

Estate Management Appeals Panel  
2 November 2016

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ESTATE MANAGEMENT APPEALS PANEL held on Wednesday, 2nd November, 2016 at 7.30 pm in the Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors S Johnston (Chairman)

J Beckerman, M Birleson, A Chesterman, M Cowan  
and F Thomson

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

ALSO PRESENTS BY INVITATION: Appellant's Agent (D Goodman for item 11)

OFFICIALS PRESENT: Head of Planning (C Haigh)  
Planning Enforcement Officer (M Saunders)  
Principal Development Management Officer (S Smith)  
Governance Services Officer (G Paddan)

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17. MINUTES

The Minutes of the meeting on 29 September 2016 were deferred until the next meeting.

18. DECLARATIONS OF INTEREST BY MEMBERS

Councillor Cowan declared a non-pecuniary interest in item 12, in respect of 38 Furzefield Rd, Welwyn Garden City.

19. 7 YOUNGS RISE, WELWYN GARDEN CITY, AL8 6RT - 6/2016/0514/EM - REMOVAL OF SECONDARY REAR CHIMNEY:

The report of the Head of Planning set out an appeal against the refusal of Estate Management Consent for the removal of a secondary rear chimney in this property.

The application had been refused because the loss of the chimney would result in the unacceptable and detrimental effect on the character and architectural appearance of the subject property, the adjoining handed property and the surrounding street scene.

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5 Youngs Rise – A detailed response (attached as Appendix 3 to the report) was provided to the appellant's statement of case – objecting to the appeal, as the side chimneys on the houses at the eastern end of Youngs Rise, including 7 Youngs Rise are key architectural features that contributed significantly to the street scene. The two handed semis were designed and built to be symmetrical in the early 1920s and the removal of the chimney has destroyed this symmetry.

It was requested that a process be launched that would result in the reinstatement of the chimney, so that the building would become consistent with the design "6/2015/2014/EM" that was originally approved by the Council in November 2015.

Welwyn Garden City Society repeated its objection to the removal of the chimney in that it was a material change to the appearance and character of this building that formed part of a cohesive group of buildings in a Conservation Area and design as a street scene comprising a series of matching dwellings.

The appellant's agent was in attendance and advised the Panel that the chimney had to be removed because it was dangerous. He also indicated that the Council had consented to the removal of other rear secondary chimneys within the Estate Management Area and this was noted. The reinstatement may be both difficult and expensive to the appellant and this was not a consideration in the determination. The Agent's Statement was largely extraneous to the case and the statement that 'the rear of the house not being seen from the street' was incorrect and confirmed that neighbours observed and reported the removal demonstrated the fact that the chimney could be seen and formed an important element to the street pattern.

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

The appeal related to a retrospective application, it was considered that this matter could be solved by the installation of a false chimney. This was rejected by the appellant's agent who sought to justify why consent should be granted. It was noted that the appellant's agent had made no case to justify why consent should be granted and neither any justification as to the harm outlined above to the streetscene was accepted.

It was moved by Councillor F Thomson, seconded by Councillor M Cowan and

RESOLVED:  
(unanimously)

That the delegated decision be upheld and the appeal dismissed.

20. UPDATE ON PROGRESS WITH ARBITRATION CASES

The report of the Head of Planning updated the Panel with regard to arbitration cases that were put before the Panel on 28 July 2016.

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RESOLVED:

That the closure of 54 Woodhall Lane be agreed.

73 Walnut Grove – await outcome of Estate Management application and if approved, an informative sent to property owners to advise of the need to obtain a cross-over.

73 Valley Road – the wood stain sample was considered acceptable. Requested that officers liaise with owners regarding how they will implement it.

26 The Croft – authority given for arbitration and that this case should be the first example of hard standing to go to arbitration.

251 Knightsfield – latest Estate Management application was refused and waiting to see if owners appeal before deciding the next step.

54 Woodhall Lane - authority granted to close the case as a result of the roof tiles weathering.

31 Sandpit Road – soft landscaping has been implemented which the Panel were satisfied with; however need to investigate whether a hedge had been planted along the front boundary before being given authority to close the case. Officers will invite Estate Management application.

72 Chequers – enforcement to be put on hold and depending on the outcome of arbitration for the first hard standing case that is considered by RICS, this case may go to arbitration to gain an understanding of possible immunity periods.

176 Heronswood – awaiting Estate Management application for cosmetic chimney.

104 Cole Green Lane - authority given for arbitration. However this case should be held until 26 The Croft has been determined by RICS. Should the case against 26 The Croft be successful, to take 104 Cole Green Lane to arbitration.

38 Furzefield Road - authority given for arbitration. However this case should be held until 26 The Croft has been determined by RICS. Should the case against 26 The Croft be successful, to take 38 Furzefield Road to arbitration.

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Meeting ended at 8.20pm  
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