

APPEAL AGAINST LETCHWORTH GARDEN CITY
HERITAGE FOUNDATION
FOR FAILING TO GRANT CONSENT FOR
SPECIAL NEEDS ACCOMMODATION
AT VENTERSDORP
LETCWORH GARDEN CITY, BARRINGTON ROAD. LETCHWORTH

STATEMENT OF CASE

PREPARED BY

 Planning and Landscape

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1.0 INTRODUCTION

1.1 This appeal is submitted on behalf of the eldest [REDACTED] of [REDACTED], the family wishes he is referred to as [REDACTED] for the purpose of this appeal. [REDACTED] lives at Ventersdorp, Barrington Road, Letchworth Garden City with [REDACTED]. [REDACTED], so that [REDACTED] can provide full-time care and support throughout the day and night.

1.2 It follows the refusal by Letchworth Garden City Heritage Foundation (HF), to grant consent for proposals to provide “Rear extensions (to include a hydrotherapy pool), Garage Conversion, new doors and windows plus a car port (revised scheme)” under HF reference 34235

1.3 The proposals have been reviewed by HF’s Householder Applications Committee and the Advisory Management Committee where the decision not to grant consent to the proposal was upheld in each case. Now the applicant is exercising [REDACTED] final right under HF provisions for an appeal to be determined by the Independent Inspector Process.

1.4 The appeal is made on the ground that HF have unreasonably withheld their consent, contrary to Clause 6 of the first schedule of the HF Scheme of Management, (Restriction of further development) which says: -

“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.”

1.5 This Statement aims to demonstrate why consent was unreasonably withheld by making reference to “The Design Principles” published by HF, records of meetings held with HF personnel, accounts of the specialist medical advisors, findings of North Hertfordshire District Council (NHDC) and assessments provided in this Statement.

1.6 It refers to important and confidential information on [REDACTED] contained in specialists’ medical reports. It is necessary to disclose some of this information when referring to reasons supporting this appeal. Information of a personal or medical nature is provided by way of secure links to the appendices referred to, other information such as drawings and the like are given as appendices at the end of this Statement, as direct supplements to this document. Apart from the disclosures made here, the personal/medical reports are highly confidential and are available only to the Inspector.

1.7 [REDACTED] condition is a result of medical negligence at birth, a later event occurred to leave [REDACTED] with yet further disabilities. Providing support for [REDACTED] needs and providing the accommodation to carry it out safely and effectively, is essential if [REDACTED] is to progress with [REDACTED] difficulties to reach [REDACTED] maximum potential, although it would be one quite incomparable with what [REDACTED] could have had, should the tragic post-natal events not occurred. [REDACTED]

1.8 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2.0 BACKGROUND

2.1 Architects appointed on behalf of the appellant received a brief from [REDACTED], [REDACTED] Case Manager, specialists in occupational therapy, hydrotherapy and in specialised housing requirements. This brief was to ensure the appropriate provision would be made for [REDACTED] condition to be properly managed, all these facilities to be provided in [REDACTED] home at Ventersdorp. Plans were prepared accordingly to meet [REDACTED] disability needs and submitted to NHDC for planning approval on 8 February 2018. The scheme was also submitted to HF on the same day for their consent under provisions of the Letchworth Garden City Heritage Foundation Scheme of Management.

2.2 An initial response was received by the architects on 22 March 2018 from NHDC in the form of a standardised acknowledgement confirming validation of the application. The response from HF, addressed to [REDACTED] [REDACTED] was received on 19 March 2018 confirming that the application property was in the Heritage Character Area and that HF's Design Principles would apply, specifically regarding the following: -

- *Rear extensions should complement the character of the original house, utilising matching materials and detailing and have balanced proportions and scale.*
- *Roof pitches can have a substantial impact on the appearance of a building; therefore, proposed roof pitches shall be consistent with the original roof design of the house.*
- *Ground floor and 2 storey extensions up to a depth of 5 metres from the original main rear building line of the house may be acceptable. When 2 storey extensions have a harmful impact on neighbouring properties, a reduction in depth/and or width may be required.*

2.3 Issues arising from this initial response are addressed in section 4 of this Statement

2.4 Two objections were submitted by residents of [REDACTED] which overlook the appeal site. They were received by the Council on 28 March and 4 April 2018, and are attached as Appendix E.

2.9 Following all the above concerns, the applicant considered that further specialist advice should be sought with particular regard to the hydrotherapy pool. Negotiations between the appellant's team, HF and NHDC continued as the revised scheme was being developed. An amended scheme was prepared, proposing a shortening of the hydrotherapy pool building by 4 metres, replacing a mansard roof with a flat roof and introducing a raised brick parapet around its perimeter in accordance with advice given by HF and choosing a rendered finish to external block walls in lieu of timber, all mounted on a brick plinth. Revised drawings of these amended proposals were issued by the Architects on 16 October 2018

2.10 Notwithstanding that the specialist medical reports all provided robust justifications for the accommodation ■ would need, the response from HF, after further meetings and site visits, was that their consent would not be granted.

2.11 This led to considerable concern, in that HF appeared to be affording very little weight to ■ in favour of maintaining Letchworth's architectural heritage, in the belief that somehow that heritage was harmed to the point where it would ■

2.12 Concerned that these events were indicating diminishing prospects of success, a meeting was held on 3 May 2018 attended by HF, professional representatives of the appellant and ■

2.13 This meeting revealed the following: -

- *The refusal re-affirmed original reasons for refusal*
- *A significant compromise had been made by ■ medical team by reducing the footprint of the hydrotherapy pool building.*
- *HF had wanted the pool to be moved forward and required the garage to be re-sited. It was explained this was not possible, a matter that had been discussed previously.*
- *HF stated that the proposal constituted overdevelopment, as it sprawled too much into garden space.*

2.14 The most significant point made at the meeting was: -

- ***HF explained that the issue was the Scheme of Management, in that HF does not have to consider personal circumstances, purely the impact on the estate. The appellant believes that this is too narrow a view to take, given all the circumstances.***

2.15 Other important points also made were: -

- *On ■ behalf it was reiterated from previous occasions, that ■ whose on-going future required significant adaptations to ■.*
- *It was admitted that this was the first occasion where any issue of this kind had been brought before HF for them to consider, this, they claimed, "made things difficult".*
- *At this point the HF member present advised that the Independent Inspector's appeal route was available as a possible option for resolving this matter.*

2.16 It became evident to ■ and the team that very little progress was being made, and that although the appellant had made compromises, to the point from where they could go no further, HF remained insistent that they would maintain their decision to withhold their consent. ■ are striving for opportunities to meet ■ full potential and not to be restricted by a built environment that adversely affects ■ independence, dignity and safety.

2.17 Clearly [REDACTED] were devastated to learn that HF would not consider personal circumstances. [REDACTED] thoughts turned immediately to the most evident injustice of this policy, its effect on [REDACTED] and the profound impact it would have on his future and quality of [REDACTED], should this situation be allowed to continue.

2.18 HF confirmed their decision to withhold consent in their letter of 27 September 2018.

2.19 During this time however, the Council was already indicating that they would support the revised proposal and ultimately did so by granting planning permission on 13 November 2018 (Application Ref 18/00407/FPH).

Specialist's Medical Reports

2.20 The specialists' medical opinions referred to throughout this statement are available either in the form of reports or letters from each of the specialists and listed as appendices at the end of the statement [REDACTED]

[REDACTED] Access to these documents is restricted only to the Inspector and HF, insofar as such access relates directly to this appeal and for no other purpose. They are not for issue to the general public in any form. Details of a secure link and the password will be provided to HF by separate communication from [REDACTED] The list of those documents is as follows:-

- **Appendix A:** [REDACTED] letter dated 14 June 2019 .
- **Appendix B:** [REDACTED] Specialist Housing Occupational Therapist's letter dated 25 January 2019 and report amended on 11 June 2019.
- **Appendix C:** [REDACTED] Consultant Paediatric Neurophysiotherapist and Aquatic Physiotherapist's report.

2.21 Other documents relevant to this case and available for public reference are included as separate pdf attachments at the end of this statement as follows: -

- **Appendix D:** The Proposed Scheme, by [REDACTED] and "planning timeline"
- **Appendix E:** Neighbours' Objections
- **Appendix F:** Plan ADPL 01 Local Conservation Context Plan
- **Appendix G:** Plan ADPL 02 Adjacent Land Use Densities
- **Appendix H:** Plan ADPL 03 Local Area Visibility Plan
- **Appendix J:** Visual impacts of extension and screening proposals

3.0 THE PROPOSALS

3.1 Drawings of the revised scheme are given in Appendix D. The accommodation shown in this scheme is a direct response to special needs advised by the team of medical consultants/specialists and is consequent upon several meetings held with HF NHDC, the architects and [REDACTED] It comprises of the following: -

- A dining room, to be erected in a recess between the flanking external walls of the existing living room and garage. Internal space created by this arrangement would be

24.7 m². Due to its location in an existing recess, natural daylighting would be by way of a roof-mounted glazed lantern.

