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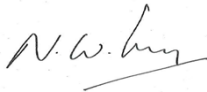
Please ask for:
Helen Johnson

9 October 2018

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL ESTATE MANAGEMENT APPEALS PANEL to be held on Thursday 18 October 2018 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

Yours faithfully



Corporate Director
Public Protection, Planning and Governance

AGENDA
PART 1

1. SUBSTITUTION OF MEMBERS

To note any substitution of Members made in accordance with Council Procedure Rules 19-22.

2. APOLOGIES

To note any apologies.

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 15 August 2018 (previously circulated).

4. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 9 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

5. DECLARATIONS OF INTEREST BY MEMBERS

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary and non-pecuniary interests in respect of items on this Agenda.

6. 11 LADY GROVE WELWYN GARDEN CITY AL7 4DS - 6/2018/0776/EM - ERECTION OF A FRONT PORCH, ALTERATION OF ELEVATIONS AND THE REMOVAL OF A FRONT HEDGE (Pages 5 - 30)

Report of the Corporate Director (Public Protection, Planning and Governance) sets out an appeal against the refusal of Estate Management Consent for the erection of a front porch, alterations of elevations and the removal of a front hedge.

7. 31 HOWICKS GREEN, WELWYN GARDEN CITY AL7 4RJ - 6/2018/1329/EM - REMOVAL OF CHIMNEY STACK (Pages 31 - 42)

Report of the Corporate Director (Public Protection, Planning and Governance) sets out an appeal against the refusal of Estate Management Consent for the removal of a chimney stack.

8. 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 (Pages 43 - 56)

Report of the Corporate Director (Public Protection, Planning and Governance) to update Members with outstanding arbitration cases that were put before the Panel, up to and including 4 October 2018.

9. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

10. EXCLUSION OF PRESS AND PUBLIC

The Panel is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for item 11 (if any) on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100A(3) and Paragraphs 5 (privileged and legal advice) and 6 (statutory notice or order) Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART II

11. ANY OTHER BUSINESS OF A CONFIDENTIAL OR EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

Circulation: Councillors S.Glick (Chairman) M.Cowan
H.Bower L.Musk
H.Bromley N.Pace
A.Chesterman

Corporate Management Team
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Helen Johnson, Governance Services on 01707 357467 or email – democracy@welhat.gov.uk

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Part I

Main Author: Kerrie Charles

Executive Member: Cllr. S. Boulton

Ward: Hollybush

WELWYN HATFIELD BOROUGH COUNCIL
ESTATE MANAGEMENT SCHEME PANEL -18 OCTOBER 2018
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2018/0776/EM

11 LADY GROVE WELWYN GARDEN CITY AL7 4DS

ERECTION OF A FRONT PORCH, ALTERATION OF ELEVATIONS AND THE
REMOVAL OF A FRONT HEDGE

APPLICANT: Mr P Shah

(Hollybush)

1. Background

- 1.1. The appeal is against the refusal of Estate Management Consent for the “erection of a front porch, alterations of elevations and the removal of a front hedge”. The application (reference: 6/2018/0776/EM) was refused on the 29 May 2018 for the following reason:

“The proposed front porch and the part removal of front boundary hedge would not be in keeping with the host dwelling, the area and its immediate context and would be detrimental to the amenities and values of the existing area. Accordingly, the proposal is contrary to Policy EM1 of the Welwyn Garden City Estates Management Scheme”.

2. Site Description

- 2.1. The appeal site, 11 Lady Grove, is a semi-detached dwelling with a pitched roof. The dwelling is located on the south side of Lady Grove, which connects Linkfield and Boundary Lane.
- 2.2. The properties within Lady Grove follow a common pattern in that, the front entrances are often located on the side elevations of semi-detached and end of terrace dwellings in the street.

3. The Proposal

- 3.1. The proposal seeks Estate Management Consent to erect a porch with a new front door on the front elevation; to replace an existing door on the side elevation with a window and to remove the front boundary hedge.

4. Relevant Estate Management History

- 4.1 No history

5. Policy

5.1. Estate Management Scheme Policies (October 2008)

EM1 – Extensions and Alterations

EM3 – Soft and Hard Landscaping

6. Representations Received

6.1. No representations have been received.

7. Discussion

7.1. This is an appeal against the refusal of Estate Management Consent. The appellant's letter of appeal is attached at Appendix 1 and the original officer's report for application referenced 6/2018/0776/EM is attached at Appendix 2.

7.2. The key issue in the determination of this appeal is the impact of the proposed development upon the amenities and values of the Garden City.

7.3. In recognition of the importance of Welwyn Garden City as a unique town and in order to protect the amenities and values of the Garden City, the Estate Management Scheme was set up. The purpose of the Estate Management Scheme and its importance to homeowners is to ensure that homes and street scenes are kept in harmony with the original designs and concepts of the town.

7.4. Policy EM1 of the Estate Management Scheme (EMS) refers to extensions and alterations, and states that extensions and alterations will only be allowed where the works are in keeping with the design, appearance, materials and architectural detail used in the existing building, and would not harm the amenities and values of the area.

7.5. Lady Grove is characterised with a mixture of semi-detached and terraced properties. A common architectural design of the semi-detached and end of terrace properties involves the use of entrance doors on the side elevation (rather the front elevation) that is symmetrical to the adjacent semi-detached and terraced dwellings.

7.6. The appeal dwelling and its neighbour at number 9 each have side facing doors and a shared access drive between them. They also have other features and characteristics common to a Welwyn Garden City dwelling in terms of materials and neo-Georgian glazing design and hedges screening the front garden area.

