

Estate Management Appeals Panel
26 January 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ESTATE MANAGEMENT APPEALS PANEL held on Thursday, 26th January, 2017 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors S Johnston (Chairman)
J Beckerman, M Birleson, M Cowan, M Larkins,
F Thomson

ALSO PRESENT

BY INVITATION: Appellant (J Guo - Minute Number 25)

OFFICIALS PRESENT: Development Management Service Manager (L Hughes)
Principal Development Management Officer (S Smith)
Principal Planning Enforcement Officer (B Owusu)
Governance Services Officer (G Paddan)

21. SUBSTITUTION OF MEMBERS:

The following substitution of a Panel Member has been made in accordance with Council Procedure Rules 19-22.

Councillor M Larkins for A Chesterman.

22. APOLOGIES:

Apologies for absence were received from Councillor A Chesterman.

23. MINUTES:

The minutes of meetings held on 29 September 2016 and 2 November 2016 were agreed as a correct record subject to the following amendments:

Minute No: 14 – “The impact of colour of the then proposed front door would not be as harmful to the visual amenity of the area as would a change to the design of the door”.

Minute No: 20 (54 Woodhall Lane) – “as a result of the roof tiles weathering”.

24. DECLARATIONS OF INTEREST BY MEMBERS:

Councillor Cowan declared a non-pecuniary interest in item 27, in respect of 38 Furzefield Road, Welwyn Garden City.

Estate Management Appeals Panel
26 January 2017

25. 19 FEARNLEY ROAD, WELWYN GARDEN CITY, AL8 6HW - 6/2016/1603/EM - EXTENSION TO DRIVEWAY AND REMOVAL OF HEDGE:

The report of the Executive Director (Public Protection, Planning and Governance) set out an appeal against the refusal of Estate Management Consent for the extension of the driveway and removal of front boundary hedge.

The application was refused due to the hardstanding area and loss of part of the hedge to the front of the dwelling, which would result in an unbalanced frontage with excessive hardstanding and insufficient soft landscaping which would erode and would be inconsistent with the immediate character of Fearnley Road and the surrounding Garden City. Accordingly, the proposal would be detrimental to the values and amenities of this part of the Garden City contrary to Policies EM3 and EM4 of the Estate Management Scheme. The original application sought retrospective Estate Management consent for an extended driveway and removal of hedgerow on the front boundary to facilitate a driveway.

The report noted that within the supporting text to Policy EM4, it outlines that the Council will aim to ensure that a significant proportion, around 50% unless individual circumstances indicate that this would not be appropriate, of the frontage would be retained as landscaped 'greenery' to retain the appearance and ethos of the Garden City.

The key issue in the determination of this appeal was the impact on the amenities and values of the subject property, the surrounding area and Welwyn Garden City.

Members expressed a view that the hardstanding area was too large and that the garage to the property provides one parking space. The size of modern garages was discussed and it was felt that some garages could not accommodate a modern family car.

The case had been advanced by the appellant who was in attendance, in support of the appeal which had highlighted a number of reasons for the enlarged driveway and the partial removal of the hedgerow along the front boundary. These included:

- To enable the appellant to accommodate two cars on the driveway – previously there was parking for one car.
- Parking restrictions on Fearnley Road which prohibits cars parking on the road Monday to Saturday 9am to 11am.
- The plan submitted was the minimum space allowed for the parking of two cars and the other hardstanding areas along Fearnley Road which appear to have extended their driveways by more than 50%

The appellant highlighted that he was not the owner of the property when the parking review work programme was carried out and that he would not have carried out any work without consulting the Council, which he did and he was sent to Highways. He also advised that he sought advice from a Council

Estate Management Appeals Panel
26 January 2017

recommended company to carry out the hardstanding area works. It was confirmed that the Council does not recommend companies for such works. The appellant also stated that the development scheme has been developed in the 1950s/1960s and felt to be not fit for current purposes.

Members discussed that the County Council need to be contacted in respect of the cross over, as the grass verge was being damaged by vehicles constantly driving over.

In response to the comments from Members and the appellant it was suggested that the appellant contact the Principal Development Management Officer (North) to seek a way forward satisfactorily for both parties.

It was moved by Councillor M Cowan, seconded by Councillor M Larkins and

RESOLVED
(4 voting for, 2 against)

That the delegated decision be upheld and the appeal dismissed.

26. 11 VALLEY ROAD, WELWYN GARDEN CITY, AL8 7DG - 6/2016/1523/EM - FORMATION OF NEW DRIVEWAY AND THE REMOVAL OF CONIFER, REPLACED WITH SILVER BIRCH:

The report of the Executive Director (Public Protection, Planning and Governance) set out an appeal against the refusal of Estate Management Consent for the formation of a new driveway, the removal of a conifer and replacement silver birch tree. The application was refused on 30 August 2016, as the proposal would not have retained a 50/50 balance between soft and hard landscaping, which would result in the loss of mature trees and soft landscaping including the loss of hedgerows and would be detrimental to the appearance of the surrounding street scene and contrary to Policies EM3 and EM4 of the Welwyn Garden City Estate Management Scheme.