- Conversion of the garage to provide guest accommodation for the wider family. The importance of this accommodation is emphasised in the first paragraph on page 3 of [REDACTED] letter of 14 June 2019.
- An enclosed link (atrium) between the new dining room and the proposed hydrotherapy pool. This is an important part of the accommodation, [REDACTED] makes reference to its significance on page 2 of [REDACTED] letter of 25 January 2019, where [REDACTED] asserts that it is *“an essential part of the disabled adaptation that forms the safeguards and control measures identified from the risk assessment process”*. It is also referred to by [REDACTED] on page 4 para 2 of [REDACTED] letter where [REDACTED] says, *“The inclusion of the link between the home and the pool complex is, as [REDACTED] have discussed, an integral feature of the design scheme to maintain [REDACTED] safety”*.

- The hydrotherapy pool building to enclose a pool of 18m², with a shower/change room and a plant room. The first scheme had proposed a building of 113m², with an extension length of 15.9 m, the revised scheme proposes one of 83.9m² with a length of 12.40m, in response to HF’s concerns regarding overdevelopment. This provision follows the advice given by [REDACTED] on page 7 of [REDACTED] report. Under the heading of recommendations on pages 7, [REDACTED] advocates that [REDACTED] *has access to a purpose-built, fully accessible (changing rooms and pool area) heated hydrotherapy facility, ideally three times a week in line with WHO recommendations for health and well-being (appendix 2.) Furthermore, if this is the only environment whereby [REDACTED] can exercise safely, be active and will engage for prolonged periods of time, then [REDACTED] would even argue that [REDACTED] should have access daily to aid all areas of [REDACTED] learning, communication, socialisation if other children can access the pool with [REDACTED] and to assist in the management of [REDACTED] behaviour and sensory processing and integration.”*

3.2 The pool has circulation space around it of 41m² for the safe handling and management of [REDACTED] disabilities in this environment. [REDACTED] refers to the entire pool environment in [REDACTED] report accounting for every part in a robust justification for the provisions being made. [REDACTED] considers access to and from the pool (page 3 paras 1 and 2) and the wider benefits that accrue to [REDACTED] from its use (page 5 paras 2 and 3). Each part is fundamental in meeting [REDACTED] special needs. This information had been made available to HF and was regularly advocated as the irreducible minimum standard following the first scheme revision.

3.3 The plant room and its equipment would be in accordance with information given in paras 12.14 to 12.18, which deal with neighbours’ objections regarding noise.

3.4 The building would have a flat roof in response to objections from neighbours that a pitched roof would rise well above the common boundary hedge which separates the two properties.

■■■■ had objected that a pitched roof would be visually intrusive and therefore would be harmful to ■■■■ residential amenity.

3.5 Around the perimeter of the roof would be a parapet finished with a brick on edge, with tile creasing beneath, provided on the advice of HF. The top of the parapet would be 3.14m above ground level, the effective height of the parapet in relation to roof level would be 300mm.

3.6 Multi-paned timber windows and doors, of a style echoing those of the existing house and positioned with a rhythm to harmonise with them, acknowledge the Arts and Crafts style. So too does the use of walling of white-painted render set on a brick plinth.

3.7 To the front of the house is a timber-framed porch, needed to protect ■■■■ and ■■■■ carers when ■■■■ enters or leaves the house from ■■■■ wheelchair to ■■■■ adapted transport, in periods of inclement weather. This matter is referred to in more detail in paras 11.9 to 11.13.

4.0 HF REFUSAL TO GRANT CONSENT

4.1 In their letter dated 25 September 2018 to ■■■■■■■■ HF referred to the Householder Applications Committee of that date. The letter states, with reference to the original scheme: *“At this meeting the Committee took into account all of the issues raised and after careful consideration the decision was to refuse consent for the proposal, as it contravened our Design Principles for the following reasons: -*

Rear Extension

- *Rear extensions should complement the character of the original house, utilising matching materials and detailing and have balanced proportions and scale.*
- *Ventersdorp has been the subject of extensive remodelling and has already been heavily extended. The proposed new dining room increases the footprint further.*

Proposed Hydrotherapy Pool

- *Sheds and detached outbuildings will not normally be acceptable if they exceed 10% of the area of the rear garden, free of buildings, to a maximum of 20 square metres and/or over 3 meters in height.*
- *Sheds and detached outbuildings that exceed these dimensions may be accepted if their size is not out of proportion to the house and they do not dominate the rear garden or have a significant impact on the neighbouring property, including its garden.*
- *Roof pitches can have a substantial impact on the appearance of a building therefore proposed roof pitches shall be consistent with the original design of the house.*
- *The proposed Hydrotherapy Pool is considered to be overdevelopment of the site and in design terms the proposal does not complement the character of the original house, with its shallow pitched roof lines. The proposed link also compromises the front elevation.*

- **Car Port**

Front extensions are discouraged

- *Proposals for front additions will not be supported unless it can be demonstrated that they will not cause harm to the appearance of the existing property or its group*

4.2 Responses to all these concerns are given in section 9 of this statement.

Issues for consideration

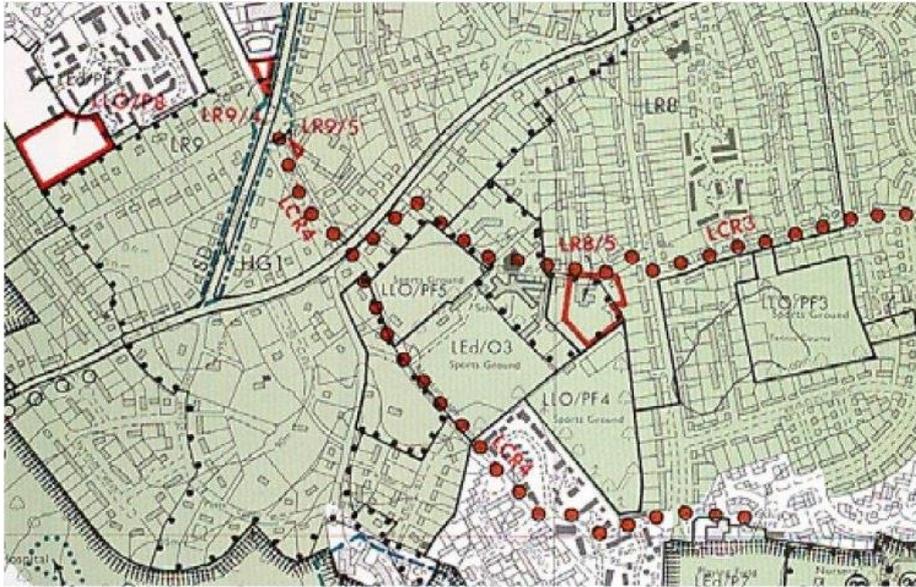
- *HF reasons for refusal*
- *Objections from [REDACTED]*
- *That during negotiations to reach an agreed scheme HF acted unreasonably by failing to afford due weight to the material consideration of [REDACTED].*

5.0 PLANNING HISTORY

5.1 The following is a record taken from the Council's website of development at Ventersdorp since 2008. It demonstrates that there have been several applications for extending or improving the home. It begins with the recently approved application which is the subject of this appeal. Details of earlier applications are not available.