7.7. The proposal would include relocating the entrance to the front elevation and enclosing it within a new front porch measuring 2.4m by 1.25m. The porch would appear alien within the streetscene and would be detrimental to the character and surrounding area and would also disrupt the relative symmetry within the streetscene and therefore fail to comply with Policy EM1.

- 7.8. Front boundary hedges are a common feature within Lady Grove and within the Estate Management Scheme area. Although part of the hedge would be retained, no justification was been put forward with the application to explain why the removal is necessary. The loss of hedgerows and planting to front gardens within the Estate Management Area would conflict with the stated objectives of Policy EM3.
- 7.9. The proposed development would not preserve the unique architectural heritage of the town as it causes harm to the character and appearance of the building and the wider street scene thus resulting in harm to the amenities and values of the Garden City contrary to Policy EM1.
- 7.10. A case has been advanced by the appellant in support of the appeal. The appellant outlines that on this street some properties have small, porch like entrances. House numbers: 17, 19, 37 and 41 Lady Grove. Little evidence has been put forward to support this assessment and no application history can be found for these properties, which suggest the works may have been carried out without consent.
- 7.11. The appellant also remarks that the shared access between his and his neighbours home would make a porch over the existing door both impractical and unneighbourly as it would limit the shared access space.
- 7.12. In regards to the hedge the appellant has stated that the existing hedge is uneven and impractical and does not match other hedges on the other side of the property. He also mentions that there is other properties that do not have hedge.
- 7.13. Photographs of the shared access and hedgerow provided by the appellant are attached at Appendix 3.
- 7.14. The appellant has also submitted plans showing a smaller porch but this appeal relates to the originally submitted proposal as described above.
- 7.15. Despite the appellants submissions it is not considered that a compelling case has been advanced to demonstrate why, when considered in its context, the proposals should be permitted overriding the wider values and amenities of Lady Grove and Welwyn Garden City Estate Management Area.
- 7.16. It is still considered that the proposal fails to reflect the character and appearance of the properties where it is located and the streetscene of Lady Grove. The proposed development therefore fails to maintain the amenities and values of the Estate Management Area.

8. Conclusion

- 8.1. No substantial additional evidence or information has been put forward by the appellant which adds to or would alter the officer's recommendation. The proposed porch of and the removal of the hedge, would be unacceptable and have a detrimental impact on the character and appearance of the appeal

property, the row of terrace properties in which it is located and the surrounding street scene. Therefore the relocation of the front entrance and porch and the removal of the front boundary hedge would cause harm to the values and amenities of the area and the proposal fails to accord with Policy EM1 of the Welwyn Garden City Estate Management Scheme.

9. Recommendation

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

Name of Author: Kerrie Charles
Title: Assistant Planning and Enforcement Officer
Date: 18 October 2018


Background papers:

Appendix 1: Appellants grounds of appeal

Appendix 2: Original delegated officer's report

Appendix 3: Appellant's photographs 1 - 5



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 5AE</p>	Title: 11 Lady Grove Welwyn Garden City		Scale: DNS	
			Date: 2018	
	Project: EMAP Committee	Drawing No: 6/2018/0776/EM	Drawn: Ida Moesner	
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Justification for Appeal for the refusal of case ref: 6/2018/0776/EM

Proposal: Erection of a front porch, alterations to elevations and removal of a front hedge

We wanted to appeal Estate Management Decision on following grounds:

1. Moving the door location:

We have a shared driveway and even if we enclose the existing canopy to match the street scene (as suggested over the phone by our current case officer in an informal conversation) that would restrict the access to our garage and reversing the car in the driveway. On street parking here is a nightmare already. It has now started to affect the neighbourhood relations as well. It will also affect the parking scenario for house no. 9 due to shared drive. We do not want to intrude on a shared driveway that would spoil our relations with our neighbours. Also, we have been up and down the street and there is not as such a particular pattern. There are semi detached houses on the street with the front entrance: number 31 and 33, some end of terrace have front entrance e.g.- number 15 and some end of terrace has the side entrance e.g. number 9. Photos

11_Lady_Grove_Shared_drive_1, 11_Lady_Grove_Shared_drive_2 and 11_Lady_Grove_Shared_drive_3 support the above justification. The location of our plot is on a T-junction; we are on Lady Grove and opposite is Pinnate Place; there is never going to be a possibility of a symmetry on a T-junction plot.

2. Building the Porch:

We were initially planning for a rear extension but due to the angle of the property we cannot extend properly and there are more complications to do so. While we were still working with the architect regarding that we found out we are expecting another child and hence cannot vacate the property for 4 months (rear extension time frame) especially with another toddler in the house too. Hence, we had to reduce the workload and opt for front extension (1 month time frame without disruption to the rest of the house) in order to increase the need of space as the family expands. We cannot have a full rear extension purely because our house is built at an angle, due to the limited plot space. We also maintain our limited rear garden space for our family's outdoor use. Having a part extension, would neither suffice the space requirements, nor justify the loss of part garage and limited part garden space that we currently have. Photos referenced

11_lady_grove_rear_1, 11_lady_grove_rear_2, 11_lady_grove_rear_3 are attached to support this justification.

In terms of the existing modifications that can be seen on Lady Grove, below are some examples:

a) House numbers 17,19,37 & 41, which have a small, porch like entrance (enclosed canopy)

In view of our planning application, this would help us shuffle our internal planning to make kitchen/diner and lounge with enough space for play area. This will make our internal structure as well like number 37 (verified on Rightmove) and most of other houses on this street.

Since we have a shared driveway, we cannot have porch build on the side. Hence we applied for relocation of the door and then erection of porch which would look smarter compared to the side porch and would not affect the shared space between us and no 9. If anything regarding street scene it will match the street even better.

