

Dear Sir/Madam,

Re: Appeal Regarding Refusal of Estate Management Application 6/2017/0492/EM

I am writing to appeal the refusal of the Estate Management application to build a single storey rear extension at 47 Broomhills, Welwyn Garden City, AL7 1RE. I believe that the grounds for this appeal is precedent.

The case officer's report and the subsequent response to the appellant's complaint regarding the decision to refuse the application is the focus of the following appeal.

Within the report, the case officer described the characteristics of the site and surroundings as only being flat roofed structures. However, whilst this is true of the front of the properties, this is not the case for the rear of the properties on Broomhills and adjacent streets. Specifically, no mention is made in the report, of the two existing pitched roof extensions in the immediate vicinity. As it is clear from the report that the proposed pitched roof is the sole reason for the refusal, this appeal will attempt to describe how the proposed pitched roof would be compliant with Estate Management Policy EM1, by being consistent with the neighbouring pitched roof extension, and also by having minimal impact due to the location and context of the site. I have attached relevant documents which have been referenced as part of this appeal.

In the case officer's report it states that:

'The proposal, by virtue of its pitched roof design, would not be in keeping with the character and appearance of the application property and the surrounding properties (1). It would fail to represent high quality design, and would be detrimental to the amenities and values of the Garden City (2). Accordingly, the proposal would be contrary to Policy EM1 of the Estate Management Scheme.'

(1) The proposal, by virtue of its pitched roof design, would not be in keeping with the character and appearance of the application property and the surrounding properties.

There are two existing examples of single storey pitched roof extensions that have been built in the immediate vicinity: the property at 43 Broomhills (Application no. 6/2015/2259/EM) and the property at 20 Windhill (Application no.W6/2015/0083/EM).

The appellant has made a proposal to match the pitched roof extension at 43 Broomhills which was only approved in December 2015 and has now been constructed. The proposal would match this approved extension including size, roof pitch and materials. Please refer to drawing B4: 'Existing and Proposed Rear Elevations'.

It is of note that the report for this proposal (43 Broomhills), in commenting on Policy EM1, stated the opposite to the response to the appellant's proposal, despite the proposal being only 2 houses away and of almost identical appearance and design:

'The proposed single storey rear extension at a depth of 3.5m and a height of 3.7m lowering to an eaves height of 2.53m is of a size, scale and form that would respect the character and appearance of the dwelling to be extended and the surrounding area.'

In terms of design and siting, the development is considered to be in keeping with the character and appearance of the property and within the context of the architectural design and visual appearance of the surrounding area and is not considered to result in any additional or harmful impact on the character and appearance of the Welwyn Garden City

Conservation Area.

In summary, the extension would have an acceptable relationship with the adjoining and surrounding residential properties in respect of its impact on the amenity of adjoining occupiers and complies with Policy EM1 of the Estate Management Scheme.'

No justification was provided in the report or complaint response as to why these two reports clearly contradict each other relating to matching proposals 2 houses away from each other.

The front of the properties within Broomhills are characterised by flat-roof single storey structures that contribute to the amenities and values of the area and the Garden City. The flat roof structures are clearly visible and form what is 'the public street scene'. However, at the rear of the properties within Broomhills, the extensions and conservatories cannot be easily seen and are characterised by inconsistencies in style, scale and form. The proposal seeks to match the closest built extension that is a pitched roof and would therefore maintain the existing character and appearance of the area, even though it is not clearly visible from the public domain. It should also be noted that the terrace does not have a consistent style of rear extensions and is unlike other areas of Welwyn Garden City's Estates Management areas where flat roofed single storey extensions can be found. It would seem that a refusal on the grounds of having a pitched roof alone, therefore, is unreasonable. It is believed that the approval and subsequent construction of the pitched roof single storey extension at 43 Broomhills (Application no. 6/2015/2259/EM) sets a precedent which the proposal now seeks to follow.

(2) Residential amenities and values of the Garden City.

Given the very close proximity of the extension at 43 Broomhills to the proposed extension, the report of Application no. 6/2015/2259/EM (re: 43 Broomhills) is directly relevant to the appellants proposal, where it states that:

'The rear gardens are north facing and therefore sunlight is already reduced due to the orientation of the properties. The proposed extension is considered of a depth and height that would not result in any amenity implications in the form of overbearing, loss of light or outlook and complies with the guidance contained in the Council's adopted SDG Residential Design Guide (2005).

For the reasons outlined above, the proposal is considered to have a satisfactory relationship with the adjoining properties and is in accordance with the relevant policies outlined above.

In summary, the extension would have an acceptable relationship with the adjoining and surrounding residential properties in respect of its impact on the amenity of adjoining occupiers and complies with Policy EM1 of the Estate Management Scheme.'