- Single storey rear extensions. Works to existing detached double garage to facilitate conversion into habitable space and erection of front carport (Amended plans received 23/10/18 Ref 08/00407/FPH. Received 8 Mar 2018. Decided
- Insertion of 2 dormer windows in rear roof slope and 1 dormer window on the side roof slope to facilitate loft conversion: reinstatement of 2 chimneys and addition of 1 chimney: front porch and detached double garage (as amended by plan received 9 May 2008) Ref 08/00488/1HH. Received 4 Mar 2008, Decided
- Single storey rear and single-story side extensions to east and west elevations (as amended by plan received on 12 December 2007) Ref 07/02598/1HH. Received 25 October 2007
- Conversion of existing bungalow into two storey dwelling involving two storey front and side extensions incorporating double garage and new first floor Ref 07/02019/1HH. Received 15 Aug 2007, Status unknown.
- Outline application (Design, external appearance & landscaping reserved) for 2 detached & 2 semi-detached houses & garages & new vehicular access following demolition of existing dwelling Ref no: 87/00612/1. Received 15 April 1987, Status unknown
- Map A below is an extract from the North Hertfordshire District Local Plan No 2 with Alterations, (Written Statement April 1996) The plan forms part 5 of the Policies and Proposals for Letchworth at that time. It indicates the appeal site associated with part of land at The Cloisters and is an area granted outline planning permission in 1989 for the development of 4 dwellings, 14 flats, 14 garages, car parking, an internal access road and alterations of an existing access to Barrington Road

MAP A



**OUTLINE PLANNING PERMISSION
FOR THE AREA MARKED IN RED GRANTED IN 1989**

6.0 VERY SPECIAL CIRCUMSTANCES

PHOTO 1



6.1

[Redacted text]

6.10 [REDACTED] also on the first page of [REDACTED] letter of 25 January 2019 has advised that [REDACTED] physical environment and the close supervision of [REDACTED] parents and [REDACTED] personal assistant, is paramount to achieving [REDACTED] safe personal care, nutritional, educational, social and leisure needs and that [REDACTED] therapy programme must be undertaken in an appropriate environment, so that [REDACTED] can achieve his full, yet limited potential.

6.11. [REDACTED] medical and therapy specialists confirm that as [REDACTED] ages, [REDACTED] dependency on others and on [REDACTED] therapy programme, especially use of the hydrotherapy pool, must continue. It is most likely that [REDACTED] will outlive [REDACTED], so [REDACTED] choice has been to select a home from which [REDACTED] would not need to move.

6.12 Ventersdorp will meet all [REDACTED] requirements once all internal and external modifications have been carried out. The architects have maximised the use of existing internal space, with the intention of minimising space required for extensions. For example, the existing garage is to be converted to provide accommodation for [REDACTED] wider family who live some distance away, its upper level intended to be used for equipment and other storage. Regular visits by [REDACTED] wider family are an important part of [REDACTED] therapy and family life. This matter is confirmed by [REDACTED] [REDACTED] in [REDACTED] report on page 2, para 8, continuing on page 3.

6.13 [REDACTED] also confirms in [REDACTED] letter that a quiet environment is essential for [REDACTED] as [REDACTED] can at times react strongly to unexpected or loud noise and cannot filter out extraneous noise. Being situated in a quiet part of Letchworth, the location on Barrington Road is ideal from this point of view. [REDACTED] says [REDACTED] has a quiet demeanour in any case, so a tranquil setting for [REDACTED] is ideal for [REDACTED] condition.

6.14 Once settled into Ventersdorp, the essential services and facilities needed to support [REDACTED] condition were identified and led to establishing the professional team now responsible for leading and managing [REDACTED] care, which [REDACTED] do in conjunction with [REDACTED] [REDACTED] and legal advisors.

6.15 With the involvement of [REDACTED], architects over many years designing special needs accommodation, plans were prepared for discussion with the ultimate aim that they would be agreeable to all parties and thereafter submitted for planning approval and HF consent.

6.16 The team's first task was to prepare an assessment of [REDACTED] disabilities and define suitable therapies and other interventions to support [REDACTED] special needs. These findings were crucial in identifying accommodation needs and so were supplied to the architects to design a scheme with appropriate accommodation. The design also had to have regard to planning and heritage requirements and fulfil the very special circumstances of [REDACTED] condition, as well and the needs of [REDACTED] family. [REDACTED] desire, in common with most families, is to be together in [REDACTED] own home, notwithstanding the difficulties this would bring, as [REDACTED] circumstances are quite unlike those of most others. This is an important part of [REDACTED] case.

6.17 Extensive negotiations were held between [REDACTED] specialist medical teams, the Architects, NHDC and HF. They have proved difficult at times, on the one hand [REDACTED] [REDACTED] special needs accommodation to support a wide range of therapies essential to sustaining [REDACTED] life and developing [REDACTED] potential, on the other, HF are charged with the protection of an

important heritage asset. These potential conflicts have led to this appeal, because the outcome, as it presently stands, is unjust in the appellant's opinion.

6.17 In parallel with considering [REDACTED] very special circumstances, this statement will examine the heritage asset, the effects of the proposals upon it and will use the findings to demonstrate that impacts arising from the proposed development do not cause harm to any interest of acknowledged importance.

6.18 In preparing this statement, reference has been made to [REDACTED] and to appendices prepared by each member of the specialists' team. They are included as an integral part of this appeal, their status as appendices in no way diminishing their relevance to this case, for they are indeed very central to it and so the Inspector is respectfully requested to afford them due weight in deciding this appeal.

6.19 Hitherto, throughout all the pre-appeal discussions, the Heritage Foundation has not acknowledged the significance of [REDACTED] very special circumstances, notwithstanding that they have been fully re-affirmed on several occasions and recorded in notes of meetings. Should the Inspector wish to see confirmation of this point secure access to the relevant document will be arranged.

6.20 Meetings have been minuted by [REDACTED] specialist care staff, the Architect and by [REDACTED] on all occasions when the parties have met. Those meetings and negotiations have been held as essential steps in completing the planning process, because agreement is being sought which would enable implementation of the planning approval already granted by NHDC. A timeline of these events has been prepared by the architects and included in Appendix D.

6.21 It is clear that this appeal has brought great anxiety and uncertainty to bear upon [REDACTED]. What is also clear is that the position HF have taken in this regard has seriously skewed the decision away from one of reasonableness and properly balanced judgement.

7.0 THE HERITAGE ASSET

7.1 Letchworth Garden City, inspired by Ebenezer Howard's vision, has been a most significant influence on the genesis of modern town and country planning. His principles are in common use even today as important terms of reference to architects, planning specialists and developers, with his far-sighted ideals remaining relevant and respected. The world's first Garden City has bequeathed to Letchworth a legacy of transformational change to urban living and to sustainable concepts in planning such as place-making, good architecture, quality accessible homes, and the enduring value of large-scale distinctive landscapes.

7.2 HF have a duty to protect and wherever possible, enhance this asset, whether by way of their own actions, or by their jurisdiction over the actions of others wishing to develop in Letchworth, as in this case. This is an approach and duty incumbent on all local authorities in England and Wales with valuable heritage assets to safeguard.

7.3 As is the case with all Cities and Towns in England, people, as well as architects and planners also make a place. How that phenomenon is managed has a fundamental bearing on the perception of any place, town or city, how it works and succeeds or not, as a constantly

interactive and evolving living experience. Accordingly, the human factor plays its part in the functioning of a City, it is also important in the decision-making process intended to manage on-going change.

7.4 Those involved in the design process for these proposals have used their best endeavours to acknowledge the importance of the heritage asset and meet the design challenges it requires, given that they also have other material considerations to take into account. For this reason it has been necessary for agents acting on ■■■ behalf to have spoken out for ■■■ needs, because ■■■ have witnessed a process whereby disproportionate weight has been placed in favour of the heritage asset, at the expense of very little being given to ■■■ disabilities.

7.5 Section 8 of this statement contain appraisals of areas of heritage value in the context of the appeal site and examines how the proposal might adversely affect them as issues of conservation importance. Where potentially harmful impacts are identified, mitigation measures are assessed and proposed using techniques hitherto not considered, for the Inspector to take into account in deciding this appeal.

The Letchworth Strategic plan

7.6 Amongst its recent initiatives HF is promoting its new strategic plan “*Making Letchworth a great place for everyone*” Its declared vision says: -

Over the next three years we aim to: -

- *Improve life chances for people in Letchworth*
- *Ensure Letchworth continues to be a great place to live*

7.7 One of the challenges to HF is how to maintain the unique character of Letchworth in rapidly changing times without placing increasing pressure on its residents and the quality of their lives. At the same time it is concerned that presently there is a demographic imbalance in the population, with a high number of older residents and fewer younger people taking up residence in the Garden City.

7.8 Their strategic plan says – “*We believe that living or working in Letchworth Garden City is something to celebrate. But the reality is that not everybody who lives here is currently benefitting from what we have to offer. Our new strategic plan is about making the most of our existing assets; sharing and celebrating everything we take care of with every single person in the town*”.

7.9 The plan states that the HF is committed to improve life chances for Letchworth’s residents, a pertinent phrase introduces the topic....

.... “***Embracing the past and unlocking the future***”

7.10 It makes specific reference to “Early Life Chances”, a matter which is particularly important to ■■■ as a resident of Letchworth, the strategic plan says: -

“*We are committed to find ways to support communities to give children in Letchworth the best possible start to their lives. Empowering our children as early as possible will build their confidence and help develop happier and more fulfilled adults*”. and: -

Other areas of land in Letchworth, not considered to be in either of these categories, are undesignated on the map.