We have applied for a little bigger porch than just an enclosed canopy (similar to the above mentioned houses) and this purely taking into account the hygienic requirement of utilising that space for downstairs landing space and shoes removal whilst entering the house. This would also provide us with added security of having two doors instead of one front door. With kids in the house last thing we would want is shoes coming inside the living space.

b) Number 46 has an enclosed canopy like structure and have made a wooden porch like erection, which looks even more alien to the neighbourhood as it does not even match the original building works. In that case, our plan consists of closely matching to the existing building work and we are applying for a proper cavity wall and fully insulated build including windows in appropriate position to make it symmetrical.

In our justification, in order to make the property look more within the surroundings, we have applied for a complete brickwork porch after moving the door to the front. The modified plan has been attached, which shows that from the previously submitted porch size, we have reduced the size further from 3 sq. m to 2.25 sq. m.

Under permitted development rights, a porch is part of permitted development. Until the estate management will not approve one, there will be no houses around the area that would be able to start building them. If as part of the Estate management plan porch is something that is not going to be approved then we would have appreciated if it would have been written on the website or Estate management planning policy so there would be no waste of time, money and resources. We had initial discussions about this with the duty officer as well, and all we were informed was to make an application.

Nationally under permitted development laws, people can build a good-sized (3 sq. m max) porch for security and space reasons, whereas it is unfair on us that due to estate management regulations, those rules of national permitted development regulation cannot be applied.

On your justification you will say but moving door is not allowed, but if we cannot build at the existing door site- due to shared driveway, blocking of the garage and also if you create a drawing the property looks completely skewed and build would have to be in an angle which would waste a lot of space and practically it is a bad plan. Suppose if we apply for the porch at the existing door the space behind the porch cannot be utilised for anything and it would not look symmetrical either. That would not match the surroundings at all. It is

shame that in such a modern world the street scene is given so much more importance that people's living standard would need compromising. Also, considering the street scene that has been justified as a reason for rejecting our initial application, it does not matter to the neighbours who are more than happy for the plans to go ahead (no objection from no. 13 Lady Grove and support from No. 3 Pinnate Place for planning application ref: 6/2018/0727/HOUSE). Those are the people that are going to see the property on day-to-day basis and they have not raised any objections to this planning or EM application.

3. Hedge Removal:

We requested for a complete or partial hedge removal as attached is the photo of the current hedge (11_Lady_Grove_Hedge_1), It is very uneven and impractical - more like overgrown hedge converted into thick-stemmed trees. It has been difficult for us for the last 3 years (since we moved in to the property) to trim and keep it clear of the adjacent pathways, as the stems are very thick. They do not match the hedge on the side of property (no. 9 to no. 3 nor the opposite side even numbered lady grove houses). There are a number of houses around Lady Grove, which do not have any existing hedges (maybe removed a while back). Opposite to us is Pinnate Place, and they do not have any hedge around their front of the houses. So as per the street scene, it is better to have the hedge completely or partly removed, or newly grown hedge installed as our current hedge does not match and individually it looks unappealing. Also, as part of the new door entrance facing towards the front, it would be ideal to remove part/complete hedge and make a pathway to enter the proposed main front door from the sidewalk, rather than having it from the same place currently (side ways). We are on a T-junction, and opposite to us is Pinnate Place, who do not have any front hedge and instead driveway parking.

From planning point of view, it is understood that the symmetry or street scene is taken into account for neighbouring houses only, however, the entire street does not have any symmetry as such. This would effectively mean that on the account of street scene, in future, the EMS would reject any possible front planning application. This in our regards is unacceptable from the council's EMS viewpoint.

We also request you to actually come and visit Lady Grove, WGC, in order to actually see the asymmetry of the front/side entrances of the entire street for terraced/semi-detached houses, enclosed/open canopies and hedges removed/retained. This would add value to what we are trying to justify for our planning application.

Attachments:

- 1) Photos
- 2) Original Planning documents (original_plans.zip)
- 3) Proposed new planning documents with reduced porch size (new_plans.zip)

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**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2018/0776/EM
Location: 11 Lady Grove Welwyn Garden City AL7 4DS
Proposal: Erection of a front porch, alterations to elevations and removal of a front hedge
Officer: Mrs Kerrie Charles

Recommendation: Refused

6/2018/0776/EM

Context			
Site and Application description	<p>No.11 Lady Grove is a semi-detached dwelling with detached garden. The frontage is screened by a boundary hedge and the entrance to the dwelling is located on the side elevation.</p> <p>The proposal is to relocate the entrance to the dwelling and create a front porch and replace the front door and canopy with a window.</p>		
Constraints	Estate Management Scheme, as defined within the Leasehold Reform Act 1967		
Relevant history	<p>Planning</p> <p>Application Number: N6/1980/0174/ Decision: Withdrawn Decision Date: 20 March 1980</p> <p>Proposal: Ground floor rear extension</p>		
Notifications			
Neighbour representations	Support: 0	Object: 0	Other: 0
Summary of neighbour responses	None		
Consultee responses	None		
Relevant Policies			
<input checked="" type="checkbox"/> EM1 <input type="checkbox"/> EM2 <input type="checkbox"/> EM3 Others			
Considerations			
Design (form, size, scale, siting) and Character (impact upon amenities and	<p>Lady grove consists of a mixture of terrace and semi-detached dwellings. The semi-detached dwellings are symmetrical to the adjacent dwellings and have the front doors on the side elevation and identical canopies.</p> <p>The proposal would include relocating the entrance to the front and create a</p>		

values of Garden City)	front porch. The porch would appear alien within the streetscene and would be detrimental to the character and surrounding area. The relocation of the entrance would also distract the symmetry within the streetscene and therefore fail to comply with Policy EM1.
Impact on neighbours	The proposal is not considered to have any impact on neighbouring properties.
Landscaping issues (incl. hardstandings)	Part of the proposal is to remove part of the existing hedge. Front boundary hedges are a common feature within this area and the Estate Management Scheme. Although part of the hedge would be retain, no justification has been put forward to explain why this is necessary.
Any other considerations	None
Conclusion	
The proposed front porch and the part removal of front boundary hedge would not be in keeping with the host dwelling, the area and its immediate context and would be detrimental to the amenities and values of the existing area. Accordingly, the proposal is contrary to Policy EM1 of the Welwyn Garden City Estates Management Scheme.	

