterations to roof at 20 Bentley Priory Mansion House Drive, Stanmore HA7 3FB, in accordance with the terms of the application, Ref P/4665/21, dated 22 November 2021, and the plans submitted with it, subject to conditions attached to this decision.

2. Appeal B is allowed and planning permission is granted for Replacement of four rooflights in eastern side roof slope at 20 Bentley Priory Mansion House Drive, Stanmore HA7 3FB, in accordance with the terms of the application, Ref P/4177/21, dated 18 November 2021, and the plans submitted with it, subject to conditions attached to this decision.

Procedural and Preliminary Matters

3. The appeal concerns development to No. 20 Bentley Priory (No. 20), which forms part of the Grade II* listed building of the Central Entrance Block to Bentley Priory (List Entry Number:1358638). The parties in their evidence refer to the listed building as Bentley Priory and I have used this terminology in my decision. It is situated within a Grade II Registered Historic Park and Garden, also a designated heritage asset. It has its own List Entry Number:1001440. I am mindful of my statutory duties in respect of the listed building and section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
4. The appeals are linked as both appeals relate to similar proposals at the same site and the same issues apply to each appeal. Therefore, in order to reduce repetition and for the avoidance of doubt, I have dealt with them together within a single decision.
5. Planning permission was granted for two sets of three roof lights to replace two single rooflights in the south facing elevation¹ (Appeal A). A separate permission was granted for the replacement of four rooflights in the eastern side roof slope² (Appeal B). Attached to the planning permissions at condition numbers 5 and 4 respectively, was a requirement that, *'Notwithstanding the plans, all the rooflights hereby approved shall be flush with the roofline and retained as such.'*
6. All approved roof lights have been installed without compliance with these conditions. As the appellant sought to vary the original permissions through a Section 73 application to remove the relevant conditions, this is the subject of the appeal before me.
7. However, there is no opportunity to procedurally vary a listed building consent application through the planning process. It requires a new submission to the Council in its own right. Therefore, in the interest of completeness, the appellant should seek to submit to the Council a new listed building consent application.

Main Issues

8. The main issues in both appeals are whether the conditions are necessary to preserve the Grade II* listed building, Central Entrance Block to Bentley Priory or any features of special interest that it possesses, and the effect of removing the condition on the Grade II registered Historic Park and Garden, Bentley Priory.

¹ Application P/4177/20 Installation, enlargement and replacement of two rooflights in rear roof slope; external alterations to roof.

² Application P/4177/20 Replacement of four roof lights in eastern roof slope.

Reasons – both appeals

9. The land to which the appeal building is situated originates as the monastic Bentley Priory thought to date from the early 13th Century as farmland. The dwelling of The Priory, (now called the Mansion House) was erected in the mid-18th Century as a modestly sized Italianate villa surrounded by parkland and gardens. The land later became widely respected for its association with landscape gardener William Sawrey Gilpin, and afterwards by the owner and politician Sir John Kelk. His horticultural efforts on the land were recounted and published in the prestigious Journal of Horticulture and Cottage Gardener in 1868.
10. The original dwelling was built intentionally on high ground in a Classical style with nine-bays and three storey, rusticated quoins and a balustrade parapet. It has been substantially extended and remodelled from the late 18th Century across its various ownerships with a new reception wing and porte-cochere, Tuscan Portico and Italianate clock tower. Including metal canopies, wrought iron balconies, and framing to windows altogether depict an elaborate grandeur to its exterior.
11. The Mansion House is experienced in a parkland setting in its elevated position and fronts onto more intimate and tranquil landscaped gardens of the late 19th Century. It has an intentionally planned formality to its gardens with steps leading to interlinked terraces, wide sweeping gravel paths, lower terrace walks, water fountain and semi-circular balustrade platform overlooking the grounds. Its Italianate influence was recognised in its early portrayal as the Grand Italian Garden.
12. Although the Mansion House has lost much of its pleasure grounds, and despite the addition of more modern buildings including the appeal building, and its setting has inevitably evolved, nonetheless, one is still aware of the magnitude of its scale within its setting to which it remains the centrepiece. I therefore find the significance and special interest of the listed building is derived from its architectural composition and integral relationship with its parkland setting.
13. The appeal building, Building 267 sits to the west side of the Mansion House and physically joined via an attached link. It was built around 1958 as an ancillary military senior officer's accommodation block associated with the Royal Air Force (RAF) Fighter Command centre headquarters within the Mansion House when it was in the ownership and occupation of the RAF from the mid 1920's. Other outbuildings and new ancillary buildings were erected on the land when the site was in operation as an institutional training command centre during the Second World War.
14. It is considerably wider than it is deep, laid over three floors with an attic within the dual pitched roof with hipped ends. It has a less utilitarian character from its origins as it was later altered from after 2012 to create a more classical appearance to complement the Mansion House, and one more akin to a residential conversion.
15. No. 20 occupies the entire attic floor with rooflights inserted to all four roof slopes providing the only means of outlook, light and natural ventilation into the flat. Some of these earlier rooflights remain and all generally line up with the vertical fenestration below and are located approximately half-way down the roof slope and positioned in an ordered arrangement.

