

Estate Management Appeals Panel
24 August 2017

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ESTATE Management Appeals Panel held on 24 August 2017 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Glick (Chairman)
J.Beckerman, M.Birleson, A.Chesterman, M.Cowan,
T.Mitchinson and F.Thomson

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

ALSO PRESENTS Appellant (Mrs R. Cantor for item 14)

OFFICIALS PRESENT: Head of Planning (C. Haigh)
Interim Development Management Service Manager (C. Carter)
Principal Development Management Officer (S. Smith)
Principal Planning Enforcement Officer (B. Owusu)
Governance Services Officer (G. Paddan)

10. MINUTES

The minutes of the meeting held on 15 June 2017 were agreed as a correct record and signed by the Chairman.

11. DECLARATIONS OF INTEREST BY MEMBERS

Councillor M Cowan declared a non-pecuniary interest in item 16 in respect of 38 Furzefield Road, Welwyn Garden City.

12. 47 BROOMHILLS, WELWYN GARDEN CITY, AL7 1RE - 6/2017/0492/EM -
ERECTION OF A SINGLE STOREY REAR EXTENSION

The report of the Executive Director (Public Protection, Planning and Governance) set out an appeal against the refusal of Estate Management Consent for the erection of a single storey rear extension.

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The report noted that the original application sought Estate Management consent for the erection of a rear extension with a height of approximately 3.7m, an eaves height of approximately 2.3m and a width of approximately 6.1m. Its proposed depth was approximately 3.5m. The extension was designed with a solid pitched room with three rooflights.

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

Whilst there was no objection to the principle of a single storey rear extension to the property, the refusal related especially to the introduction of a full width extension with a pitched roof. In the Garden City single storey extensions are generally expected to be designed with a flat roof which is there to limit the impact of the development on the rear elevation and maintain a consistency with the design and appearance of single storey extensions.

The appellant had highlighted a rear extension located at number 43 Broomhills. This was granted consent in December 2015. It was noted that the proposal 'seeks to match the closet built extension that is a pitched roof and would therefore maintain the existing character and appearance of the area'. The appellant had also made reference to another rear extension with a pitched roof at number 20 Windhill. It was noted that this extension at number 20 Windhill was some distance from the appeal property. The extensions at neighbouring properties, with pitched roofs, were noted, but officers advised that these cases were anomalies which should not set a precedent for other properties.

It was felt that the full width extension, with a sloping roof, rather than a flat roof would represent a more dominant form of development to the rear of the row of properties. The proposal was seen as not reflective of the character and appearance of the dwelling or the terrace and would have a detrimental impact on the amenities and values of the surrounding area and the Garden City as a whole and this conflicts with Policy EM1 of the Estate Management Scheme.

Members were concerned that a pitched roof on a single storey would set a precedence and the objections from officers should be upheld to protect the area.

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

RESOLVED
(5 voting for, 2 against)

That the delegated decision be upheld and the appeal dismissed.

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13. 3 DIGSWELL HOUSE MEWS, MONKS RISE, WELWYN GARDEN CITY, AL8 7AT - 6/2017/0141/EM - RETENTION OF INTERNAL ALTERATIONS AND ROOF LIGHT

This item was withdrawn, as the applicant will be submitting further information. The application to be considered at the next meeting.

14. 311 KNIGHTSFIELD, WELWYN GARDEN CITY, AL8 7NJ - 6/2017/0813/EM - ERECTION OF A SINGLE STOREY REAR EXTENSION

The report of the Executive Director (Public Protection, Planning and Governance) set out an appeal against the refusal of Estate Management Consent for the erection of a single storey rear extension. The appeal site is located on the west side of Knightsfield and comprises a two storey semi-detached dwelling with an attached side garage. The property also benefits from an existing single storey extension to the rear which forms a play room and a rear conservatory.

The report noted that the original application sought Estate Management consent for the erection of a single storey rear extension following the demolition of the existing conservatory. This would infill a gap between the original rear wall and the existing extension off the garage.

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

The appellant attended the meeting and referred to the fact that no objections had been received from neighbours during the consultation process. Members appreciated the need for a large room to accommodate the family but the proposed extension of 5.9 metres would extend deep into the rear garden and when compared to the original property which measures approximately 7.2 metres in depth, the extension would result in a substantial increase in bulk and mass to the original property which would fail to appear subordinate in scale. Whilst it was noted that the extension was set in 1 metre from the boundary, as a result of the proposed height and depth of 5.9 metres projecting off the rear wall, it was considered that the proposed extension would appear excessive and unduly dominant which would result in a detrimental impact on the residential amenity of the adjoining property of No. 313 Knightsfield. The proposal failed to comply with Policy EM1.

Members were concerned regarding the size of the proposal and that it was also an issue of precedence being set. It was suggested that a future design guide could also include acceptable sizes for appellants. Officers advised that the review of the Estate Management Scheme was underway and that a design guide may emerge from that review. Members were advised that permitted development did not apply nor an appeal to Government, as this is an Estate

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Management Scheme specifically for Welwyn Garden City with an appropriate policy to protect the area.

Further consideration was given to submitting a workable sized proposal that would be acceptable for approval. Unfortunately there is no recommended size for an extension as it is the proportionality in relation to the building.