Reasons for Refusal:

1. The proposed front porch and the part removal of front boundary hedge would not be in keeping with the host dwelling, the area and its immediate context and would be detrimental to the amenities and values of the existing area. Accordingly, the proposal is contrary to Policy EM1 of the Welwyn Garden City Estates Management Scheme.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
11LADYGR OVE-003		Proposed Block Plan	22 March 2018
11LADYGR OVE-001	D	Existing & Proposed Plans	22 March 2018
11LADYGR OVE-002	A	Location & Existing Block Plan	15 May 2018

Determined By:

Mr Gerry Ansell
29 May 2018

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Part I

Main Author: Kerrie Charles

Executive Member: Cllr S. Boulton

Ward: Howlands

WELWYN HATFIELD BOROUGH COUNCIL
ESTATE MANAGEMENT SCHEME PANEL -18 OCTOBER 2018
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2018/1329/EM

31 HOWICKS GREEN, WELWYN GARDEN CITY AL7 4RJ

REMOVAL OF CHIMNEY STACK

APPLICANT: Mr & Mrs Caballero

(Howlands)

1. Background

- 1.1. The appeal is against the refusal of Estate Management Consent for the "Removal of chimney stack". The application (reference: 6/2018/1329/EM) was refused on the 29 May 2018 for the following reason:

"The demolition of the chimney stack is considered to be inappropriate and out of keeping with the style of the host dwelling and this part of Howicks Green. The proposed development would detract from the character and appearance of the host dwelling and neighbouring properties and fails to maintain and enhance the amenities and values of this part of the Garden City and is therefore not compliant with policy EM1 of the Estate Management Scheme and the Council's approach to roof alterations".

2. Site Description

- 2.1. The appeal site, 31 Howicks Green, is two storey end of terrace dwelling with a pitched roof and within a row of three dwellings, situated on a corner plot. Howicks Green is located off Howlands.

3. The Proposal

- 3.1. The proposal seeks Estate Management Consent to remove the chimney stack.

4. Relevant Estate Management History

- 4.1 Application Number: W6/2000/0684/EM Decision: Refused Decision Date: 19 June 2000
Proposal: Two storey side extension, creation of access to rear garden and hardstanding for two cars
- 4.2 Application Number: W6/2006/0339/EM Decision: Granted Decision Date: 10 May 2006

Proposal: Erection of side conservatory

4.3 Application Number: W6/2007/0934/EM Decision: Granted Decision Date: 22 August 2007

Proposal: Formation of vehicle hardstanding

4.4 Application Number: 6/2016/1438/EM Decision: Granted Decision Date: 12 September 2016

Proposal: Erection of garden shed following demolition of existing garden shed and removal of Leyland Cypress tree

5. Policy

5.1. Estate Management Scheme Policies (October 2008)

EM1 – Extensions and Alterations

6. Representations Received

6.1. No representations have been received.

7. Discussion

7.1. This is an appeal against the refusal of Estate Management Consent. The appellant's letter of appeal is attached at Appendix 1 and the original officer's report for application referenced 6/2018/1329/EM is attached at Appendix 2.

7.2. The key issue in the determination of this appeal is the impact of the proposed development upon the amenities and values of the Garden City.

7.3. In recognition of the importance of Welwyn Garden City as a unique town and in order to protect the amenities and values of the Garden City, the Estate Management Scheme was set up. The purpose of the Estate Management Scheme and its importance to homeowners is to ensure that homes and street scenes are kept in harmony with the original design and concept of the town.

7.4. Policy EM1 of the Estate Management Scheme (EMS) refers to extensions and alterations, and states that extensions and alterations will only be allowed where the works are in keeping with the design, appearance, materials and architectural detail used in the existing building, and would not harm the amenities and values of the area.

7.5. In order to be able to respond to the large amount for requests for roof alterations and energy efficiency measures such as Solar PV panels, following public consultation the council has approved a new Policy approach within the Welwyn Garden Estate Management Scheme Areas to deal with roof alterations and this is as follows:

- *Estate Management Consent will only be granted for energy efficiency measures and other roof alterations where they are sited on the rear or side*

roof slope and are sited to minimise the effect on the external appearance of the building.

- *Estate Management Consent will only be granted if the proposed alteration, when viewed from any surrounding public vantage point does not have a detrimental impact on the character and appearance of the streetscene and the wider amenities and values of the area.*
- *Exceptions to this Policy approach will apply where, in the judgement of the case officer the architectural design and style of an individual property or the wider character of the area means that an alteration on a principal roof slope of a property would not have a detrimental impact on the character and appearance of the streetscene and wider amenities and values of the area.*
- *In all cases the decision maker will continue to weigh the environmental benefits of energy efficiency measures against the visual impact.*

This above approach applies to the installation of Solar PV, Thermal equipment, wind turbines, flues, new chimneys, dormer windows, roof lights, sunpipes, aerials and antenna and any other alterations to the roof of a property covered by the Estate Management Scheme.