In addition, the rear of the property where the appellant's proposal is sited, backs onto an area of dense vegetation and trees, before meeting the road, 'Herns Way'. The proposal cannot be easily viewed from any surrounding public vantage point and therefore has minimal detrimental impact on the character and appearance of the street scene and the wider amenities and values of the area. (Please refer to photographs A 'View of Rear of 47 and 43 Broomhills from Public Footpath on Herns Way'; B 'View of Rear of 47 and 43 Broomhills from within Vegetation Area', both of which demonstrate the very limited views of the proposal from the public domain. Photograph C 'Herns Way' demonstrates the context of the vegetation/trees in relation to the public highway) It is believed that the values of the Garden City would be upheld in this case. It is also of note that the approved, pitched roof rear extension at 20 Windhill, unlike the current proposal, is clearly visible

from the public domain (see attached Photographs D and E: 'Rear Extension at 20 Windhill as viewed from Broomhills') and was still deemed by the Estate Management Department to be acceptable in appearance.

Following discussions with neighbours it has been identified that the proposal would not have a negative impact on private amenity and therefore there are no objections to the proposal. In the planning officer's report (6-2017-0492-EM) it is noted that:

'the proposal would not be overbearing to neighbouring dwellings'

and, regarding the form of the proposals:

'The proposal would not adversely affect the light amenity, privacy or increase overlooking between the host dwelling and neighbouring properties'.

The proposal is north facing and as such, its form, scale and position would be overshadowed by the host property and surrounding features for most of the day.

As part of the original application process, the appellant viewed the planning approvals of pitched roof extensions in the near vicinity and sought to make a proposal that would enhance the neighbourhood and meet approval by the Estate Management Scheme. It was very unexpected, therefore, that the proposal was then refused, particularly when the report made no reference to either of the existing extensions at 43 Broomhills or at 20 Windhill, both of which are considered very relevant to the application.

A complaint was raised against the refusal but unfortunately the response dated 23 May 2017 omitted details and explanations as to why these properties were not mentioned in the original report, or as to why the justification for the *refusal* of the appellants proposal entirely contradicted the justification for *approval* of the other two neighbouring applications. In the case officer's response it stated that:

'It is apparent that the predominant pattern of rear extensions feature flat roofs, which were identified by myself on the site visit'

and that

'the extension at no.43 does not continue the pattern of flat roof additions'.

It was also stated in the case officer's complaint response that:

'the case officer needs to make a judgment as to whether or not these existing examples alter the character and appearance of the area. It was considered that this example here' (no.43) 'does not give such strong weight to allow a similar extension at your property especially when considering the number of flat roofed extensions within the immediate locality.'

However, it should have been clear to the case officer from the site visit, that within Broomhills the terrace of properties numbered 41-55, there is one pitched roof extension, one pitched ridge conservatory and no flat roof extensions and therefore clearly no pattern or dominant style.

Also, although the report states that no.20 Windhill is:

'some distance from your property and is not seen within the same context.' ,

the appellant would like to make note that the extension at no.20 Windhill is within the immediate vicinity in that it is sited on Broomhills (albeit on its side elevation). This property has the same architectural layout and features of the estate and houses on Broomhills which makes it a valid comparison in respect to character, appearance and public amenity. It is also of note, as stated above, that this rear extension, unlike the current proposal, is clearly visible from the public domain.

In summary, this appeal is based on the precedent set by the Estate Management Department when it gave approval to two other almost identical proposals in close proximity to that of the appellant's proposal. It is also based on the Estate Management Department's justification of non-compliance with Policy EM1 relating to the appellant's proposal, precisely contradicting their justification of compliance with Policy EM1 in regards to two other matching proposals in the immediate vicinity.

Yours faithfully,

Michael Rhodes

Attachments

Estate Management Report:

Application Number 6/2017/0492/EM - 47 Broomhills, Welwyn Garden City, AL7 1RE

Drawings:

B1 47 Broomhills Existing Plans

B2 47 Broomhills Proposed Plans

B3 47 Broomhills Proposed Block Plan

B4 43-49 Broomhills Existing and Proposed Rear Elevations

Photograph A - 'View of Rear of 47 and 43 Broomhills from Public Footpath on Hens Way

Photograph B - 'View of Rear of 47 and 43 Broomhills from within Vegetation Area',

Photograph C - 'Hens Way'

Photographs D and E - 'Rear Extension at 20 Windhill as viewed from Broomhills'

Other Relevant Estate Management Reports attached:

Application Number 6/2015/2259/EM - 43 Broomhills, Welwyn Garden City, AL7 1RE

Application Number W6/2015/0083/EM - 20 Windhill, Welwyn Garden City, AL7 1RJ