



---

## Appeal Decision

Site visit made on 8 October 2024

**by Chris Couper BA (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 October 2024**

---

**Appeal Ref: APP/P1940/D/24/3347588**

**Bracken Hall, Bracken Hill Close, Northwood, Hertfordshire HA6 3EW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Kamal Pankhania against the decision of Three Rivers District Council.
  - The application Ref is 24/0506/FUL.
  - The development proposed is the construction of a part single-storey, part two-storey side extension, and a single storey rear orangery extension, including an indoor gym and swimming pool.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a part single-storey, part two-storey side extension, and a single storey rear orangery extension, including an indoor gym and swimming pool at Bracken Hall, Bracken Hill Close, Northwood, Hertfordshire HA6 3EW in accordance with the terms of the application, Ref 24/0506/FUL, subject to the following 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: FLU.1571.4.01 Rev P, 5.02 Rev A, 5.03, 5.04, 5.05, 6.06 Rev F, 6.08 Rev H, 6.09 Rev E and 6.10 Rev F.
  - 3) Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials including the bricks, bond, pointing and mortar mix, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
  - 4) The development hereby permitted shall be carried out fully in accordance with the Arboricultural Implications Report prepared by SJA Trees Arboricultural Planning Consultants dated January 2023, including its Tree Protection Plan.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed at first floor level or above in the flank elevations or roof slopes of the extensions hereby approved.

## Background

2. Planning permission has been granted at Bracken Hall for the construction of a single storey side and rear extension, and a single storey orangery extension, including an indoor gym and swimming pool (Ref: 23/1782/FUL) ('the approved scheme'). Given that planning history, the Council raises no objection to those elements in this proposal. Having regard to their siting, form and appearance, neither do I.
3. I have therefore focussed on the impact of the first floor element of the proposed side extension, to which the Council objects. I have also had regard to a previously dismissed appeal in respect of proposed extensions to Bracken Hall (Ref: APP/P1940/D/23/3319186) ('the dismissed appeal').

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling.

## Reasons

### *Character and appearance*

5. Bracken Hall lies in a secluded location, accessed from a private road through woodland. According to the Heritage Statement by Asset Heritage Consulting ('AHC') it was built around 1920, which is when it appears in aerial images. Whilst originally a dwelling, it subsequently had a range of uses, including by the military, as a school, and as a training college.
6. Its attractive and imposing architectural form remains legible on both of its principal elevations. It has a broadly symmetrical plan form, comprising two prominent, projecting hipped roof elements on either side of the front and rear elevations, with the central element in each elevation recessed. The front elevation has an Arts and Crafts character, with a central element of one and a half storeys with a steeply sloping 'catslide' pitched roof and a lower eaves, relieved by dormers and a central projection over the front door.
7. To the rear, the recessed central element is two storeys high and it has a grander, more formal character that could be described as Queen Anne revival or neo-Georgian. There is a hipped roof two storey element with a shallow projection on the south side elevation, which is set back from both adjacent wings, and whose front face is screened from view by a high curved wall. A detached double garage block has been constructed to the front of the dwelling.
8. The original grounds have been subdivided with a previously attached annexe now forming a separate dwelling and there are a number of large dwellings to the north and south of the appeal site. There is a very large garden to the rear and a wide drive to the front, which is partially screened by a mature hedge.
9. Bracken Hall is on the Council's list of 'Locally Important Buildings'. Both principal parties agree that, in the language of the National Planning Policy Framework ('Framework') it is a 'non-designated heritage asset'. Given that it has a moderate degree of architectural significance as a good quality house of the inter-war period, and that it is of historic significance illustrating the development of the area in that period, I agree.