- 7.5. Howicks Green is characterised with semi-detached and terraced properties many having regularly spaced brick built chimneys.
- 7.6 The demolition of the chimney stack is considered to be inappropriate and out of keeping with the style of the host dwelling the terrace, and this part of the streetscene, detracting from the character and appearance of the host dwelling and neighbouring properties and failing to maintain and enhance the amenities and values of this part of the Garden City and is therefore not compliant with policy EM1 of the Estate Management Scheme and the Council's approach to roof alterations.
- 7.6. The development would not preserve the unique architectural heritage of the town as it causes harm to the character and appearance of the building and the street scene. Thus resulting in a harm to the amenities and values of the Garden City contrary to Policy EM1.
- 7.7. A case has been advanced by the appellant in support of the appeal. The appellant refers to other properties within the area that have had the same works to remove the chimney. To support the argument the appellant has advised of two addresses; No.4 Howicks Green and No.218 Howlands.
- 7.8. In regards to the two properties mentioned above, there is no Estate Management application history to suggest either address have consent for the works.
- 7.9. A compelling justification has not therefore been made by the appellant to demonstrate why the circumstances advanced by the appellants of this particular property, when considered in its context, should override the wider

values and amenities of Howicks Green and the Garden City. Accordingly, the proposal fails to reflect the character and appearance of the terrace properties to which it is located and the wider streetscene of Howicks Green. The proposed development therefore fails to maintain the amenities and values of the Estate Management Area.

8. Conclusion

8.1. No additional evidence or information has been put forward by the appellant which adds to or would alter officer's recommendation. The proposed removal of the chimney in a prominent location within Howicks Green, would be unacceptable and have a detrimental impact on the character and appearance of the appeal property, the row of terrace properties in which it is located and the surrounding street scene. Therefore it would cause harm to the values and amenities of the area and the proposal fails to accord with Policy EM1 of the Welwyn Garden City Estate Management Scheme.

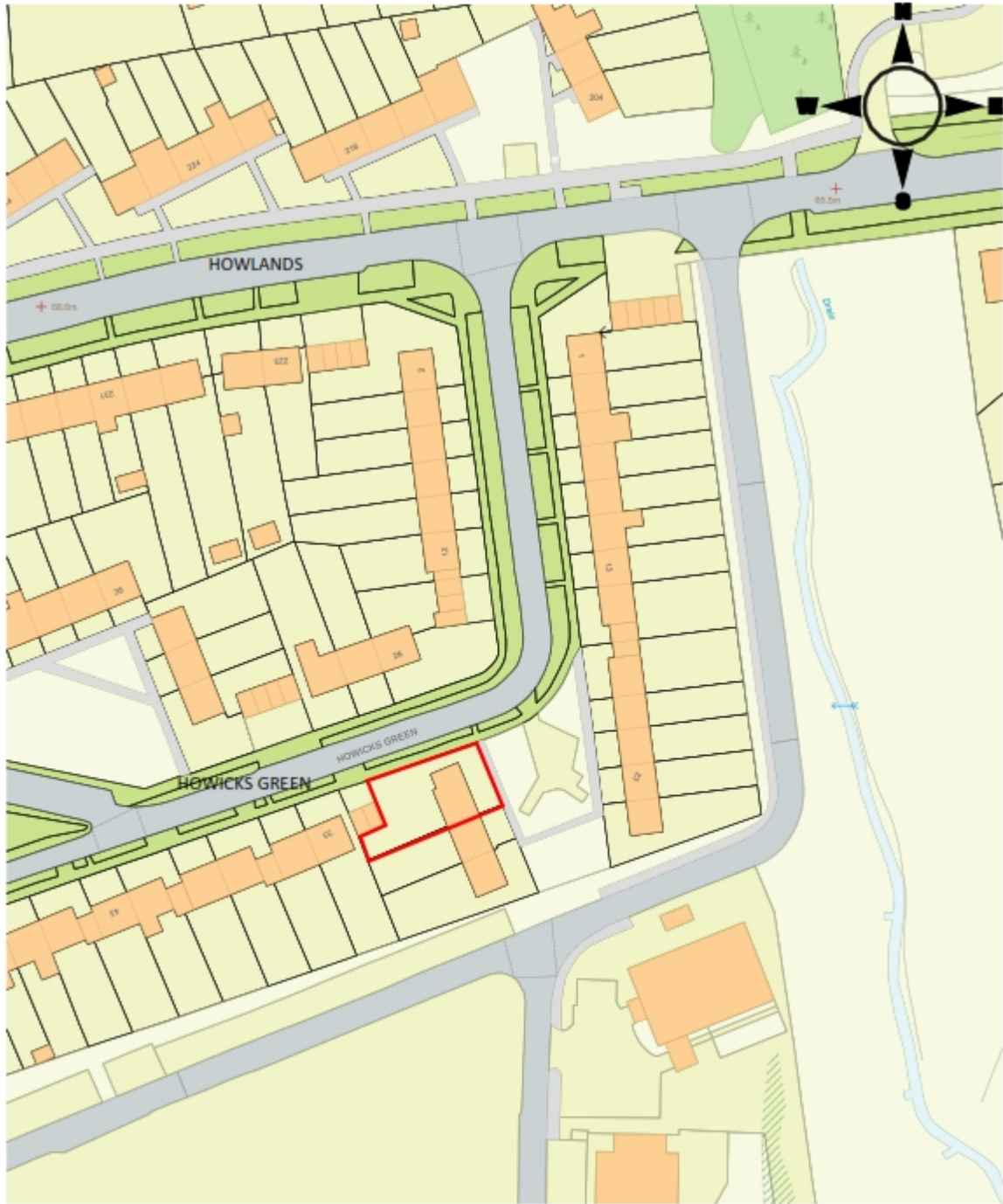
9. Recommendation


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

Name of Author: Kerrie Charles
Title: Assistant Planning Enforcement Officer
Date: 18 September 2018