8.5 In the context of the appeal site the following assets are shown on the above drawing.

- Groups or individual properties designated as “Heritage Areas”
- Groups of individual properties designated as “Modern Areas”
- The Letchworth Conservation Area,
- The Cloisters Grade 2* Listed Building
- The appeal site.

8.6 The Cloisters was designed by Architect WH Cowlshaw, local to Hertfordshire, and a follower of William Morris, an inspirational figure within the British Arts and Crafts movement. Notwithstanding its status “The Cloisters” does not enjoy the best of settings, as much of its adjoining land is used for car parking surfaced in a utilitarian way for that purpose, so vehicles when parked there also devalue the setting. However, Cloisters Cottages share part of the Listed Building’s setting adjacent to the south-western boundary of the appeal site, no 1 being a building of special interest. Between the two is a high timber fence with dense planting on both sides as shown on photo 2 below, seen from The Cloisters’ car park.

PHOTO 2



Boundary of The Cloisters with Cloisters Cottages. The garage roof of Ventersdorp can be seen from this viewpoint but there is no view of Cloisters Cottages, due to intervening boundary vegetation. This photograph was taken by permission of the Cloisters Property Manager

Willan Way Heritage Areas

8.7 All properties in Willan Way north of its junction with Barrington Road are designated as heritage areas. To the south of the junction, 43 to 51 and no 48 Willan Way have the same Heritage Area designation. The rear gardens of 43 to 51 Willan Way are typically some 33

metres in length before they reach the eastern boundary of the appeal site. All properties on Willan Way are outside the Conservation Area.

8.8 Properties on Willan Way are in the Arts and Crafts style, with steeply pitched roofs some with parapets to their gable ends, distinctive fenestration, white-painted render, tall chimneys and simple brick detailing. The street scene is characterised by tall avenue trees growing in grassed margins, with predominantly hedge boundaries to front gardens.

8.9 In common with all areas of the Garden City, the soft urban landscape is ubiquitous throughout, its scale, massing and character creating a fitting setting for many quality buildings.

PHOTO 3



Willan Way Arts and Crafts style houses are complemented by avenue and hedge planting

PHOTO 4



The formal avenue is emphasised by an abundance of boundary hedging and grass verges

The Modern Area Context

8.10 Plan ADPL 01 shows most properties to the North of Barrington Road designated as Modern Areas, specifically those on Cloisters Road. This is the case for many properties to the southern part of Willan Way from its junction with Barrington Road, with the exception of 43, 48 and 47 to 53, which are designated as Heritage Areas.

8.11 Houses in Cloisters Road are mid to late 20th century. The detached homes are of substantial size, using materials suited to the area and well maintained. Front garden boundaries are either low brick walling or higher hedging. The tree-lined avenue is widely spaced and therefore lacks the impact of linearity that characterises the street scene in the way it does on Willan Way. However, it does create an important vista towards “The Cloisters”, as shown in photo 8 overleaf. Front garden vegetation is less well established. These factors tend to detract from the strong identity of a Garden City residential street, because the landscape setting of abundant, luxuriant vegetation, so typical of other parts of Letchworth, is below the prevailing standard in this particular location.

8.12 Irrespective of these comments, there is a coherence to most areas afforded by the robust and well-established landscape structure that is one of the hallmarks of the Garden City. It embraces buildings into the setting itself, not just because of its scale but its juxtaposition with buildings, roads and footpaths, the choice of species and the fact that it has been maintained and managed to reach its identified design purpose.

8.13 There is a continuation of the housing style of Cloisters Road which wraps around the corner into Barrington Road, photos 5 and 6 below showing “modern” homes facing the appeal site.

Photo 5



Modern housing faces the appeal site across Barrington Road. These are a continuation of styles found on Cloisters Road.

Photo 6



Homes of the Modern Area on Barrington Road are of simple design and traditional construction influenced to some degree by the Arts and Crafts Movement

Photo 7



Grass margins, low brick walling to front garden boundaries or high hedging characterise Cloisters Road.

Photo 8



The fragmented avenue of Cloisters Road lacks a linear emphasis but remains an important vista to “The Cloisters”

Undesignated Areas and the Appeal Site

8.14 Within the HF Character Area Plan is a number of large zones with neither a Heritage nor a Modern Area designation, including St Christopher's School and grounds, the large setting to "The Cloisters and the appeal site.

8.15 The appeal site has a 2 metre high hedge to its front garden, which envelopes the house leaving only access points open. The hedge performs an excellent screening function in an attractive and effective way, leaving little beyond it to be seen. It is a primary foil to the eye.

8.16 Ventersdorp is a very discreet property in the street scene being well hidden by its front garden hedge as shown in photos 9, 10, 11 and 12 below. It reveals nothing of what is beyond the house and its detached garage. Other street scene components in the vicinity of the appeal site comprise of garden boundary hedging of varying heights, street tree planting, tall hedgerows, well established tall trees and grassed margins to the highway. Ventersdorp is a modern bungalow which has accommodated its various extensions remarkably well.

8.17 Only a small part of the areas described above have the potential to be affected by the proposals. They are limited to a small section of Barrington Road, to the rear gardens of properties on Willan Way and the upper floor of [REDACTED] Cloisters Cottages. All impacts are of a very low magnitude and are of a visual nature. They affect a small number of properties with low periods of duration. Overall the effect would be considered minimal according to LVIA guidance. As some of the properties affected might be said to be of a sensitive nature (those designated as Heritage Areas and the Grade 2* Listed Building) then due regard should be given to this condition. The appellant has recognised this and proposes mitigation measures of tall hedge planting to eliminate only minor impacts.

8.18 With these measures in place there would be no harm to sensitive sites and none to any other parts of the area discussed above. (See *photomontage on page 29*)

The appeal site on Barrington Road

PHOTO 9



Ventersdorp is well screened by its front garden boundary hedges

PHOTO 10



Only from its two access points can Ventersdorp be seen from the public realm

PHOTO 11



The bungalow and garage conceal all the rear garden from view when looking from Barrington Road

PHOTO 12



Ventersdorp has a discreet presence in the street scene. It is in an "Undesignated Area" within the HF classifications of heritage assets and not in the Conservation Area.

9.0 RESPONSE TO REASONS FOR REFUSAL

Overdevelopment (Refer to Plan ADPL 02 in appendix H)

9.1 The Panning Portal defines overdevelopment as:

"An amount of development (for example the quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services or impact on local amenity and character." Following this definition, it is important to define a context in which overdevelopment is considered to be an issue, because this is what is required to gain a full understanding of the phenomenon. It must therefore refer to the wider urban grain, rather than to a single plot, because an element of relativity to other factors is part of a full assessment process. It is also important to understand the reasons given for alleged overdevelopment, they have been referred to as *"sprawling into the garden"*, affecting the amenities of neighbours and the character of the neighbourhood.

9.2 The following photos show properties that link between the appeal site and St Christopher's School. The link takes the form of a transition zone, from the lower density development to the east, to higher density in the west of the link. There are varying characteristics to these developed areas, not all are residential, land to the West and South West being in educational and mixed uses, whilst those to the east are entirely residential. Drawing no ADPL 02 in Appendix G indicates the link and land use densities in proximity with the appeal site.

PHOTO 13



Designated in the Heritage Area, No. 43 Willan Way (seen to the left) faces the appeal site, together with its neighbouring buildings it is part of a low-density development on Willan Way, distinguished by a number of Arts and Crafts houses.

PHOTO 14



Ventersdorp is a modern building that has taken well to its various extensions. It is well screened around its perimeter by substantial vegetation and is the second in a sequence of buildings leading up to The Cloisters

PHOTO 15



Parts of the Grade 2 Listed Building close to the appeal site, a small group, clustered around the main buildings and part of the sequence from Ventersdorp to The Cloisters*

PHOTO 16



Tall hedging links along frontages of the building sequence from Ventersdorp to The Cloisters and is a substantial buffer to Barrington Road

PHOTO 17



Original school buildings form the entrance to the school. Photography of other larger buildings to the left was not permitted.

PHOTO 18



More recent development on the school site. at a higher density than that at Willan Way and the appeal site.

9.3 There have been numerous extensions to Ventersdorp over time, but it is a modern building which has taken well to its various adaptations yet remains discreet in its local setting. Whilst it might be argued that it does nothing to contribute to the heritage value of the area, it certainly does nothing to harm it either.

Assessing the appeal site in isolation

9.4 When the appeal site is taken in isolation for assessing overdevelopment, loss of the garden area required for the extensions does not amount to overdevelopment. This matter has clearly been considered by the Council, as they have expressed their opinion in meetings that the extension would normally be regarded as permitted development.

