

## **Independent Inspector Process**

### **Background**

The Scheme of Management and most residential leases, include a covenant meaning that that the homeowner requires consent from the Heritage Foundation for alterations to their home. In the case of the Scheme of Management, this states at Clause 6 of the First Schedule:

*Any owner shall not carry out any development redevelopment or alteration materially affecting external appearance of the enfranchised property or of any building or structure thereon save with the written consent of the Corporation (which shall not be unreasonably withheld) and in accordance with plans drawings and specifications previously submitted to and approved by the Corporation. Any such development redevelopment or alteration shall be made in accordance with the approved plans drawings and specifications and shall be carried out in a good substantial and workmanlike manner with sound and proper materials.*

Applications for consent are submitted to the Heritage Advisory Service (HAS), who will issue a decision based on the guidance included in the Design Principles and whether there are any special site specific circumstances, which may lead to those Principles not being complied with.

Should the HAS be minded to refuse consent for an application this will, in some cases, be reported to the Householder Applications Committee (HAC), which comprises the HAS, Executive Director – Stewardship & Development, Chief Executive, three Trustees, 2 Governors and the Chair.

If the homeowner is unhappy with the refusal of consent, they can ask for a decision to be reviewed. The Scheme of Management refers to an Advisory Management Committee (AMC), which reviews these decisions and reports back to the HAC, who make a decision as to whether this refusal is sound or should be reversed. The AMC includes 2 Royal Institute of British Architects (RIBA) nominated architects and 2 local community representatives. The Chair of the AMC will attend the HAC meeting, to run through the thoughts of the Committee.

If after this process, the decision remains that consent should be withheld, the Board has agreed that an independent examination of the decision can be undertaken, at the homeowner's request, and that this should be undertaken by an architect nominated by the RIBA. This should only relate to matters concerning Clause 6 of the First Schedule of the Scheme of Management, set out above.

The Board agreed that the decision of the Inspector should be binding on the Heritage Foundation.

## **Process**

### ***Commencement of Appeal***

The appeal should be submitted in writing to:

*Emma Hone*

*Stewardship & Development Administrator*

*Letchworth Garden City Heritage Foundation*

*One Garden City*

*Broadway*

*Letchworth Garden City*

*Hertfordshire*

*SG6 3BF.*

This should be received within **12 weeks of the date of the final decision letter**, which will be the confirmation of the Householder Applications Committee, following the review by the Advisory Management Committee.

An appeal cannot be registered if the Advisory Management Committee and Householder Applications Committee review process has not been undertaken.

### ***Stage One Understanding of Costs***

Once the appeal has been registered, an Inspector, recommended by the RIBA, will be contacted. Unless there are any particular complications around the case, the standard fee will be £550, including expenses.

This will be communicated to the homeowner and/or their representative. For the appeal to proceed further, the homeowner must undertake that he/she is willing to share this cost 50:50, with the Heritage Foundation.

Once this has been received, the appeal becomes live.

A response to this request must be received within 28 days otherwise the appeal will be deemed invalid. If at this point the homeowner is over 12 months from the date of the last refusal, a further appeal against this decision cannot be resubmitted.

### ***Stage Two Statements and Consultation***

Following confirmation that the appeal is live, within 4 weeks, the homeowner or his/her representative must submit a Statement of Case, setting out in detail their full reasons for supporting the application. This should include any supporting information, which they wish to be considered.

Following receipt of this, the Heritage Foundation will provide to the homeowner, its Statement of Case.

These statements will be placed on the Heritage Foundation's web site and neighbouring occupiers who were consulted on the original application and any group or individual who

have previously made written submissions regarding the appeal application, will be notified and given 14 days to make any comments.

Within this 14 day period, the homeowner and Heritage Foundation will have the opportunity to make further comments on the Statements of Case that have been lodged.

All submissions will be placed on the Heritage Foundation's web site.

At the end of this 14 day period, no further representations can be considered.

The following information is then supplied to the Inspector:

- Original application
- Representations on original application and any revisions
- Board or Heritage Advisory Panel Reports
- Advisory Management Committee Minute
- Board of Management Minute
- Statements of Case
- Responses to Statements of Case
- Neighbour comments on Statements

### ***Stage Three Site Visit***

The Inspector will liaise with the Stewardship & Development Administrator at the Heritage Foundation to arrange a date for a site meeting.

This should be agreed and attended by both the homeowner and/or his/her representative and a representative of the Heritage Foundation. If both parties are not represented, the site visit can only proceed with the Inspector unaccompanied.

At this site meeting no verbal representations should be made other than to highlight items that the Inspector should look at and note.

The Inspector can request access to view the proposal from a neighbour's property, but it will be at their discretion as to whether this can take place.

Further written representations by the homeowner or Heritage Foundation, can be made after the site visit, but this must be received within 7 days of the site visit and should not introduce any new matters, but expand on items previously raised. Any new matters introduced at this stage will be disregarded.

These representations will be copied to the respective other party, forwarded on to the Inspector and placed on the Foundation's web site.

The Inspector can also query factual matters in writing, which again should be responded to within 7 days and copied to all parties.

### ***Stage Four Decision***

Within 4 weeks of the site visit, the Inspector will issue in writing to the homeowner and the Heritage Foundation a final decision.

This decision must outline the reasons for this decision.

The following options for a decision apply:

- 1) That consent should be granted
- 2) The consent should be refused
- 3) That in the case of an application which comprises several components (eg a front porch and a rear extension), a part approval may be granted.

In making this decision, the Inspector must have regard to the provisions of the Scheme of Management or the relevant lease, in the case of leasehold documents.

Reference should be made to the Design Principles in making any decision, although if the Inspector in making his/her decision feels that the proposal will not cause material harm, is at liberty to determine an application contrary to these Principles, where he or she believes that there special circumstances relevant to this particular property and proposal. Should this be the case, part of the decision letter should include a justification for this course of action.

This final decision will be binding on the Heritage Foundation and in the case of approval being granted, the Heritage Foundation will issue confirmation of this approval to the homeowner within 7 days of receipt of the Inspector's decision.

*Note Although information linked to this process will be placed on the Heritage Foundation's web site, due to GDPR requirements, personal or sensitive information will be redacted.*