Background papers:

Appendix 1: Appellants grounds of appeal
Appendix 2: Original delegated officer's report



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 5AE</p>	Title: 31 Howicks Green Welwyn Garden City		Scale: DNS
	Project: EMAP Committee		Date: 2018
	Drawing No: 6/2018/1329/EM		Drawn: Ida Moesner
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Emma Graham

From: Ecaterina Caballero [REDACTED]
Sent: 17 August 2018 16:05
To: Planning
Subject: Appeal to refusal of consent of removal of chimney - Application number 6 2018 1329 EM

WARNING: This email originated outside the WHBC Network. Please be extra vigilant when opening attachments or clicking links.

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Dear Sir/ Madam,

A few weeks ago we was refused to remove the chimney stack (application number 6/2018/1329/EM).

After this decision, I have been in contact with someone from the planning department to enquire about this decision, as I felt it was unfair to us, as one house in our street and another just outside of Howicks Green in Howlands had their chimneys removed. At that time I was told to email back the addresses of those neighbours, and on those grounds the decision might be reconsidered.

A few days later, the case officer Kerrie Charles contacted me and informed me that she took a decision and is not going to change her mind.

A few weeks later after this I still feel quite upset and we decided to appeal against it.

We would appreciate if you would look at the case again, please. I strongly believe this is unfair to us, even though those neighbours are not in our own dwelling as told by the case officer.

The addresses of the neighbours are:

Nr 4, Howicks Green, AL7 4RH
Nr 218, Howlands, AL7 4HF

Thank you very much.

I am looking forward to hearing from you soon.

Sincerely yours,
Ecaterina Caballero [REDACTED]
Roberto Caballero [REDACTED]

31 Howicks Green
Welwyn Garden City
AL7 4RJ

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2018/1329/EM
Location: 31 Howicks Green Welwyn Garden City AL7 4RJ
Proposal: Removal of chimney stack
Officer: Mrs Kerrie Charles

Recommendation: Refused

6/2018/1329/EM

Context			
Site and Application description	No.31 Howicks Green is a two storey end of terrace dwelling located on a corner plot. This application seeks consent to remove a chimney stack.		
Constraints	Estate Management Scheme, as defined within the Leasehold Reform Act 1967		
Relevant history	<p>Planning</p> <p>Application Number: W6/2000/0684/EM Decision: Refused Decision Date: 19 June 2000 Proposal: Two storey side extension, creation of access to rear garden and hardstanding for two cars</p> <p>Application Number: W6/2006/0339/EM Decision: Granted Decision Date: 10 May 2006 Proposal: Erection of side conservatory</p> <p>Application Number: W6/2007/0934/EM Decision: Granted Decision Date: 22 August 2007 Proposal: Formation of vehicle hardstanding</p> <p>Application Number: 6/2016/1438/EM Decision: Granted Decision Date: 12 September 2016 Proposal: Erection of garden shed following demolition of existing garden shed and removal of Leyland Cypress tree</p>		
Notifications			
Neighbour representations	Support: 0	Object: 0	Other: 0
Summary of neighbour responses	No responses received		
Consultee	No responses received		

responses	
Relevant Policies	
<input checked="" type="checkbox"/> EM1 <input type="checkbox"/> EM2 <input type="checkbox"/> EM3 Others	
Considerations	
Design (form, size, scale, siting) and Character (impact upon amenities and values of Garden City)	<p>The proposal seeks consent to remove the existing chimney stack. The application is situated at the end of a row of terrace dwellings. Such chimney stacks are a key characteristic of dwellings in Howicks Green.</p> <p>The demolition of the chimney stack is considered to be inappropriate and out of keeping with the style of the host dwelling and this part of the streetscene. The proposed development would therefore detract from the character and appearance of the host dwelling and neighbouring properties and fails to maintain and enhance the amenities and values of this part of the Garden City and is therefore not compliant with policy EM1 of the Estate Management Scheme and the Council's approach to roof alterations.</p>
Impact on neighbours	It is considered that the proposal would have no impact on neighbouring properties amenities.
Landscaping issues (incl. hardstandings)	None
Any other considerations	None
Conclusion	
The demolition of the chimney stack is considered to be inappropriate and out of keeping with the style of the host dwelling and this part of Howicks Green. The proposed development would detract from the character and appearance of the host dwelling and neighbouring properties and fails to maintain and enhance the amenities and values of this part of the Garden City and is therefore not compliant with policy EM1 of the Estate Management Scheme and the Council's approach to roof alterations.	

Reasons for Refusal:

1. The demolition of the chimney stack is considered to be inappropriate and out of keeping with the style of the host dwelling and this part of Howicks Green where chimneys play a prominent role in the street scape. The proposed development would detract from the character and appearance of the host dwelling and neighbouring properties and fails to maintain and enhance the amenities and values of this part of the Garden City and is therefore not compliant with policy EM1 of the Estate Management Scheme and the Council's approach to roof alterations.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
Site Location Plan		Site Location Plan	15 May 2018

NP041813/
A1
NP041813/
E1

Existing and Proposed Floor
Plans
Existing and Proposed
Elevations

15 May 2018

15 May 2018

Determined By:

Mr Michael Robinson
9 July 2018

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Part I

Main author: Megan Taylor

Executive Member: Cllr S.Boulton

Wards: Haldens, Handside, Hollybush,
Howlands, Panshanger, Peartree and
Sherrards Wards