9.5 A commonly recognised standard emanating from Permitted Development Regulations is that should any proposed residential development cause the whole to exceed 50% of the plot area after extensions have been added, then it would not be permitted development, so planning approval would have to be sought. In this case the resultant development, including the appeal proposals, is 27%. Under these circumstances the Council would not have hesitated to conclude that the site was overdeveloped. They have issued their approval accordingly.

Comparing the appeal site with neighbouring sites

9.5 When a comparison is made between residential plots that have assets in common, such as being undesignated sites, being outside the conservation area and in the vicinity of the appeal site, the following analysis of plots emerges based upon examining the ratio of built land with land remaining as garden space, as shown in table 1 below :-

Table 1

Address	Plot area m2	Built Area m2	Ratio %
47	388	92	24
45	389	139	36
38	431	136	32
36	479	96	20
Cloisters Cottages	707	179	25
Appeal site after extension	1533	420	27

9.6 From this assessment it can be seen that comparable sites have similar development densities to the appeal site **when the proposed extensions have been completed**. These comparison sites are part of the Modern Area comprising of the continuation of Cloisters Road into Barrington Road. However, this is an analysis of a small number of individual plots, the wider context also substantiates that this proposal is not overdevelopment.

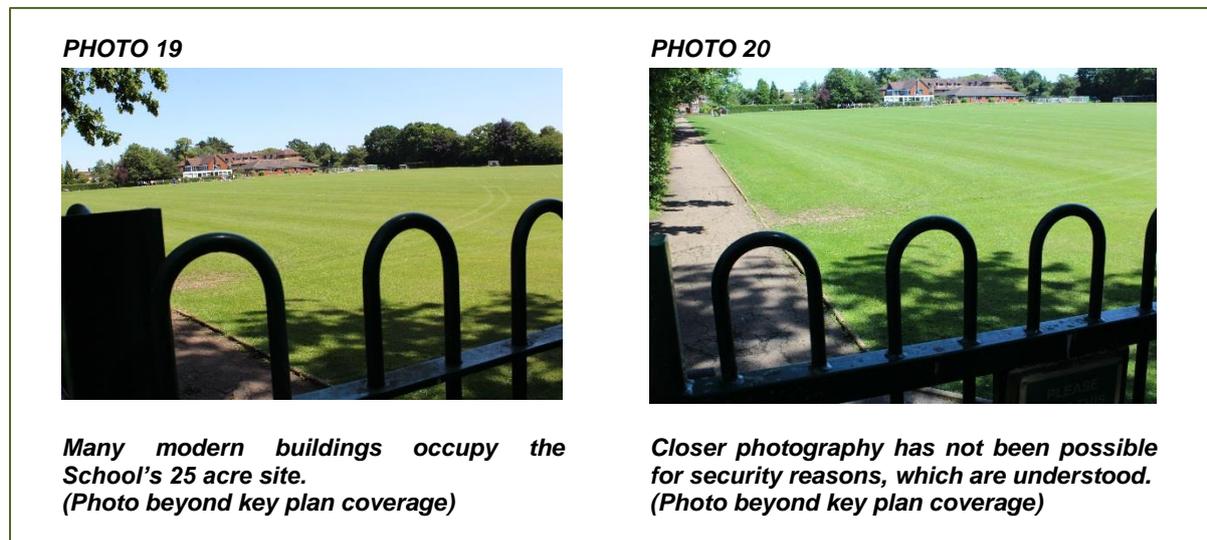
Assessing the appeal site in a wider context

9.7 Plan ADPL 02 identifies the appropriate context for assessing any overdevelopment of the appeal site. To the east is Willan Way, with low density development, to the west is St Christopher's School, with high density development. Between the two are other sites. Together these areas form a link between different development densities.

9.8 Of these, the Cloisters has been in use as the North Hertfordshire Masonic Lodge since 1948. Regular meetings are held in this building, bookings being available for private events on an appointment basis. Its primary setting as a Grade 2* Listed Building is in use as a car park with a capacity for perhaps 25 cars. When in use there would be frequent visits by car, consequently a quiet area becomes one with a relatively intensive use. The Cloisters site contains other buildings with frontages onto Barrington Road. The density of development on this site is markedly higher than it is at Willan Way

9.9 Cloisters Cottages also sit within the grounds of the Cloisters in a discreet setting, mostly screened from view with the appeal site.

9.10 Beyond the Cloisters is St Christopher's School, a boarding and a co-educational day school for boys and girls aged 3 -18 with in excess of 500 pupils. The educational facility clearly has a higher density of development than any of the residential areas east and north of the appeal site. Its original buildings remain but many more modern buildings occupy large areas of the School's 25 acre site, as shown on photos 19 and 20 below: -



9.11 The sequence of Willan Way, Ventersdorp, Cloisters Cottages, The Cloisters and St Christopher's School form a group of buildings which, when taken together, create a transition between low density development of the Heritage Areas along Willan Way and Modern Area development in Cloisters Road, to higher densities in and around St Christopher's School. Thus, the appeal site finds itself in the centre of these varying densities in a transition zone linking all of them. This is the context in which an informed judgement regarding overdevelopment must be made. It cannot realistically be made by appraising a single site, as this does not introduce any relativity into the assessment.

9.12 It is notable from both maps and photographs that the density of existing development to the West of the appeal site is significantly greater than it is to the East, where the lowest densities is determined by development along Willan Way, an area designated as a large group of Heritage Area sites. It is also apparent that part of the Modern Area immediately to the North of Barrington Road has a higher density of development than properties on Willan Way. The appeal site is undesignated outside the Conservation Area, but it presently has a low-density development, lower in fact than any property on Willan Way.

9.13 Map A following para 5.1 shows an outline planning consent granted in 1989 for development of an area of land edged in red comprising of two parcels of land belonging respectively to The Cloisters and Ventersdorp. Outline consent given was for a high-density development of 4 dwellings, 14 flats, 14 garages, car parking, an internal access road, together with alterations of an existing access to Barrington Road.

9.14 The significance of this data is that it forms part of the planning history of the appeal site. It must have been in the contemplation of the Council at that time that it was, when developed in association with an adjacent site on The Cloisters' land, appropriate to grant outline planning consent for a relatively high-density development.

9.15 From these examples it would be reasonable to conclude that the appeal site has been judged in the past to capable of accommodating significantly larger developments than that being proposed here.

9.16 The Council, in making their decision, have expressed their support for the proposal, clearly indicating that they too do not consider overdevelopment of the site to be an issue, this assessment is in accordance with their findings.

9.17 After the proposed development has been completed, the total developed area would be 420m². With a plot area of 1,533m², this means that 27% of the area would be occupied by residential development, leaving a garden area of 73%. This is not considered to be overdevelopment in general planning terms. In addition, the development does not intrude into the vista along the length of the garden.

9.18 After assessing the appeal site at three levels, it is the appellant's firm conclusion that the proposals do not constitute overdevelopment.

10.0 DESIGN ISSUES

10.1 The relevant guidance on design is given in the HF publication "The Design Principles" subtitled "*The Design Principles outlined in this publication relate to homes in the Heritage Character Area*".

10.2 The publication says this, "**Homes** in the Heritage Area vary greatly in design but are united through the high quality of materials, workmanship and architectural features with strong influence from the Arts and Crafts Movement. Careful consideration of any application within this area will be necessary to ensure important characteristics are protected and the quality of the setting preserved".

10.3 Drawing no ADPL 01 shows the appeal site in its conservation context. It confirms that the site is not a designated Heritage Area, nor is it within the conservation area. Notwithstanding these facts and in recognition of the proximity of heritage assets close to the appeal site, the importance of acknowledging conservation issues is recognised.

10.4 [REDACTED] have extensive experience in the design of extensions to provide special needs accommodation, [REDACTED] are aware of the need to produce design solutions which meet medical needs, whilst also having regard to the context in which [REDACTED] are working. It is not unusual for [REDACTED] brief to give rise to conflicts between special needs and quality architecture which responds to its setting. In situations such as these, [REDACTED] have taken a considered approach with the objective of providing the best possible outcome under all the circumstances.

10.5 In this case there is a specific requirement for a pool of 18m², with a surrounding safe area of predetermined dimensions necessary in the prime interests of safety for [REDACTED] and [REDACTED] carers. The inevitable result is a building of the size included in this proposal. Medical opinion is unanimous between all specialists, principally [REDACTED], a leading authority in matters of this kind, that this is the irreducible minimum provision necessary to meet [REDACTED] needs, given all the circumstances. [REDACTED] refers to the minimum possible size of pool as 18m² on page 8 para 2 of her report. This therefore accounts for the size of the pool building.