10. Unlike the flat-roofed single storey side extension in the approved scheme, this proposal would include a side section which would be two storeys high. As illustrated by drawing no. FLU.1547.6.09 Rev E, viewed from the front, its two storey form and high eaves line would give it a greater bulk compared to the cat-slide roof and lower eaves on the central element of Bracken Hall.
11. However, its ridge height would match the host, and its hipped roof and high eaves, would respect the two storey hipped roofed projection on this side of the building, which already gives it a slightly asymmetric form. It would also be similarly recessed behind the host's prominent two storey front projecting wing. Moreover, as a result of that wing, the garage, the curved wall and landscaping features, the front face of Bracken Hall as a whole is not readily discernible from any vantage points.
12. Based on drawing no. FLU.1547.6.09 Rev E, the proposed first floor front facing window would be slightly off-set to one side within this part of the building. However, as its style and dimensions would reflect the existing fenestration, that would not harm the balance of the building.
13. The front face of the scheme in the dismissed appeal had an eaves height which respected neither the projecting wings nor the recessed central element, along with a discordant Dutch hipped roof, and a dormer. Compared to it, this scheme would be significantly shorter in width and it would have an appropriate roof form. Whilst it would have a higher eaves, I agree with the view expressed in AHC's letter dated 19 March 2024 that it would result in a simpler form.
14. To the rear, the high eaves line and the bulk of the first floor element would reflect the scale and form of the host, and the window's siting and proportions would respect the existing fenestration. This part of the proposal would also be set back behind the consented leisure complex in the approved scheme.
15. For all these reasons, the scheme would preserve the broad balance of the building and its sense of symmetry, and it would not harm its significance as a non-designated heritage asset. The host dwelling's character and appearance would not be harmed.
16. The scheme would not therefore conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy (2011), or Policies DM1, DM3 and Appendix 2 of the Three Rivers Development Management Policies (2013). Taken together, and in general terms, these seek to ensure that development is of a high quality, which would not detract from the character and appearance of the original property, and that historic or architectural features of locally important buildings are retained or enhanced.
17. Neither would it conflict with the Framework's stance on high quality design or, with reference to its paragraph 209, the need to consider the effect of an application on the significance of non-designated heritage assets, making a balanced judgement having regard to the scale of any harm and the asset's significance.

*Other matters*

18. The first floor southern flank of the proposal would be sited close to the plot boundary. However, there would be a reasonable gap to the neighbouring house and, in the interests of privacy, a condition could be imposed to control

the installation of windows above ground floor level. Having regard to the layout of the proposal relative to neighbouring dwellings, the living conditions of adjacent occupiers would not be harmfully impacted.

### **Conditions and Conclusion**

19. I have considered the matter of conditions against the tests at paragraph 56 of the Framework. As well as the standard time limit, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans. In the interests of good design, and to ensure that the significance of this heritage asset is preserved, a condition, similar to that in the approved scheme, is necessary, requiring the submission of sample materials.
20. Having regard to the site's context, including significant trees which contribute to the area's character, measures are necessary to protect trees during construction. The approved scheme therefore included a condition requiring that the development be carried out in accordance with an Arboricultural Implications Report by SJA Trees Arboricultural Planning Consultants and an accompanying Tree Protection Plan.
21. I have been provided with those documents as part of this appeal. Having regard to the Council's suggested condition no. 4, and the reasoning for it, I have therefore imposed a condition, similar to that in the approved scheme, requiring that the development be carried out in accordance with those documents.
22. Having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the Council's suggested condition no. 6 seeks to withdraw permitted development rights for the installation of windows above ground floor level. Whilst mindful of the tests in the Framework, and the advice at ID: 21a-017-20190723 of the Planning Practice Guidance, given the proximity of parts of this scheme to the plot's southern boundary, I agree that such a condition is necessary to protect nearby occupiers' living conditions.
23. Finally, the Council has suggested a condition requiring the submission of a Construction Method Statement ('CMS'). However, no such condition was imposed in the approved scheme, which is not significantly different in scale or scope compared to this proposal. I have not been presented with any cogent evidence that the safety or convenience of highway users would be significantly compromised without a CMS; and matters relating to the protection of trees are appropriately addressed by my condition no. 4. This suggested condition is therefore unnecessary, and I have not imposed it.
24. Summing up, for the above reasons, I conclude that the scheme would not harm the character and appearance of Bracken Hall. Consequently, having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

*Chris Couper*

INSPECTOR