WELWYN HATFIELD BOROUGH COUNCIL
ESTATE MANAGEMENT SCHEME APPEAL PANEL – 18 OCTOBER 2018
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

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

1 Executive Summary

- 1.1 This report is to update Panel Members with regard to outstanding arbitration cases that have been put before the Panel as well as additional cases for consideration.
- 1.2 A brief update on each property can be found in section 3 below.
- 1.3 Additional cases will be presented at the next Panel meeting

2 Recommendation

2.1 That Members:

- Note the contents of the report and the new cases:
 - 44 Beechfield Road
 - 81 Howlands
 - 3 Pinnate Place
 - 50 Marley Road
- Note that the following cases have been referred to the President of the Royal Institute of Chartered Surveyors to appoint an arbitrator:
 - 72 Chequers
 - 3 Digswell House Mews
- Authorise that the following cases can be referred to the President of the Royal Institute of Chartered Surveyors for arbitration:

- 19 Fearnley Road
 - 37 Linkfield
 - 44 Beechfield Road
 - 81 Howlands
 - 50 Marley Road
- Note that letters to relevant properties on Daniells have started to be issued by officers. A template letter was sent to the three ward councillors for the area (Cllrs Larkins, Musk and Fitzsimon) on 4th October to advise them that the letters will start to be issued by officers imminently. There are approximately 20 letters that need to be issued and to assist with managing officer workload, five new letters will be sent to residents on a fortnightly basis. If significant numbers of responses from the properties are received then the next 5 letters will be delayed slightly to allow time to deal with those that have responded. An update on progress will be presented at the next EMAP meeting in November 2018.
 - Note that letters were issued to the relevant properties on Broomhills at the start of this year however no retrospective Estate Management applications were submitted. The cases will be reviewed and an update will be provided at the next EMAP meeting in November 2018. It is expected that for some of the cases officers will be requesting authority to take the case to arbitration.

3 Individual Cases

3.1 251 Knightsfield



Nature and date of breach: Erection of single storey rear extension without Estate Management Consent; commenced June 2013.

Background information: Officers attended the site at an early stage of construction and advised the owner of the need for EM consent for the extension. At that stage footings had only been dug. However the owner chose to continue with the construction. A retrospective application for EM consent was submitted in June 2013 under application number W6/2013/1237/EM but the submitted plans did not reflect the development as built. The application was, in any event, refused consent in October 2014.

The owner has declined to participate in the arbitration process and has opted to carry out works to address the concerns raised against the development. They have been advised the only way forward is to replace the roof lantern with a flat roof light and to reduce the height of the parapet wall, on all sides, to the level proposed under refused application 6/2016/1303/EM.

The Owner has confirmed via e-mail on 15th January 2018 that an architect has been commissioned to prepare the necessary drawings for a revised scheme to be submitted to the panel for consideration.

Update: A retrospective Estate Management application was submitted (reference 6/2018/2335/EM) on 12th September along with a planning application (reference 6/2018/2344/HOUSE) to try and remedy the breaches of Estate Management scheme and planning control. The applications are both with Planning Support and are awaiting validation.

3.2 72 Chequers



3.3

Nature and date of breach: Removal of front hedge and creation of hardstanding; date of breach unknown but reported in August 2012.

Background information: The established hedges to the front of the above site were removed and the complete front garden has been turned into a

hardstanding without Estate Management Consent. There are no other such examples of significant hardstandings within the area in which front hedges predominate the streetscene. A retrospective application for EM consent was submitted under application number W6/2012/1899/EM, which was refused on 18th December 2012.

A letter was sent to the owner on 27th July 2016 and a response was received on 10th August 2016 explaining why the work had been carried out. The owner stated that she works from home and due to on-street parking pressure due to Burrowfelds Industrial Estate and the rise in car ownership in recent years, the hardstanding provides a parking area.

Update: An application has been made to the President of the Royal Institute of Chartered Surveyors to appoint an arbitrator to determine the case in accordance with paragraph 8 of the Management Scheme for Welwyn Garden City. An update on progress will be provided at the next meeting.

3.4 19 Fearnley Road



Nature and date of breach: extension to driveway to form 70% hardstanding in front garden and the removal of front boundary hedge; date of breach unknown but reported in April 2016.

Background information: The previous hardstanding had space for one vehicle and the remaining area was soft landscaping. A retrospective application for Estate Management consent to try and retain the hardstanding was submitted under application number 6/2016/1603/EM and refused on 28th September 2016. The owner appealed the decision, the appeal was heard by the Panel on 26th January 2017 where the decision was upheld and the appeal dismissed.

Update: Discussions have been ongoing with the owner however to date no retrospective Estate Management application has been submitted. The owner has presented the enforcement officer with a scheme of proposed actions to try and rectify the current breach, however upon review of these options it has been determined that these are unlikely to be looked upon favourably if the scheme is submitted as a retrospective Estate Management application.

As such the owner was contacted on 28th September to advise that the scheme is not a viable option and as a result of negotiation with the owner being unsuccessful and as no application has been it is therefore requested that the Head of Planning be authorised to refer the matter 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 for Welwyn Garden City.

3.5 11 The Moors





Nature and date of breach: Erection of single storey rear extension that was reported in August 2016. The dimensions of the rear extension are approximately 6.4m deep, 2.23m to the eaves and 4.85m wide.

Background information: A retrospective application for EM permission was eventually submitted under application number 6/2017/1557/EM in July 2017 however it has remained invalid ever since.

The owner was advised that it was considered unlikely that EM consent would be granted due to the depth of the rear extension and was advised to submit an application that proposed alterations e.g. reducing the depth so that it could be looked upon more favourably.