10.6 An earlier design with a Mansard roof enabled the architects to give a form to the extension which would acknowledge the existing building, as far as it was possible to do so. However, factors such as the angle of the roof slope and the resultant scale of a building using that method, without incorporating a flat roof element, was simply untenable, it resulted in a building uneasy in its setting and with an adverse effect on nearby neighbours who objected to the original proposal.

10.7 Negotiations held with the design and medical teams [REDACTED] and HF, sought to find a solution to this difficulty. It was agreed that a flat roof would be necessary, notwithstanding that this had its disadvantages. HF recommended that there should be a parapet, to reflect a condition often used in the Arts and Crafts style usually associated with steep gables evident in several houses in the locality. These ideas provided a solution, together with a 4m reduction in the length of the extension which ultimately was submitted for planning approval.

10.8 Design Principles of HF for rear extensions say. *“Extensions to houses on very large plots may exceed 5 metres from the original main rear building line if it can be demonstrated that there is negligible effect on the neighbouring property and it is not detrimental to the character of the dwelling or its setting”*.

10.9 This proposal is for an extension of 20 metres from the building line of the original house, but 12.4 metres from the rearmost line of the extended house as defined by the existing garage and living room. Under these circumstances the following must be demonstrated: -

1. *there is negligible effect on neighbouring properties*
2. *it is not detrimental to the Character of the dwelling or its setting.*

10.10 The first of these requirements is fully addressed in the section 12 dealing with residents' objections. The second is addressed as follows: -

10.12 The character of the existing building is determined by an Arts and Crafts influence with steeply sloping tiled roof with chimneys, distinctive multiple pane windows, with a simple design of white painted rendered walling on a brick plinth. The design of the extension uses these references and principles wherever it has been possible to do so. Clearly, for reasons which have been explained, it has not been possible to incorporate a pitched roof in the design.

10.13 The extension is of simple design, being a direct expression of its function. The use of multi-paned timber windows and doors, of a style echoing existing and positioned with a rhythm, that is not at odds with fenestration in the original house, acknowledge the Arts and Crafts style. So too does the use of walling of white-painted render set on a brick plinth. The flat roof has a parapet with brick coping and tile creasing beneath.

10.14 These components of the design are the vocabulary of Arts and Crafts influence and as such, when read with the existing building, they would be seen to be acknowledging its character by harmonising with it, using simple design techniques.

10.15 Proportions of the design are more difficult to assess because they are determined solely by functional requirements necessitated by the very special circumstances of this case. Therefore, the issue must be to what extent would this be regarded as incongruous in this setting, harmful to the Heritage Areas specifically and to the public realm generally, what impacts would arise, how would they be perceived and, after mitigation, what would be their residual effects.

11.0 VIEWPOINTS AND MITIGATION MEASURES (Refer to drawing no ADPL 03, Local Area Viewpoints Plan in appendix H and drawing no ADPL 04, Visual Impacts of Extension and screening proposals in appendix J)

11.1 Within its setting the pool building extension would be seen from the upper floors of Cloisters Cottages and likewise from homes on Willan Way which overlook the appeal site. The magnitude of these views would be limited due to their geographical extent, intervening boundary and other vegetation from late spring through to early autumn and the defining of shared boundaries with high timber fences. Duration of the views would also be limited as the use of upper floors is likely to mean they are from bedrooms where it is generally acknowledged that the duration of a view would be less than that gained from a lounge for example.

11.2 Reference has been made in the section 12 dealing with residents' objections that an almost continuous Hornbeam hedge would be planted in the Ventersdorp garden in positions around the proposed extension where it would provide an attractive feature within the garden itself but also where it would be a very effective screen of the upper parts of the extension, these being only those parts that would be seen from all neighbouring properties. The nature of Hornbeam is such that it retains its autumn leaves through the winter when regularly maintained, until they are replaced by new growth in spring. By way of this mitigation measure

views of the extension would be minimal and not harmful to local residents nor to any historic assets.

11.3 The only view of the extension from Barrington Road, would be seen momentarily through a gap in Ventersdorp's high perimeter hedging. After that the line of sight would continue but ultimately to be screened by an existing high timber fence and gate between the house and garage therefore only an extremely limited view of a small upper part of the extension would be seen from this viewpoint. Accordingly, any view would be minimal and not harmful to the public realm nor to any historic assets within it.

11.4 The Courts have contemplated the significance of visual impacts as a pre-requisite to assessing other impacts. The issue is that all impacts must be perceptible and the most common way this is achieved is by way of seeing a particular impact. It follows that if it cannot be seen, then although the potential for that impact to be perceived remains, it is of no effect.

11.5 This phenomenon is already present with Ventersdorp in that it is very well hidden from all viewpoints around its perimeter, be they from the Heritage Areas which adjoin the site, from the upper floors of overlooking properties at Cloisters Cottages and Willan Way, from The Cloisters Listed Buildings, or from a very small part of the public realm of Barrington Road.

11.6 That is the existing condition *before the implementation of the proposed Hornbeam hedging*. A drawn section of viewpoint lines from Cloisters Cottages to the appeal site indicates the efficacy of this mitigation measure. It is shown on drawing ADPL 04 (appendix J) and indicates the benefits accruing to all neighbouring residents. The photomontage on page 29, prepared using recent high quality, accurate technology, demonstrates the effect of this proposed mitigation measure. It is considered this demonstrates beyond doubt that the proposal is not harmful to the neighbourhood, nor to any other interest of acknowledge importance.

11.7 Returning to the HF Design Principles relating to homes in the Heritage Character Areas and given that Ventersdorp is not a Heritage Area site, the design will achieve the following: -

- *Acknowledge and contribute to the Arts and Crafts style*
- *Incorporate design features which will make an unmistakable link with the existing building and the Arts and Crafts style*
- *Use high quality materials*
- *Have a high quality of workmanship*
- *Preserve its setting in a manner compatible with significant elements of the Garden City Landscape as the photomontage shows.*

11.8 With these arrangements in place the appellant is satisfied that no harm would result to the Heritage Asset, it would not be detrimental to the character of the dwelling nor to its setting and is therefore in accordance with HF Design Principles for rear extensions.

The Car Port

11.9 In respect of proposed porches on the front elevations the Design Principles say: -

“Front porches are acceptable when they are an established feature in the surrounding area and do not break up the symmetry of, or unbalance a group of properties”. It also says: -

“They should not normally extend more than 1.2 metres from the original front main building line”

11.10 The car port in this instance has a specific purpose connected with ■■■ disabilities. Although ■■■ has restricted mobility, ■■■ cannot access ■■■ transport unaided. ■■■ cannot walk far without others to steady ■■■. When ■■■ goes out of the house, for whatever purpose, ■■■ must use a specially adapted vehicle. ■■■ relies entirely on others to ensure ■■■ enters and leaves the vehicle in safety. The first and last part of these journeys are undertaken in ■■■ wheelchair, from which ■■■ must be transferred to and from ■■■ vehicle. This undertaking requires carers to assist with the task, it can take a long time.

11.11 In winter and at other times of the season when there is inclement weather, protection is essential for everyone involved.

11.12 The structure proposed is of robust but simple appearance, as advised by HF It is built from timber, stained a dark colour and would therefore it would be in keeping with verandas and porches in the local area, there being an example of a similar structure on Barrington Road.

11.13 For the above reasons it cannot be limited to 1.2 metres wide, however its impact upon the local area would be very limited because the structure itself is low, and open. High hedging around Ventersdorp would prevent the porch from being seen as a prominent feature.

11.14 The above serves to demonstrate that the proposals have been very carefully considered, taking into account all the circumstances. There has been a conscious effort throughout to reduce or eliminate harmful impacts, the foregoing has demonstrated how that has been done, enabling the conclusion to be reached that the proposals do not materially conflict with the objectives of HF Design Principles. In that regard the Inspector is respectfully requested to uphold this appeal.

Photomontage: Ventersdorp and its extension with Hornbeam hedging



The raised hedge planting of Hornbeam serves to screen the development from neighbouring viewpoints and integrates it into the local landscape. It also eliminates any harmful effect on the character of the Heritage Asset. Very little of the development would be seen from nearby homes and the public realm.

12.0 RESIDENTS OBJECTIONS

12.1 Objections have been received from residents at [REDACTED]. There are no objections from other neighbours, objections received pre-dated amendments made to the proposals, wherein the appellant had agreed to reduce the length of the extension.

