

Estate Management Appeals Panel
13 June 2019

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ESTATE MANAGEMENT APPEALS PANEL held on Thursday 13 June 2019 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

PRESENT: Councillors H.Bower (Chairman)

A. Chesterman, L. Chesterman (Substituting for L. Musk), M. Cowan, B. Fitzsimon, F. Marsh and F. Thomson

OFFICIALS Development Management Service Manager (C. Carter)
PRESENT: Estate Management Scheme Manager (J. Homer)
Governance Services Officer (G. Paddan)

1. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was noted that the Cabinet on 4 June 2019 had appointed Councillor H. Bower as Chairman of the Panel for the 2019/20 municipal year.

2. SUBSTITUTION OF MEMBERS

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

Councillor L. Chesterman for L. Musk.

3. APOLOGIES

An apology for absence was received from Councillor L. Musk.

4. MINUTES

The Minutes of the meeting on 8 April 2019 were approved as a correct record and signed by the Chairman.

5. 56 VALLEY ROAD, WELWYN GARDEN CITY - 6/2018/2986/EM - RETENTION OF FRONT DOOR AND DOUBLE GARAGE DOORS

Members were introduced to James Homer, who will be leading on the Estate Management Scheme (EMS) and the Design Guide.

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The report of the Corporate Director (Public Protection, Planning and Governance) set out the appeal against the refusal of Estate Management (EM) consent for the retention of front door and double garage doors. No 56 Valley Road is a two storey link detached dwelling sited amongst similar type dwellings set with spacious plots and open frontages. The properties along this road have a consistent style of fenestration and architectural detailing. The fenestration is predominately white with a small number of doors in pale pastel colours.

There were three objectors and they wished for the decision to be withheld and expressed concerns relating to the design of the replacement doors and suggestions of alterations that have been mentioned within the Appeal cover letter; which included a change of colour, removal of chrome handles and adding beading to the glass panels.

The key issue in the determination of this appeal was the impact of the proposed replacement front and garage doors on the values and amenities of the surrounding area. The impact on the residential amenity of adjoining occupiers was considered acceptable. Policy EM1 of the Estate Management Scheme states that extension and alterations to existing buildings would only be allowed if they were in keeping with the design, appearance, materials and architectural detailing used in the existing building and do not have a detrimental impact on the amenities and values of the surrounding area.

The report noted that the case had been advanced by the appellant in support of their appeal. It was mentioned in the supporting of the appeal that there are many different colours and styles of front and garage doors along Valley Road and the surrounding Estate Management Area therefore they do not believe that their doors fail to maintain and enhance the amenities and values of the Garden City. No evidence had been submitted to support their claims. However, it was acknowledged that there were a variety of door colours within the vicinity of the site. Generally the design of those doors have a more traditional style and appearance with glazed panels.

The applicant also stated that they had discussions with the installer about making alterations to the door. Details of these alteration have not been submitted. The Officer advised that any alterations proposed would require a separate Estate Management application to be made and an assessment made in that regard. The doors in question fail to maintain and enhance the amenities and values of the Garden City.

Members commented that the design and colour of the front door and garage doors was out of keeping with the overall character and appearance of the property and the street scene. It would not respect the architectural style of the property and therefore visually altering the appearance of the property with a detrimental effect.

It was noted that solicitors should advice at the time of the purchase of the property that the dwelling is in an Estate Management Scheme area and therefore any alternations to the property would require EM consent. The Panel

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noted that the EMS Design Guide had been produced and would be out for consultation on 24 June 2019.

A Member suggested that it may be helpful for residents if an article could be published in the Life magazine advising of the EMS. It was also suggested that if Members note any unacceptable changes to the character of dwellings in the EM area that they should inform the Officers to help maintain the Garden City ethos.

It was moved by Councillor M. Cowan, seconded by Councillor A. Chesterman and

RESOLVED:
(Unanimously)

That the delegated decision be upheld and the appeal dismissed

6. 95 UPLANDS, WELWYN GARDEN CITY - 6/2018/1735/EM - ERECTION OF FRONT PORCH TO REPLACE EXISTING INCLUDING THE REPLACEMENT OF THE EXISTING FRONT DOOR

The report of the Corporate Director (Public Protection, Planning and Governance) on the erection of front porch to replace existing including the replacement of the existing front door. The appeal site is a two storey end terrace dwelling house, located on the northern side of Uplands; close to the junction with Holly Walk and located in a row of four terrace houses. The porches in this row of terraces all feature an open canopy over the front door of either flat or pitched roof design.

The key issue in the determination of this appeal was the impact of the proposed porch on the values and amenities of the surrounding areas. The impact on the residential amenity of adjoining occupiers was considered to be acceptable.