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

RESOLVED
(6 voting for, 1 against)

That the delegated decision be upheld and the appeal dismissed.

15. 60 KIRKLANDS, WELWYN GARDEN CITY AL8 7RD - 6/2016/2572/EM - FORMATION OF HARDSTANDING

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 hardstanding. It was noted that the reason for refusal was principally in regards to the loss of hedgerow. The loss of hedgerow over be above the minimum required for vehicular access failed to comply with Policy EM4 of the Welwyn Garden City Estate Management Scheme. Furthermore, it was noted the loss of trees or hedgerows which harm the character and amenities of the area would not accord with Policy EM3. It was considered that the lack of reference to Policy EM3 in the reason for refusal was typographic error only, as the reason remained clear.

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

The Council aimed to ensure that a significant proportion, around 50%, 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. Members noted that the existing frontage contained exclusively landscaped greenery. This was consistent within the terrace of dwelling in which the appeal property was contained, with the exception of the end of terrace property to the eastern extent.

The report noted that the appellant made reference to on-street parking issues along Kirklands. The appellant's grounds in regards to parking issues refers to lack of parking provision throughout the day and night, by reference to other residents as well as staff for the local primary school and pick up/drop off times. Whilst the proximity of the primary school was acknowledged the parking issues which arose from the proximity to the school would be intermittent throughout the day. The issue of on-street parking resultant from other residents in the area was common to most areas in Welwyn Garden City and thereby was not

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considered to outweigh the harm to the values and amenities of the area resultant from the proposed works.

The report indicated that the appellant had stated that he wishes to purchase an electric vehicle, which will need to be parked on-site for charging. Members gave consideration to this and the suggestion of a reduction in the hedge removal to 2.5m in width as well as the installation of hedging round the edge of the proposed hard surfacing. The crossover would be in line with the hard standing area. It was suggested that the opening be along the path leading to the house but it was felt that it would be hazardous as there was drop between the path and the proposed standing area, this would pose additional difficulties for wheelchairs etc.

Members sought clarification on the exact part of the hedgerow in question. It was noted that number 56 Kirklands had removed a larger proportion of the hedge and that the Enforcement Team should investigate. Officers were reminded to provide an update on items brought up at the last meeting. Members were advised that standard hard standing area was 4.8m x 2.4m minimum.

Members were advised that the principle objection in this case was the extent of hedgerow removal and the impact on the street scene, it was considered that a reduction in the amount of hedgerow removal would move the proposal to more policy complaint landscaping works.

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

RESOLVED
(unanimously)

That the Members uphold the delegated decision and dismiss the appeal, with the addition of the following informatives: -

1. The suggestion of a reduction in the amount of hedgerow removal is considered worthy of further discussion. It is recommended that the applicant contact the planning team in order to continue negotiations to try to create a proposal that better meets the aims, purposes and policies within the Welwyn Garden City Estate Management Scheme.
2. Due to the topography of the site, and the requirement for the hard surfacing to be raised above the natural ground level, it is considered that the proposed development may require planning permission and the applicant is advised to seek confirmation of this from the planning department.

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16. 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 15 June 2017.

RESOLVED:

73 Walnut Grove – Panel will be updated at the October 2017 Panel meeting.

26 The Croft – Letter send on 15 August to invite the owner to participate in the arbitration process. The owner has 28 days to respond.

251 Knightsfield – Noted that no appeal has been received against the decision to refuse Estate Management consent. Letter is being sent to the owner inviting them to participate in the arbitration process to resolve the breach. The Panel will be updated at the next meeting.

31 Sandpit Road – A question was asked whether the resident had agreed to reinstating the hedge. Officers advised that the owner had been contacted with regards to the requirement for front hedge to be reinstated. Currently awaiting compliance with the requirement. The type of preferred planting was discussed. Enforcement Officer working on this case.

72 Chequers – This case was approved to be taken to arbitration as a test case for hardstanding in place 26 The Croft. However it was noted that following an invitation to the owner to participate in arbitration process. The owner has decided to negotiate a solution with the Council. A meeting to be arranged to look at moving forward with this case. It was noted that an applicant can contact a councillor regarding their application but a councillor would require guidance. The Panel will be updated at the next meeting.

176 Heronswood Road – The Enforcement Team will monitor to ensure replacement chimney is implemented.

19 Fearnley Road – The owner has tentatively agreed a scheme comprising of 47% soft landscaping to be submitted to the Council for consideration. The necessary drawings were being prepared for submission.

56 Broomhills – The applicant has been advised to modify the scheme to include reinstating the front hedge. Enforcement Officer was currently in contact with the applicant with a view to speed up submission of a revised scheme for consideration by the Council. Members commented on timescales and it was suggested that in future applicants be provided with a timeframe.

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38 Furzefield Road – It was noted that the Estate Management application did not specify a period by which the owner is required to undertake the soft landscaping other than to complete the development within three years of the decision date. Members were advised that no action could be taken before February 2019 but the site will be monitored to ensure that the landscaping is completed as approved within this timeframe.

A question was raised in respect of the property being sold and a new owner in place. Officers advised that the solicitor carrying out the conveyancing would advise accordingly regarding the Enforcement being with the property.

Meeting ended at 8.30pm
GP