

Estate Management Appeals Panel
14 June 2018

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ESTATE MANAGEMENT APPEALS PANEL held on Thursday 14 June 2018 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors S.Glick (Chairman)

H.Bower, A.Chesterman, M.Cowan, T.Mitchinson
(sunstituting for H.Bromley), L.Musk and N.Pace

ALSO

PRESENT: Appellant (Mr I.Cushion for item 7)

OFFICIALS Development Management Service Manager (C.Carter)
PRESENT: Governance Services Officer (H.Johnson)
Governance Services Officer (G.Paddan)

1. APPOINTMENT OF CHAIRMAN

It was noted that the Cabinet on 5 June 2018 had appointed Councillor S.Glick as Chairman of the Panel for the 2018/19 municipal year.

The Chairman welcomed new Members and welcomed back returning Members and thanked Councillor T.Mitchinson for substituting.

2. SUBSTITUTION OF MEMBERS

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

Councillor T.Mitchinson for Cllr H.Bromley.

3. APOLOGY

An apology for absence was received from Councillor H.Bromley.

4. MINUTES

The Minutes of the meeting on 19 April 2018 were approved as a correct record and signed by the Chairman.

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5. 4 THE COMMONS, WELWYN GARDEN CITY, AL7 4RP - 6/2018/0205/EM -
ERECTION OF FRONT PORCH

The report of the Corporate Director (Public Protection, Planning and Governance) set out an appeal against the refusal of Estate Management Consent for the erection of a front porch.

The appellant's letter of appeal was attached at Appendix 1, and the original Officer's report for application reference 6/2018/0205/EM, was attached at Appendix 2.

The report noted that the appeal property was a two storey, mid terrace dwelling located centrally on the west side of The Commons. The property, along with the two other terrace dwellings which it adjoined, were designed with distinctive and symmetrical architectural features (such as fenestrations, chimneys and door surrounds). The appeal property did not have a front porch and included a door surround painted white with a small flat overhang. The architectural detailing was replicated on both of the two adjoining properties in that row of terraces. All of these features could be viewed from the street and contributed positively to the character and appearance of the appeal property and the row of terraces and surrounding street scene.

Members were informed that, in contrast, the proposed front porch would be brick built and enclosed and would extend across a large proportion of the front of the house and project beyond the existing front of the house. It would appear as a large and bulky addition, completely at odds with the architectural appearance of the existing front door and an incongruous addition that would fail to maintain the values and amenities of the appeal property, the row of properties it was located in and the amenities and values of the Garden City.

The Appellant attended the meeting and stated the following:

- Other porches had been granted consent.
- That the proposed porch had taken the appearance other porches into account and was designed in keeping with the existing dwellings.
- That the proposal was in keeping with the existing front porches of properties Nos. 3, 5, 7 and 9.
- That consent had been granted for a side extension at No.6 which visually changed the terrace.
- That the porch would be below the height required for planning permission.

In response, Officers reiterated that each case must be considered on its own merits and Members strongly agreed that porches in nearby streets did not set a precedent and moreover, those at properties Nos. 3, 5, 7 and 9 were part of the original design.

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In addition, Members noted that the porch was below the height required for planning permission under permitted development but this did not apply with the Estate Management Scheme.

Members had every sympathy for the Appellant for going through the correct process of making an Estate Management application and appearing before the panel but not meeting the right criteria for consent. Moreover, many residents modified their properties without consent and this understandably create a sense of injustice and frustration. That said, Members noted, in many cases residents had to remove modifications to their property retrospectively which cost money and also residents could have an issue selling their property without the correct paper work.

Members agreed that more ought to be done with regards to those who have disregarded the Estate Management Scheme and acknowledge that a number of breaches of the Estate Management Scheme were outstanding and could not be investigated immediately due to limited resources of the Planning Enforcement Team.

Next, a discussion followed with regards to the apparent incompatibility of the Estate Management Scheme with the needs of modern living, in particular the requirements for car parking (i.e. hardstanding) and additional space (i.e. porches).

Officers advised the Panel that the Council was in the process of revising the Estate Management Scheme and had consulted residents in early 2017. The result was that the majority wanted to maintain the scheme but the administration of the scheme could be improved. A new Design Guide, which specified what was and was not likely to be acceptable under the scheme, was in the process of being produced and it was hoped it would assist in balancing garden city principles with the needs of modern residents.

In summary no additional evidence or information had been put forward by the Appellant which would add or alter the Officer's recommendation. Subsequently, the proposed porch would cause harm to the values and amenities of the area and failed to accord with Policy EM1 of the Welwyn Garden City Estate Management Scheme.

It was moved by Councillor M.Cowan, seconded by Councillor N.Pace and

RESOLVED:
(unanimous)

That the Members uphold the delegated decision and dismiss the appeal.

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6. UPDATE ON OUTSTANDING ENFORCEMENT CASES AND RECOMMENDATIONS FOR ENFORCEMENT ACTION UNDER THE TERMS OF THE MANAGEMENT SCHEME FOR WELWYN GARDEN CITY FOR BREACHES OF THAT SCHEME

The report of the Corporate Director (Public Protection, Planning and Governance) updated Members with regard to outstanding arbitration cases that were put before the Panel, up to and including, on 19 April 2018.