12.2 Now, findings from this assessment indicate that a further measure could be taken to ensure that any impacts arising from the pool building to affect local residents on both sides of the appeal site and the heritage assets in these areas could be implemented to render those impacts negligible, they are referred to below in paras 12.7 and 12.11. The neighbours commented as follows: -

1. *The size of the pool is too large*
2. *There would be overlooking and overshadowing of their property*
3. *Visual impacts of the building would be harmful especially to views from first floor windows.*
4. *Noise pollution would result from mechanical equipment used in the pool to the detriment of local wildlife and private amenity.*

12.3 Owners of no [REDACTED] objected to the following: -

5. *The pool extension would be a dominant building having an impact on their property, suggesting that a flat roof was a possible option to reduce impact.*
6. *Noise from pool pumping equipment.*
7. *Alterations to the existing garage, fearing that the roof height would be raised to provide storage accommodation.*
8. *Further details were needed regarding a path/track in the garden.*
9. *Loss of hedging and a desire for more to be planted*

12.4 Responses to all these concerns are as follows: -

- The original length of the pool building has been reduced by 4 metres.
- Its pitched roof has been changed to a flat roof and, on the advice of HF, a raised brick parapet with a band of tile creasing was added as a parapet detail, at the insistence of HF. The building is no longer to have external cladding of timber, it will now be finished with a white painted render to match other such finishes traditionally used in Letchworth.

12.5 Residents expressed their concern regarding visual impacts arising from the development.

12.6 The Council has concluded that the degree of visual impact is very low, one of the reasons why planning permission has been granted. The appellants have considered what more they could do to deal with residual visual impacts, particularly in situations where the roof of the pool building is seen from above. Residents fear that any mitigation measures

might, in themselves, be visually intrusive by precluding views yet further and becoming oppressive.

12.7 Accordingly the appellant proposes to plant advance nursery stock pleached Hornbeam hedging around the pool building. This would be planted when at a height of 3 meters and trained on frames to form its shape until it is well established, when it will then be maintained at a height of just above 3 metres with regular trimming. Its purpose would be to screen upper views of walls to the pool building to slightly above parapet level.

12.8 Hornbeam is in common use in the Garden City and, when used as a hedge, would reflect the character of many parts of Letchworth. Planted in this location it would be ideal for the garden and for screening the pool building, whilst improving the amenity of local residents on both sides of the appeal site. It would complement existing planting in the locality and would enhance the Heritage asset.

12.9 A drawn section across the sight lines for Cloisters Cottages on drawing no ADPL 04 in appendix J, indicates the degree of screening that would arise for the planting of this hedge, the photomontage on page 29 giving a yet more informative picture of its mitigation benefits.

12.10 Following are photos of [REDACTED] and properties on Willan Way which have partial views of the appeal site seen from upper floor windows, above a high boundary fence, between intervening vegetation and at varying distances from the viewpoints. Drawing no ADPL 04 shows a sightline section taken from the first-floor windows of [REDACTED], looking onto the appeal site. The positions and heights of these windows were measured remotely and accurately from the appeal site with a laser level operated by a competent professional topographical surveyor.

12.11 The drawing also shows the location of proposed Hornbeam hedging positioned to provide maximum screening of the upper parts of the pool building. The height of this hedging would be limited to just over 3 metres, where it would not be seen as intrusive or overbearing on occupiers of [REDACTED]

PHOTO 21



An existing boundary fence, intervening vegetation and proposed pleached Hornbeam hedging would preclude views of the appeal site from [REDACTED] at this viewpoint

PHOTO 22



Limited diagonal views into the appeal site become possible from the first floor of [REDACTED]. However, they would be mitigated by existing vegetation, an existing boundary fence and finally by proposed Hornbeam Hedging.

PHOTO 23



Limited and elongated views into the appeal site would be possible but existing vegetation, boundary fencing and Hornbeam hedge planting on the appeal site would mitigate all views. Visual effects from the proposals would be negligible. Refer to the hedging planting plan, section and photomontage.

PHOTO 24



Views from properties on Willan Way will only be seen through substantial intervening vegetation and over a high boundary fence. However, any remaining parts of views reaching the appeal site itself would be mitigated by the tall Hornbeam hedging planted on the appeal site close to the proposed pool building.

PHOTO 25



More distant views from homes on Willan Way would see the appeal site through gaps in existing vegetation and over a high boundary fence. All remaining views would be mitigated by the proposed Hornbeam hedging.

PHOTO 26



More distant views from homes on Willan Way would see the appeal site through gaps in existing vegetation and over a high boundary fence. All remaining views would be mitigated by the proposed Hornbeam hedging.

Garden Path

12.12 The path shown on the appeal plans follows a similar proposal submitted with the planning application. However, such a provision is not regarded as development in terms of Section 55 of the Town and Country Planning Act 1990. It is however regarded as incidental to the enjoyment of the dwellinghouse and in that regard does not require planning permission.

12.13 The purpose of the path, which will be a typical garden path likely to be laid out in any garden, is to provide a convenient, accessible surface which will not erode nor become untidy. It will be used by the whole family and, when ■ uses it, ■ will do so on ■ own (albeit with supervision), with the aid of ■ pedal tricycle. This will be a quiet unobtrusive activity and a part of the normal amenity to which every resident has a right to enjoy in their own home.

Noise

12.14 Although an ambient noise survey has not been carried out it is generally understood that background noise levels in the UK are unlikely to be lower than 30dB during the daytime and 25dB during the night.

12.15 Manufacturers of the pumping and ventilation equipment confirm that noise levels generated by the pumping equipment are below 70dB. That figure is the noise level at source, before any noise has escaped from the pump house. The pump house will be well insulated to prevent excess noise emissions from escaping and will reduce noise level to less than 20dB. There are no ventilation openings in the plant room, noise from the ventilation system is also mitigated to the same levels.

12.16 The following is an extract from the Governments Planning Practice Guidance on noise, it is published on line at <http://planningguidance.planningportal.gov.uk/blog/guidance/noise/> and offers further guidance.

Perception	Examples of outcomes	Increasing effect level	Action
Not noticeable	No effect	No observed effect	No specific measures required
Noticeable and not intrusive	Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No observed adverse effect.	No specific measures required.

12.17 It is not anticipated that noise levels escaping from the pump house would exceed the first category shown above.

12.18 Written confirmation of noise levels is available from the manufacturer.

13.0 MATERIAL CONSIDERATIONS AND VERY SPECIAL CIRCUMSTANCES

13.1 ■■■■■ and the specialists' team who supports ■ on a daily basis are very concerned about the experiences they have witnessed and recorded in writing, from the various meetings held with HF, particularly with their evident disregard for ■ disabilities. Nowhere in the

reasons for refusal is there any convincing evidence, or indeed any evidence at all that these matters have been understood, let alone given due weight according to their significance. The only comments that have been received are those in HF letters of 25 September 2018 and 18 December 2018 saying *“At this meeting the Committee took into account all the issues raised and after careful consideration the decision was to refuse consent for the proposal, as it contravened our Design Principles.....”* what then followed, in each case, was a list of reasons why the application was being refused. Nowhere is there any reference to, or awareness expressed of, ■ special needs and what significance was afforded to them in reaching that decision. Both responses have a common theme, which would appear to be that of a highly focussed view of one issue only, to the exclusion of all others. There is no evidence to the contrary.

13.2 In support of these comments are notes of meetings held with HF, NHDC, the architectural and medical teams and ■ ■■■■■, taken by ■■■■■. They are included in Appendix A. The notes refer to six meetings which took place between 24 September 2018 and 7 March 2019. They reveal an astonishing insistence on the priority of the HF view affording weight only towards interests of heritage importance. No understanding of ■ condition is evident and no acknowledgment of ■ needs is given by HF, albeit that much was said on that matter by those whose responsibility it is to speak out on ■ behalf.

13.4 It is acknowledged that this appeal is not against the refusal of planning permission; it is an appeal against the refusal of consent to proposed alterations. For that reason, the provisions of the Scheme of Management and of clause 6 are considered in detail in this section. However, it is respectfully suggested that the planning law concept of “very special circumstances” is of relevance to this appeal, as explained immediately below.

13.5 The appeal site is not of course in the Green Belt, but the following paragraphs make reference to it because Green Belt Planning decisions gave rise to the concept of “very special circumstances” in the first instance. This concept has subsequently become applicable across a wider spectrum of the planning system

13.6 Government Policy, expressed in the National Planning Policy Framework (NPPF) 2019 at para 143, is relevant, it defines inappropriate development in the Green Belt by saying, *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.