The applicant has been chased several times by the enforcement officer and the Planning Support officer to provide the additional documents to validate the above retrospective application. However, to date, those details have not been submitted. In any event the application seeks to retain the extension as is currently built.

Following failure to submit the requisite information to validate the application the department withdrew the application on 26th September 2017. Authorisation was therefore sought for the Head of Planning to refer the matter 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 for Welwyn Garden City.

Following authorisation by the panel in October 2017, a letter was sent to the owner on 23rd November 2017 with an invitation to participate in the arbitration process to resolve the dispute.

The owner however indicated unwillingness to participate in the arbitration process and has informed the team via e-mail on 20th December 2017 that an Architect has been commissioned to prepare a new scheme for submission to the council for consideration.

Update: The certificate of lawfulness application (reference 6/2018/1736/LAWE) is currently with the planning officer and pending decision. The decision was due on 10th September 2018.

In regards to the appealing the Estate Management decision (6/2018/0397/EM) there is no deadline in which to appeal the decision however authority has already been approved at the EMAP meeting in October 2017 to commence the arbitration process. Once a decision has been reached on application 6/2018/1736/LAWE, the arbitration letter will be re-issued to the owner inviting them to participate in the arbitration process.

3.6 88 Pentley Park



Nature and date of breach: New raised beds, steps and walls and hardstanding to the front of the property. Exact date of breach is unknown but complaint was received on 11th April 2016.

Background information: Following warning letters, a retrospective application for retention of the works was submitted on 11th May 2016 but was refused on 7th July 2016. Following the refusal, the owners have so far ignored correspondence requiring the reinstatement of the front garden and have not taken up the option to appeal the decision to refuse consent for the retention of the works.

Update: Pre-application advice has been provided by a planning officer and the owner will be contacted to see what their intentions are. An update will be provided at the next EMAP meeting.

3.7 3 Digswell House Mews



Background information: The enforcement team were notified that a retrospective Estate Management application for a roof light on the front roof slope had been refused permission. The owner was contacted and the enforcement team were advised that an appeal would be submitted. The appeal was heard at the Panel meeting in October 2017 and the Panel dismissed the appeal.

Update: An application has been made to the President of the Royal Institute of Chartered Surveyors to appoint an arbitrator to determine the case in accordance with paragraph 8 of the Management Scheme for Welwyn Garden City. An update on progress will be provided at the next meeting.

3.8 37 Linkfield



Nature and date of breach: Installation of solar photovoltaic panels to the front and rear roof slopes of the property. Exact date of breach is unknown but a report of the breach was received on 11th January 2017.

Background information: Following a site visit the owner was contacted advising action in regard to the solar panels particularly the ones located on the front roof slope of the property which the owner was advised were unlikely to be granted estate management permission. The enforcement team was contacted by the owner who advised that a retrospective estate management application would be submitted to try and retain the panels on both the front and rear roof slopes.

An Estate Management application to try and retain the solar panels (reference 6/2018/1096/EM) was submitted and subsequently refused on 15th June 2018.

Update: The owner submitted an appeal against application 6/2018/1096/EM which was upheld by the Panel on 15th August 2018.

It is therefore requested that the Head of Planning be authorised to refer the matter 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 for Welwyn Garden City.

3.9 44 Beechfield Road



Nature and date of breach: Installation of hardstanding to the front of the property. Side boundary hedges retained along with a small section of hedge along the front boundary.

Exact date of breach is unknown but a report of the breach was received on 6th May 2014.

Background information: Following a site visit the owner was contacted in writing advising that Estate Management permission was required. A retrospective application was submitted (reference W6/2014/1603/EM) however it was refused on 9th September 2014 because *“the formation of such a large amount of hardstanding and loss of part of the front hedge erodes and is inconsistent with the immediate character of the area and impacts detrimentally on the values and amenities of this part of the Garden City”*. The hardstanding remains in situ despite the owners being aware that the hardstanding is unauthorised.

Update: It is requested that the Head of Planning be authorised to refer the matter 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 for Welwyn Garden City.

3.10 81 Howlands



Nature and date of breach: Erection of outbuilding.

Exact date of breach is unknown but a report of the breach was received on 8th March 2016.

Background information: Following a site visit on 24th March 2016 the owner was contacted in writing advising that Estate Management permission was required. No retrospective application has been received to date.

Update: It is requested that the Head of Planning be authorised to refer the matter 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 for Welwyn Garden City.

3.11 3 Pinnate Place



Nature and date of breach: Erection of outbuilding. Exact date of breach is unknown but a report of the breach was received on 31st May 2016.

Background information: Following a site visit on 7th June 2016 the owner was contacted in writing advising that Estate Management permission was required. No retrospective application has been received to date.

According to current aerial photography the outbuilding has been completed.

Update: Officer will contact the owners to try and carry out a further site visit to get an up to date photograph and it is expected that at the next meeting a request will be made to refer the matter to arbitration.

3.12 50 Marley Road



Nature and date of breach: Erection of 100% hardstanding and removal of front boundary hedge. Exact date of breach is unknown but a report of the breach was received on 19th December 2015.

Background information: Following a site visit on 25th November 2015 the owner was contacted in writing advising that Estate Management permission was required. No retrospective application has been received to date.

There is a current Estate Management application (reference 6/2018/2247/EM) and planning application (reference 6/2018/2246/HOUSE) for “erection of a part single, part two storey rear and side extension” which are pending consideration (decision

due 25th October 2018) however the submitted plans do not include the retention of the hardstanding.

Update: It is requested that the Head of Planning be authorised to refer the matter 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 for Welwyn Garden City.

4 Equality and Diversity

4.1 I confirm that an Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report.

Name of author	Megan Taylor
Title	Senior Planning Enforcement Officer
Date	4 October 2018