73 Walnut Grove

Formation of hardstanding in front garden. A compliance site visit on 21 May 2018 confirmed works had been completed that satisfactorily remedied the breach of the Estate Management Scheme. The case was recommended for closure.

251 Knightsfield

Erection of single storey rear extension. The applicant recently submitted an appeal against the decision in October 2014 to refuse consent to the retrospective application. The appeal was subsequently withdrawn and the applicant asked for time to negotiate with Officers. A pre-application request was received in May 2018 and Officers were in discussion with the property owner. The Committee urged a swift resolution.

72 Chequers

Removal of front hedge and creation of hardstanding. Application to be determined by an arbitrator appointed by the President of the Royal Institute of Chartered Surveyors in accordance with paragraph 8 of the Management Scheme of Welwyn Garden City.

19 Fearnley Road

Extension to driveway to form 100% hardstanding in front garden and the removal of front boundary hedge. Ongoing contact between the Enforcement Officer and the owner with the intention that a retrospective Estate Management application for a modified scheme would be submitted which would comprise of approximately 47% soft landscaping and the reinstatement of front hedging.

56 Broomhills

Removal of front hedge and formation of hardstanding. A site visit was carried out on 31 May 2018 which confirmed the hedge had been planted on the front boundary. The width of new hedge was not as wide as what was previously there however it would in time, soften the appearance of the hardstanding and allow for two cars to park on the hardstanding. Case recommended for closure.

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Members were reminded by Officers of the Council's policy requirement for approximately 50% soft landscaping on a residential frontage. It was noted that the reason for the refusal of 56 Broomhills was solely related to the removal of the hedge. The nearly 100% hardstanding remained in situ. There were similar unauthorised hardstanding at 10 other properties in Broomhills and 22 properties in nearby Daniels and the view of the Panel was sought by Officers on how to proceed with the wider issue.

The following ideas on how to proceed were raised by Members:

- All residents with nearly 100% hardstanding in situ could be written to and asked rectify the situation so that approximately 50% soft landscaping be present on a residential frontage.
- That the residents in question be required to submit an application and regularize the situation.
- That design advice ought to be made available to residents.
- That each breach be looked at on a case by case basis. A higher percentage of hardstanding might be required for those with disabilities and for those with garages and footpaths (as there would be only 25% remaining on the frontage for soft landscaping).

11 The Moors

Erection of single storey rear extension. Both the Estate Management application (6/2018/0272/HOUSE) and planning application (6/2018/0372/HOUSE) were refused on 9 April 2018. The owner had the right to appeal the householder application decision and had 12 weeks from the date of the decision notice to appeal. The owner also had the right to appeal the Estate Management application. The owner would be contacted in mid-June 2018 to ascertain their intentions.

88 Pentley Park

New raised beds, steps and walls and hardstanding to the front of the property. Following a complaint received in April 2016 a retrospective application for retention of the works was submitted in May 2016 but was refused. The owner met with Officers in April 2018 and the resultant remediation proposal was submitted for pre-application advice on 1 May 2018 and was with the Planning Officer for consideration.

3 Digswell House Mews

Erection of a roof light on the front roof slope. The appeal was dismissed in October 2017 and in February 2018 the owner's planning agent suggested that an Estate Management application may be submitted to move the roof light to the rear elevation. To date it was not been submitted and Officers would contact the resident in mid June if the roof light still has not been removed.

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37 Linkfield

Installation of solar photovoltaic panels to the front and rear roof slopes of the property. The breach was reported in January 2017 and subsequently invalid estate management applications were received. The solar panels were still in situ despite the owner being advised they needed to be removed or valid Estate Management Application submitted. The case was returned to the Panel to seek clarification on whether authority had been granted to take the case to arbitration, and the Members unanimously agreed to do so.

31 Sandpit Road

Members told the Committee that despite the case being recently closed, the hedge at the property was not growing as intended. Members asked, and the Chairman supported their view, that Officers revisit the property, make contact with the residents and reopen the case if necessary.

RESOLVED:

- (1) That the contents of the report be noted by Members.
- (2) That the closure of 73 Walnut Grove and 56 Broomhills be authorised by Members.
- (3) That 37 Linkfield be taken to arbitration and authorised by Members.
- (4) That the reopening of 31 Sandpit Road be authorised by Members, following a site visit by Officers and contact made with the residents.

A discussion followed about the resources of the Planning Enforcement Team. Members noted that Bright Owusu had left the Council and interviews were taking place with an appointment to the team imminent. The team were also receiving additional support of two days a week from agency staff.

Members expressed the view that a bigger resource was required to deal with the unsatisfactory situation of 580 outstanding enforcement cases. Members were advised by the Chairman to voice their concerns with the Executive Member for Environment and Planning Delivery and the Leader of the Council.

A discussion also ensued with regards to the outcome of the consultation on the Estate Management Scheme which was carried out in early 2017. Members were keen for action and residents had enquired about the outcome too. Officers stated that the results of the consultation were set out at Cabinet in November 2017 which was already in the public domain and that further publicity on the matter was anticipated in the forthcoming months.

Meeting ended at 8.17pm
HJ