

WELWYN HATFIELD BOROUGH COUNCIL  
ESTATE MANAGEMENT APPEAL PANEL – 28 JULY 2016  
REPORT OF DIRECTOR (GOVERNANCE)

6/2015/2271/EM

104 COLE GREEN LANE, WELWYN GARDEN CITY, AL7 3JD

EXTENDED DRIVEWAY, REMOVAL OF FLOWERBED AND SMALL WALL

APPLICANT: Mr G Thomas

(Hollybush)

**1 Background**

- 1.1 This is an appeal against the refusal of Estate Management Consent for the extension of the driveway, removal of flowerbed and small wall. The application (6/2015/2271/EM) was refused for the following reason:

*'The extent of the hard surfacing and lack of soft landscaping results in an adverse impact within the street scene and detrimentally impacts the amenities and values of the Estate Management area. The proposal therefore fails to comply with Policy EM3 of the Estate Management Scheme Policies.'*

**2 Site Description**

- 2.1 The application site is located to the southern side of Cole Green Lane and comprises of a two storey end of terrace dwelling. The frontage is set back from the highway and includes a hardstanding and a hedgerow to the side boundary with no. 102 Cole Green Lane. The immediate street scene is residential in character with properties similar in size and design to the host property.

**3 The Proposal**

- 3.1 The original application sought retrospective Estate Management Consent for an extended driveway, removal of flowerbed and small wall.

**4 Estate Management History**

- 4.1 See Background section.

**5 Policy**

- 5.1 Estate Management Scheme Policies (October 2008):  
5.2 EM3 – Soft Landscaping

5.3 EM4 – Proposals for hardsurfacing

## **6 Discussion**

6.1 This is an appeal against the refusal for Estate Management Consent for an extended driveway, removal of flowerbed and small wall. The appellant's letter of appeal is attached at Appendix 1, with associated photographs at Appendix 2 and the delegated officer's report for application 6/2015/2271/EM at Appendix 3.

6.2 The key issue in the determination of this appeal is the impact on the amenities and values of the surrounding area having due regard to Policies EM3 and EM4 of the Estate Management Scheme (EMS). The impact on the residential amenity of adjoining occupiers is judged to be acceptable.

6.3 The appeal property is a two storey end of terrace property. The terraced row has a consistent appearance in terms of style and design.

6.4 Policy EM4 of the EMS refers to proposals for hardsurfacing, the removal of excessive areas or prominent landscaping such as trees and hedges can over time erode the character of an area. The Council will only allow for hardsurfacing in front gardens for the parking of private motor vehicles where sufficient soft 'green' landscaping (grass, flower beds, shrubs, trees and hedges) and a sufficient length of hedgerow (if applicable) along the frontage of the property is retained or provided to reduce the visual prominence of parked vehicles. Policy EM3 of the Estate Management Scheme (EMS) refers to works to trees and hedgerows will only be allowed where the works would not result in the loss of landscaping which would harm the character and amenities of the area.

6.5 The policy aims to ensure that a significant proportion, 50% of the frontage is retained as landscaped 'greenery' to retain the appearance and ethos of the Garden City unless individual circumstances indicate that this would not be appropriate.

6.6 The host dwelling had an existing hardstanding, however no Estate Management Consent can be found for this in Council records and the proposal is an additional area of hardstanding. There is an error within the officer report which stated a hardstanding was granted in 1992, however no history can be found in relation to any EMS consent for a hardstanding. A hedgerow running the depth of the frontage can be seen to the side boundary with No.102 Cole Green Lane.

6.7 The appellant's statement has highlighted a number of reasons for the enlarged driveway and the removal of the flowerbed and small wall. They have cited that the tree within the grassed verge caused the existing driveway to lift and resultant damage to the house, the driveway was renewed and a slight extension of the driveway was made. Whilst repairs to a damaged driveway and property is not objectionable, the extension of the driveway required Estate Management Consent. This was not sought by the applicant.

- 6.8 The appellant has also stated that the extended driveway was required for wheelchair access. Although the Council sympathise with the appellant's circumstances, a disabled parking space would need to measure only 3.6m x 4.8m. Accordingly, it is considered that suitable parking could be provided within the frontage and a more substantial area of soft landscaping provided in order to soften the impact on the site frontage.
- 6.9 The appellant's appeal statement also makes reference to properties within Marley Road where double driveways can be seen and that two neighbours opposite on Cole Green Lane have been allowed new driveways. Whilst there may be properties within Marley Road where larger driveways can be seen. Regrettably some of these properties have undertaken works without Estate Management Consent and therefore should not set a precedent for sites elsewhere. Furthermore Marley Road presents a different street scene to Cole Green Lane and this appeal should be assessed within its character and context.
- 6.10 With regards to the properties immediately opposite the host site, it is noted No.101 Cole Green Lane was granted consent under (W6/2012/0678/EM), which is larger than some hardstandings nearby. However at the time weight was given to the fact that other hardstandings can be seen within Cole Green Lane that overrides the character of the existing area, which is soft landscaped. Having seen the hardstanding and the context of this site (101 Cole Green Lane), which is different to that of the appeal site, it is considered that as a suitable proportion of soft landscaping has been with a grassed area to the side which is clearly visible within the public realm and therefore the hard surfaced area is acceptable.
- 6.11 It is noted that No. 105 Cole Green Lane, which is opposite the appeal site also has a hardstanding the full width of its plot. However this site is not located within the Estate Management area and is not subject to the Estate Management Scheme, therefore this cannot set a precedent or be a material consideration in this appeal determination.
- 6.12 The primary concern in this instance is the site's prominent setting; wherein the proposed loss of soft landscaping has an adverse impact on the visual amenities of the area. Whilst hedgerows are not a typical feature along the front boundaries of dwellings within this part of Cole Green Lane, properties generally do benefit from open frontages, with relatively large grassed areas seen immediately in front of dwellings. It is considered that whilst some properties benefit from hardstandings, these are only single parking spaces, which may allow for tandem parking. Moreover, it is considered that other frontages retain a balance of hard and soft landscaping. The enlargement of the parking area, removal of a large flowerbed which provided some softening has resulted in a harsh appearance within the street scene.
- 6.13 In these circumstances, the proposal will result in a detrimental impact on the character of the immediate street scene sufficient to warrant a refusal. It is

therefore considered that the proposal would fail to maintain and enhance the amenities and values of the Garden City.

## **7 Conclusion**

- 7.1 The proposal, by virtue of the extent of hard surfacing results in a harsh appearance within the street scene. Furthermore, the hardstanding creates an unbalanced appearance and a lack of vegetation within the frontage and along the front boundary. This resultant situation impacts the street scene adversely and the proposal will have a detrimental impact upon the visual amenities of the area at odds with policy. As such, this therefore fails to comply with the provisions of Policies EM3 and EM4 of the Estates Management Scheme.

## **8 Recommendation**

- 8.1 That Members uphold the delegated decision and dismiss the appeal. Additionally, it is recommended that enforcement action is progressed.

Rachael Collard (Strategy and Development)  
Date 23 May 2016


### Background Information

Appendix 1: Appellant's Grounds of Appeal

Appendix 2: Appellant's Photographs

Appendix 3: Delegated Officer report for 6/2015/2271/EM



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: <b>104 Cole Green Lane, WGC</b>	Scale: <b>DNS</b>
	Project: <b>EMAP</b>	Drawing Number: <b>6/2015/2271/EM</b>
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