

Estate Management Appeals Panel
28 July 2016

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ESTATE MANAGEMENT APPEALS PANEL held on Thursday 28 July 2016 at 7.30pm in the Council Chamber, Council Offices, Welwyn Garden City, AL8 6AE.

PRESENT: Councillors S Johnston (Chairman)

J Beckerman, M Birleson, M Cowan, M Larkins
(substituting for A Chesterman), B Fitzsimon
(substituting for F Thomson)

ALSO PRESENT: Councillor M Perkins (Executive Member – Planning, Housing
and Community)

ALSO PRESENT BY INVITATION: Appellants (L Viner for item 5 and D Thomas for item 6)

OFFICIALS PRESENT: Head of Planning (C Haigh)
Development Management Service Manager (L Hughes)
Principal Development Management Officer (S Smith)
Governance Services Manager (G R Seal)

1. APPOINTMENT OF CHAIRMAN:

Councillor S. Johnston was appointed Chairman of the Panel for the Municipal Year 2016/17 at the Special Cabinet meeting on 13 June 2016.

2. SUBSTITUTION OF MEMBERS:

The following substitution of Panel Members had been made in accordance with Council Procedure Rules 19-22:-

Councillor B. Fitzsimon in place of F. Thomson.
Councillor M. Larkins in place of A. Chesterman.

3. APOLOGIES:

Apologies for absence were received from Councillors A. Chesterman and F. Thomson.

4. MINUTES:

The Minutes of the meeting on 14 March 2016 were approved as a correct record and signed by the Chairman.

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5. 124 SWEET BRIAR, WELWYN GARDEN CITY, AL7 3EA - 6/2015/2060/EM - REPLACEMENT OF DOORS:

The report of the Head of Planning set out an appeal against the refusal of Estate Management Consent for replacement doors at this property.

The application had been refused because the proposed replacement doors, by virtue of their design, would represent incongruous additions to the detriment of the character and amenities of the Garden City. The proposal failed to retain the amenities and values of the surrounding area and did not comply with policy EM1 of the Welwyn Garden City Estate Management Scheme.

The key issue in the determination of the appeal was the impact on the amenities and values of the surrounding area.

This appeal was previously heard and determined at the Panel's meeting on 14 March 2016 and was brought to this meeting due to the appellant not being notified that the appeal was being held at the last Panel meeting and not being given the opportunity to speak in support of the appeal (Minute 13 refers).

The Officer recommendation remained to dismiss the appeal and the reports presented to the Panel on 14 March 2016 were re-submitted.

The appellant was in attendance and advised the Panel that the front door was not wooden, but was composite. She had been given varying reasons by the Planning Officer as to why the door was not acceptable and did not feel that she had received clear advice on different occasions.

The Chairman asked for the record to be clarified and it was confirmed that it would be corrected. It was noted, however, that the issue was with the design and colour of the door, rather than the material, which should typically be white or pastel.

Members were of the view that the appearance of the proposed door was radically different to others and was therefore inappropriate and not in keeping. For these reasons Members supported the Officer recommendation of refusal.

It was moved by Councillor J.Beckerman, seconded by Councillor M.Cowan and

RESOLVED:
(unanimously)

That the delegated decision be upheld and the appeal dismissed.

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6. 104 COLE GREEN LANE, WELWYN GARDEN CITY, AL7 3JD - 6/2015/2271/EM - EXTENDED DRIVEWAY, REMOVAL OF FLOWERBED AND SMALL WALL:

This was an appeal against the refusal of Estate Management Consent for the extension of the driveway, removal of flowerbed and small wall at this property. The application had been refused for the following reason:

‘the extent of the hard surfacing and lack of soft landscaping results in an adverse impact within the street scene and detrimentally impacts the amenities and values of the Estate Management area. The proposal therefore fails to comply with Policy EM3 of the Estate Management Scheme Policies.’

The key issue in the determination of this appeal was the impact on the amenities and values of the surrounding area having due regard to Policies EM3 and EM4 of the Estate Management Scheme. The impact on the residential amenity of adjoining occupiers was judged to be acceptable.

Policy EM4 of the Estate Management Scheme referred to proposals for hardsurfacing and the removal of excessive areas or prominent landscaping such as trees and hedges could over time erode the character of an area. The Council only allowed for hardsurfacing in front gardens for the parking of private motor vehicles where sufficient soft ‘green’ landscaping (grass, flower beds, shrubs, trees and hedges) and a sufficient length of hedgerow (if applicable) along the frontage of the property was retained or provided to reduce the visual prominence of parked vehicles. Policy EM3 of the Estate Management Scheme referred to works to trees and hedgerows only being allowed where the works would not result in the loss of landscaping which would harm the character and amenities of the area.

The policy aimed to ensure that a significant proportion, 50% of the frontage was retained as landscaped ‘greenery’ to retain the appearance and ethos of the Garden City unless individual circumstances indicated that this would not be appropriate.

The host dwelling had an existing hardstanding, however no Estate Management Consent could be found for this in Council records and the proposal was an additional area of hardstanding. There was an error within the Officer report which stated that a hardstanding was granted in 1992, however no history could be found in relation to any EMS consent for a hardstanding. A hedgerow running the depth of the frontage could be seen to the side boundary with No.102 Cole Green Lane.

The appellant was in attendance and had highlighted a number of reasons for the enlarged driveway and the removal of the flowerbed and small wall. It was cited that the tree within the grassed verge caused the existing driveway to lift and resultant damage to the house, the driveway was renewed and a slight extension of the driveway was made. Whilst repairs to a damaged driveway and property were not objectionable, the extension of the driveway required

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Estate Management Consent. This was not sought by the appellant who apologised as they did not know that consent was required.