The case had been advanced by the appellant in support of their appeal. This included:

1. Following the first refusal, the porch was redesigned to a brick structure with small side windows and a front door in keeping with the Garden City design principles.
2. Historically, porches had been permitted across the Monkswood and Uplands Estate (as evidence in photographs included in both the appeal and the applications).
3. Examples of applications which have been granted consent during the period of time between the two applications, as well as a side extension which was granted in February 2018 opposite the application site.

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Members were advised that that the photographs had been provided by the appellant to demonstrate examples of approved extensions in the area. The appellant referred to a front porch at 47 Uplands. The Officer explained that whilst this porch was approved under the scheme in 1997, the addition has removed an original feature which has diluted the character of the terrace and immediate area. The presence of this porch was not considered to be a reason to justify a significant alteration to the porch canopy at the application site, which would further dilute the original Garden City design and character. The Panel noted that the application at No 47 pre-dated the Estate Management policies which were introduced in 2008 with the aim of simplifying the scheme by creating a set of policies to guide decision making.

The Panel agreed that the proposal would fail to enhance the appearance of the existing property given its enclosed design, which appeared to be out of keeping with the host dwelling and the surrounding terrace of properties. It would form an overly dominant form to the front of the dwelling which would be unacceptable and detrimental to the values and amenities of the appeal property. Members commented that there needs to be consistency. A brick built porch would be unacceptable.

Some concern was expressed in respect of not being able to identify the location of objectors from the paperwork; noted that in some cases there has been comments from distant areas which have no bearing on the proposal.

It was confirmed that the colour of the proposed door was not included as part of the application.

It was then moved by Councillor B. Fitzsimon, seconded by M. Cowan and

RESOLVED:
(Unanimously)

That the delegated decision be upheld and the appeal dismissed

7. 348 HOWLANDS, WELWYN GARDEN CITY - 6/2019/0221/EM -
INSTALLATION OF A REAR DORMER TO FACILITATE THE EXTENSION OF
EXISTING LOFT

The report of the Corporate Director (Public Protection, Planning and Governance) set out an appeal against the refusal of Estate Management (EM) consent for the installation of 1 x rear dormer to facilitate extension of existing loft. The appeal site is a two storey mid terrace dwelling house, located on the north side of Howlands. The application property is located within a row of 13 terraced houses. None of the 13 terraced houses in this group have dormer windows. The rear of this terrace and the appeal property itself is open to public views from a public footpath that runs across the rear of the terrace to the east.

Members considered the planning history and noted that a decision was granted on 9 July 2018 to construct 2 x rear dormer window to facilitate extension of

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existing loft conversion. On 27 September 2018 the Panel refused a decision to install 1 x rear dormer to facilitate extension of existing loft. This refusal was upheld by the Panel in January 2019 and this decision holds significant weight in the consideration of this appeal. The report noted that this appeal proposal was identical to the refused proposal.

The refusal related to the unacceptable width, scale and sitting of the proposed elongated dormer on the rear roof. In the Garden City, for roof alterations such as dormer windows, the Council has approved a new policy approach within the EM area which includes that 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 street scene and with wider amenities and values of the area.

The appellant had provided photographs of nine examples of dormer windows. One on Howlands, one on Sandpit Road, one on Hollybush Lane and others on Great Ley and Great Ganett. The Panel noted that none of these examples were for dormers at the appeal site or within the row of the 13 terraced properties. In respect of Sandpit Road and Hollybush Lane both of these properties were subject of enforcement investigations.

The following points were raised by Members and discussed:

- People often perceive one large window as being overlooked. It also creates an overbearing appearance at the rear of the dwelling.
- The size of having one large dormer in relation to the roof ridge was discussed; should it be lower down the roof? The Officer explained that in order to create the head height for the room the current dormers were at the correct position.
- It was confirmed that it was a delegated decision at the time when the two dormers were granted.

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

RESOLVED:
(Unanimously)

1. That the previous Panel decision of the 31 January 2019 be upheld in light of the fact there have been no changes to the proposal before them and that there has been no change in policy that would result in a different decision being made to conflict with the Panel decision of the 31 January 2019.
2. That the appeal be dismissed.

8. EXCLUSION OF PRESS AND PUBLIC

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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 the following item on the grounds that it involved the likely disclosure of confidential or exempt information as defined in Section 100 (A)(3) and Paragraphs 1 (personal information), 2 (individual identity) and 3 (private financial or business information) of Part 1 of Schedule 12A of the said Act (as amended).

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

9. 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 Panel considered the report of the Corporate Director (Public Protection, Planning and Governance), which updated Members with regard to outstanding arbitration cases that were put before the Panel, up to and including, May 2019.

(Note: A more detailed record of the Panel's decision is contained in the exempt Minute 9).

RESOLVED:

That the Panel note the action taken for each case

Meeting ended at 8.30 pm
GP