16. I note the Council do not dispute the principle of the replacement roof lights as planning permission has been granted for the developments that have been completed. From my inspection looking out from the rooflights across the roof plane, the difference in projection of both types of rooflights was not discernible. This is further reinforced as the sectional plans illustrate the projection of the earlier rooflights is at around 45mm above the existing roof plane, and the approved rooflights project around 40mm above.
17. It follows on from my inspection of the roof from outside the building, at close quarters, only the rooflights of the east facing roof slope are clearly visible as the alignment of the roof together with the substantial height of the building prevents clear views of the southern roof plane from ground level. Whilst the east facing roof slope shares a close relationship with the Mansion House, they are not a new feature here and are an integral part of the building's fabric. They are positioned in largely the same position as the earlier rooflights. Given the plans before me, there is little noticeable difference in their size from those they replaced. The degree of protrusion between the two rooflights when viewed from this perspective is not perceptible. Consequentially, they have a neutral effect upon the significance and special interest of the listed building that is preserved in the interest of the Act.
18. When viewing the building from further afield within the gardens, the presence of rooflights is visible to the south, east and west elevations. From this perspective the projection of any rooflights is however not clearly decipherable. Furthermore, I am aware that the Council approved the installation of rooflights to the western elevation with no requirement for them to be flush fitting.
19. Overall, I find the effect of the rooflights in situ upon the special architectural interest of the listed building to be neutral, and is preserved in the interest of the Act. Furthermore, it does not lead to an adverse effect upon views from the heritage asset that is the Registered Park and Garden, or harm its significance. It therefore complies with the requirements of the Act and Paragraph 197 of the Framework.
20. Paragraph 56 of the National Planning Policy Framework, (the Framework), advises that conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. The Planning Practice Guidance (the Guidance) refers to this as the 'six tests'. It also emphasises that clear and precise reasons must be given for the imposition of every condition. I conclude that conditions 5 and 4 fail more than one of the tests set out in paragraph 56 of the Framework and are therefore not necessary.
21. I conclude that the removal of the conditions meets the broad design and local character and historic environment protection aspirations of Policies CS1.B, CS1.D of the Harrow Core Strategy and Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan 2012. In addition, it meets the requirements of the National Planning Policy Framework in its objectives to achieve well designed places and to conserve and enhance the historic environment, as well as the same broad heritage safeguarding, and design and character aims of policies D3.D and HC1 of the London Plan 2021.

Conditions

22. As I am granting a new permission under Section 73, conditions can be amended, deleted or further conditions imposed, and I have had regard to all conditions imposed to the original permission as well as the advice within the Guidance. Development has commenced on site and therefore this negates the requirement for a condition seeking works to commence within three years of grant of permission. I have reimposed the approved plans condition to both appeals for clarity. As samples of slates have been approved by the council and the works here completed, there is no requirement to reimpose this condition to either. The details of the restrictor bars have been discharged by the Council and therefore this is a compliance condition to ensure it remains in perpetuity in accordance with the previously approved details, in the interest of a consistent opening level across the roof slope.

Conclusion – both appeals

23. For the above reasons, I conclude that both Appeal A and Appeal B are allowed.

Alison Scott

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal Ref A: APP/M5450/W/22/3295874

- 1) The development hereby approved shall be carried out in accordance with the approved plans reference: A.01; A.02; Heritage Statement received 28/09/2020.
- 2) The details of restrictor bars in accordance with Fakro ZBB Opening restrictor details; Section plan showing restricted opening A.07 dated 23.10.20; Fakro Details plan reference A.08 dated 23.10.20 shall be retained in perpetuity for the lifetime of the development.

Appeal B Ref: APP/M5450/W/22/3296578

- 1) The development hereby approved shall be carried out in accordance with the approved plans reference A.01; A.02; A.02 Rev 01; A.03 Rev 02; A.04 Rev 01; A.05; A.05 Rev 01; A.06; Design and Access Statement; Heritage Statement.
- 2) The details of restrictor bars in accordance with Fakro ZBB Opening restrictor details; Section plan showing restricted opening A.07 dated 23.10.20; Fakro Details plan reference A.08 dated 23.10.20 shall be retained in perpetuity for the lifetime of the development.