The appellant had also stated that the extended driveway was required for wheelchair access. Although the Council sympathised with the appellant's circumstances, a disabled parking space would need to measure only 3.6m x 4.8m. Accordingly, it was considered that suitable parking could be provided within the frontage and a more substantial area of soft landscaping provided in order to soften the impact on the site frontage.

The appellant's appeal statement also made reference to properties within Marley Road where double driveways could be seen and that two neighbours opposite on Cole Green Lane had been allowed new driveways. Whilst there might be properties within Marley Road where larger driveways could be seen, regrettably some of these properties had undertaken works without Estate Management Consent and therefore should not set a precedent for sites elsewhere. Furthermore, Marley Road presented a different street scene to Cole Green Lane and this appeal should be assessed within its character and context. Properties on the opposite side of Cole Green Lane were not in the Estate Management Scheme area and therefore EMS consent was not required.

It was considered that the proposal would result in a detrimental impact on the character of the immediate street scene sufficient to warrant a refusal and that the proposal would fail to maintain and enhance the amenities and values of the Garden City.

The proposal, by virtue of the extent of hard surfacing resulted in a harsh appearance within the street scene. Furthermore, the hardstanding created an unbalanced appearance and a lack of vegetation within the frontage and along the front boundary. This resultant situation impacted the street scene adversely and the proposal would have a detrimental impact upon the visual amenities of the area at odds with policy. As such, the proposal failed to comply with the provisions of Policies EM3 and EM4 of the Estates Management Scheme.

It was moved by Councillor M.Birleson, seconded by Councillor M.Larkins and

RESOLVED:
(5 voting for and 1 against)

That the delegated decision be upheld and the appeal dismissed and that additionally, enforcement action be progressed.

7. 39 MARSDEN GREEN, WELWYN GARDEN CITY, AL8 6YD - 6/2016/0032/EM - INSTALLATION OF PICKET FENCE ALONG THE SIDE AND FRONT OF BOUNDARY:

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This was an appeal against the refusal of Estate Management Consent for the erection and installation of a picket fence along the side and front boundary of this property. The application had been refused for the following reason:

'The proposed boundary fencing to the front would form a prominent addition that would adversely affect the character and appearance of the property and street scene, detrimental to the amenities and values of this part of the Garden City and contrary to Policies EM2 and EM3 of the Estate Management Scheme.'

The proposal sought Estate Management consent for the erection and installation of a picket fence in front of the house along the side and front boundary. This would involve the removal of the existing soft landscaping along the boundary with the highway.

The key issue in the determination of this appeal was the impact on the amenities and values of the surrounding area. The impact on the residential amenity of adjoining occupiers was considered to be acceptable.

Policy EM3 of the Estate Management Scheme (EMS) referred to soft landscaping and stated that works to trees and hedgerows would only be allowed where it would not result in the loss of landscaping which would harm the character and amenities of the area and where sufficient justification for the works had been given or there were other considerations that applied.

The provision of generous landscaping and hedgerows within the town was what helped the town to retain its particular and unique character. It was acknowledged that there was a need to prevent the erosion of landscape within the town and it was believed that the retention of frontages, hedgerows and trees were critical to preserve this character. Officers considered that the complete removal of the hedge along the frontage of the site was considered to be detrimental to the soft landscaped character of the surrounding area, contrary to Policy EM3.

Policy EM2 outlined that proposals for new buildings would only be permitted where they did not have a detrimental impact on the amenities and values of the surrounding area. Whilst policy EM2 applied to new buildings, it was considered that this was the most appropriate policy to assess the proposed fence against. This policy expected that new buildings should respect the visual appearance of the area in terms of siting and scale and not result in a visually overly prominent element.

In regard to Policy EM2, Marsden Green was characterised by front boundary hedges. The presence of a front and side boundary fence would be highly visible from Marsden Green which would be clearly contrary to the established character of the street scene. The erection of a front boundary fence would introduce an alien and incongruous feature to the street scene and would alter the appearance to the front of the property and this part of

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Marsden Green which was considered to be detrimental to the street scene and therefore the amenities and values of the area.

It was considered that the loss of the hedge and the proposed fence would alter the established character of the area and would have a detrimental impact on the amenities and values of the Estate Management Scheme.

The Panel concluded that the installation of a front and side boundary fence following the removal of the existing hedge along the front boundary would not reflect or be in keeping with the established character of Marsden Green. It was considered that the appellant had not provided sufficient justification for the removal of the soft landscaping or the erection of a fence which would outweigh the harm that would result and that the proposal would detract from the amenities and values of the Estate Management Scheme and would be contrary to Policies EM2 and EM3.

It was moved by Councillor M.Larkins, seconded by Councillor M.Birleson and

RESOLVED:
(unanimous)

That the delegated decision be upheld and the appeal dismissed.

An informative would be added to the decision advising the appellant that if the existing hedge to the front of the site died or became seriously damaged or diseased, it should be replaced during the following planting season by a hedge planted in accordance with a specification previously agreed in writing by the Council, to avoid any enforcement action.

(Note: Councillor M.Cowan withdrew from the meeting for this item as he had commented on the original application).

8. UPDATE ON PROGRESS WITH ARBITRATION CASES:

Report of the Director (Governance) updating the Panel with regard to the arbitration cases that were put before the Panel on 15 June 2015.

RESOLVED:

That Members agree the closure of the 219 Knightsfield, Welwyn Garden City case and note the further cases to be presented to the next Panel meeting for consideration and those where arbitration should be sought.

Meeting ended at 8.35 pm
GS