The report highlighted that the appeal site comprises an end-of-terrace, two storey dwelling with detached garage. The detached garage is set back from Valley Road and to the side of the appeal property. The proposed driveway would extend the existing driveway to the front of the property and would also be alongside the side which leads to the garage. The materials of the proposed driveway had not been stated.

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

Members were advised that the appellant had submitted a new plan (p21 of the pack) which showed the required 50/50 split, in line with the requirements of policy EM4 of the Estate Management Scheme. The plan also indicated that a small portion of the front hedge would be trimmed and the conifer tree replaced with a silver birch. The two plans were considered side by side and the

Estate Management Appeals Panel
26 January 2017

amendments were deliberated and Members asked questions in respect of the drainage and retaining the front hedge, together with amendments to front gardens of properties on either side the application property.

Members were of the view that the revised plan would not be detrimental to the street scene and the local amenity value.

It was moved by Councillor F Thomson, seconded by Councillor J Beckerman and

RESOLVED
(unanimously)

That the appeal be allowed in view of the amended plan submitted as part of the appeal and Estate Management consent granted subject to the following conditions:

1. All works carried out in pursuance of this consent shall be and remain part of the Premises and shall be subject to the terms and conditions of the conveyance in all respects, as if such works had at all times formed part of the Premises.

REASON: To comply with the requirements of the Leasehold Reform Act 1967 Estate Management Scheme for Welwyn Garden City.

2. This consent or copy hereof shall be annexed to the Conveyance.

REASON: To comply with the requirements of the Leasehold Reform Act 1967 Estate Management Scheme for Welwyn Garden City.

3. There shall be no encroachment over the boundary of the plot either above or below ground level, nor any interference with the foundations of the adjoining property without the agreement of the adjoining owner or lessee.

REASON: To comply with the requirements of the Leasehold Reform Act 1967 Estate Management Scheme for Welwyn Garden City.

4. This consent now issued is given by the Council only in accordance with the requirements of the Management Scheme/Conveyance or Leasehold Covenants.

REASON: To comply with the requirements of the Leasehold Reform Act 1967 Estate Management Scheme for Welwyn Garden City.

Estate Management Appeals Panel
26 January 2017

5. Only that part of the hedge required for the access of the hard standing shall be removed and the remainder shall be retained.

REASON: To protect the visual amenity of the area in accordance with the requirements of the Estate Management Scheme and Policy EM3.

6. The driveway shall be constructed to prevent rain from running off into the highway. This shall be of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The development shall be retained as such thereafter.

REASON: To protect the character and appearance of the site and area and the amenities of the area in accordance with the requirements of the Leasehold Reform Act 1967 Estate Management Scheme for Welwyn Garden City and Policies EM3 and EM4.

7. No works to the conifer tree or development hereby approved shall take place until full details on a suitably scaled plan of the replacement tree have been submitted to and approved in writing by the Council. Those details shall include the location, size and exact type of tree to be planted. Subsequently, the approved replacement tree shall be planted within the next available planting season and shall not be planted, other than in accordance with the approved details.

REASON: The replacement tree is required in order to protect and enhance the existing visual character of the area in accordance with Policy EM3 of the Estate Management Scheme.

27. UPDATE ON PROGRESS WITH ARBITRATION CASES:

The report of the Executive Director (Public Protection, Planning and Governance) updated the Panel with regard to arbitration cases that were put before the Panel on 2 November 2016.

RESOLVED:

- (1) 73 Walnut Grove – Still awaiting decision on retrospective application 6/2016/1526/EM.
- (2) 73 Valley Road – the Panel was updated on the agreement reached with the owner to implement the wood staining approved at the 2 November 2016 meeting and asked to be updated at the next meeting. It was highlighted that there was the loss of the hedge to the front of the property but this may have occurred at some point as the work was carried out. This matter to be investigated.

Estate Management Appeals Panel
26 January 2017

- (3) 26 The Croft – The Council have recently become aware that different people have been occupying the property since September 2016 and so further investigation was required to find out the address of the named owners before proceeding with the paperwork for RICS. May still be going to arbitration depending on the reaction of the owners when contacted and the outcome of the new test case.
- (4) 251 Knightsfield – The application was refused. The Council was waiting to see if an appeal is submitted by the applicant. If not submitted by the end of January 2017 then authorisation would be sought for the Head of Planning to refer the matter to be determined by an arbitrator.
- (5) 31 Sandpit Road – It was agreed that a hedge be provided to the front of the site rather than the small plants that are currently there. Also asked for a hedge to be provided on the boundary if possible. Enforcement action to be taken.
- (6) 72 Chequers – It was agreed for this to now be the test case for arbitration. Enforcement action to be taken.
- (7) 176 Heronswood Road – It was noted that the owner has submitted an application for the erection of a cosmetic chimney. Enforcement Team to monitor to ensure replacement chimney is implemented.
- (8) 104 Cole Green Lane – The Panel will be updated at the next meeting. Application has been submitted for soft landscaping.
- (9) 38 Furzefield – This case is currently on hold whilst awaiting the outcome of arbitration on another hardstanding case. It was noted that no cross over has been provided at the property.

Meeting ended at 8.15pm
GP