13.7 Para 144 says, *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

13.8 The case of Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government (Court of Appeal 24 October 2014), established that the expression “any other harm” does not just mean any other harm to the green belt but takes in non-green belt factors as well. It is suggested that ■ disability and care needs can be regarded as analogous to “very special circumstances”, the other harm can be regarded as the harm that will be caused

to ■■■ welfare if consent is not given, and that ■■■ disability and the harm to ■■■ if consent is not granted can therefore be regarded as material considerations.

13.9 In this case primary regard must be had to the Scheme of Management and a central question is whether HF has unreasonably withheld consent within the meaning of clause 6, taking account of the HF Design Principles.

13.10 That matter leads on to the question of whether and to what extent HF were obliged when considering whether or not to grant consent, to take account of the impact of the refusal of consent upon ■■■. Were HF indeed entitled, as they appear to have done, to have considered only the issue of whether in their view, the proposed alterations contravened the Design Principles, regardless of what the consequences might be to ■■■ of their refusal of consent?

13.11 It is respectfully suggested that the impact upon ■■■ of the refusal of consent must be a material consideration in this appeal and this factor should have been considered by HF in making their decision. This is so because there is nothing in the Scheme of Management or in any other relevant documents, which either expressly or impliedly limited HF to consider only the Design Principles when deciding whether or not to grant consent. It is a central point in this appeal that the Design Principles have been adhered to but, even if that point is not accepted, there is nothing in the Scheme of Management or in any other relevant document which implies that if the Design Principles are in any way departed from, then the decision must be to refuse.

13.12 To be clear, it is not suggested that HF should have disregarded the Design Principles, that would plainly have been wrong. But it was equally wrong for HF to have failed to take into account the consequences of refusal upon ■■■. The decision taken by HF required factors to be considered and weighed in the balance: on the one hand any detriment to the neighbourhood if consent was given (it is submitted that this will be negligible or non-existent) and, on the other hand the detriment to ■■■ if consent was refused.

13.13 The correctness of the above is, it is suggested, made clear in the 3rd paragraph of HF's own document entitled "Independent Inspector Process"

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

13.14 Also in the paragraph which says that when considering this appeal, the Inspector "must have regard to the provisions of the Scheme of Management... (and)

"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, [he/she] is at liberty to determine an application contrary to these Principles, where he or she believes that there [are] 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"

13.15 Reports of medical and therapy specialists all agree on the nature and severity of ■■■ multiple disabilities. Reference may be made to all of them as their findings are wholly

consistent. The Inspector is respectfully referred to [REDACTED] report in Appendix A, where [REDACTED] medical condition is clearly defined.

13.16 The consequences of the unfortunate conditions [REDACTED] describes are very relevant. They constitute very special circumstances and are a material consideration in deciding whether consent should be granted.

13.17 The consequences of [REDACTED] disability are fundamental, because they determine the size, shape, location and nature of the alterations required to provide adequate special needs accommodation for [REDACTED], [REDACTED]. [REDACTED] and [REDACTED] specialists all need appropriate accommodation and space to undertake [REDACTED] work effectively and safely. This is not a requirement for a short period of time, or only during [REDACTED] younger years, it is essential for [REDACTED] lifetime which, as we have seen, is expected to be of normal longevity.

13.18 For these reasons it is the appellant's opinion that HF have unreasonably withheld consent by failing to take account of the very special circumstances as a material consideration in this case. The very special circumstances are [REDACTED] medical conditions and care needs and the severe detriment that [REDACTED] will suffer if consent is withheld.

14.0 SUMMARY

14.1 This Statement has assessed a most unfortunate sequence of circumstances in a [REDACTED] life.

14.2 Quite apart from the devastating events which led to [REDACTED] profound injuries, [REDACTED] and [REDACTED], in pursuit of what they need to manage [REDACTED] consequences, find themselves with no support from HF nor, it would appear, any genuine understanding of [REDACTED] predicament. That the family has chosen to live in Letchworth Garden City because it provides the ideal environment for [REDACTED] develop and prosper there, to the best of [REDACTED] respective individual potentials, has led to the prospect that they may have to seek a new home elsewhere, where [REDACTED] special needs would be understood. This is an option the family strongly wishes to avoid, [REDACTED] would not choose this option, nor would [REDACTED] wish to be forced into that position, especially if [REDACTED] circumstances had not been fully understood, or for some other reason.

14.3 Reasons put forward for the refusal have been demonstrated in this Statement to be unfounded. To that must be added that the Scheme of Management excludes the consideration of personal circumstance of [REDACTED] condition and the requirements needed to manage it. No justification for this has been given, nor has any been given to support the various claims of harm caused to the historic asset.

14.4 This statement has examined the historic asset thoroughly and has been transparent in the process. It has gone deeply into defining and understanding impacts, recognising where they exist and coming forward with an understanding of them so that mitigation measures can be devised and implemented where necessary. Not always have they been required, for example residents feared that noise from the plant room of the pool building would be intrusive. In reality no mitigation measures are necessary to attenuate escaping noise, because the specified equipment is quiet in operation and acoustic insulation is specified for the plant room. No stone has been left unturned, the assessment has discovered very little harm arises to the

historic asset from these proposals, none of it of material significance to interests of acknowledged importance.

14.5 In some cases harm has been overstated by HF, in this Statement standard planning practices have been applied to assess harm in a systematic way, not simply on a belief that it is present and that to say so is sufficient justification. The claim that the proposal amounts to overdevelopment is one example. In reality, it was improperly assessed in the first place and, then, by way of the assessment in this Statement, it was found that the phenomenon did not exist all.

14.6 No regard has been given by HF to the significance of NHDC who exist not only as an organisation responsible for planning in Letchworth but also with a conservation role to protect its historic assets. The Council has shown a consistent support for these proposals throughout, yet their long and wide experience of evaluating project impacts would appear to have been unrecognised.

14.7 The Council had no concerns regarding visual impacts of the proposals upon neighbours.

14.8 The appellant agrees with this view. Nevertheless, being reasonable people and wishing to be a family maintaining harmony in the neighbourhood, [REDACTED] have chosen to promote that harmony now by recognising that planting in [REDACTED] own garden would eliminate all but the most minimal of impacts on the public realm, let alone on the heritage assets. This planting has been specified in such a way that it would neither be oppressive nor overbearing on neighbours. The family has further undertaken to ensure that it is regularly maintained and, recognising it as complementary to the landscape quality and character of Letchworth Garden City and enhances its historic asset. These actions are testimony to the family's values as responsible and caring citizens.

14.9 The Heritage Asset has been thoroughly examined, it has been found and demonstrated, that no historic asset is materially affected by the proposals.

14.10 The Heritage Foundation has adopted a long-term strategic plan aimed at supporting the entire City Community, with special attention being given to its younger residents. Regrettably this currently sits at odds with the position HF have taken in regard to these proposals for a resident who might well be the most disabled young person in Letchworth.

15.0 CONCLUSION

15.1 This matter can be reconciled, with that in mind the Inspector is respectfully requested to allow this appeal.

16.0 APPENDICES

16.1 Secure links to appendices are given on the following pages: -

Appendix A: Letter from [REDACTED] dated 14 June 2019

Appendix B: Letter from [REDACTED] dated 25 January 2019

Appendix B: Report by [REDACTED] amendment dated 11 June 2019.

Appendix C: Report by Dr [REDACTED]

16.2 The following appendices are available with this Statement:-

Appendix D: The Proposed Scheme, drawings by [REDACTED] and planning timeline.

Appendix E: Neighbours Objections, [REDACTED]

Appendix F: Plan ADPL 01 Local Conservation Context

Appendix G: Plan ADPL 02 Adjacent Land Use Densities

Appendix H: Plan ADPL 03 Local Area Viewpoint

Appendix J: Plan ADPL 04 Visual Impacts of Extension and screening proposals

APPENDIX A:

Letter dated 14 June by [REDACTED]

Password: Secure link and password needed

No public access or disclosure

APPENDIX B:

**Report by [REDACTED] amendment dated 11 June 2019 and
Letter by [REDACTED] dated 25 January 2019**

Password: Secure link and password needed

No public access or disclosure

APPENDIX C:

**Report by ■■■■■■■■■■ Consultant Neurophysiotherapist and Aquatic
Physiotherapist**

Password: Secure link and password needed

No public access or disclosure

APPENDIX D:

The Proposed Scheme, drawings by [REDACTED] and planning timeline.

Available

APPENDIX E:

Neighbours Objections

Available

APPENDIX F:

Plan ADPL 01 Local Conservation Context Plan

Available.

APPENDIX G:

Plan ADPL 02 Adjacent Land Use Densities

Available

APPENDIX H:

Plan ADPL 03 Local Area Viewpoint Plan

Available

APPENDIX J:

Plan ADPL 04 Visual Impacts of Extension and screening proposals

Available