

# REPORT FOR INDEPENDENT INSPECTOR

## Comments on the Appellant's Statement of Case

[REDACTED], Letchworth Garden City

### 1. INTRODUCTION

- 1.1 The Appellant's Statement of Case is detailed. Please see my responses where relevant below.

### 2. BACKGROUND

- 2.1 At 2.14 and 2.15 –

The starting point for the determination of any application submitted for properties covered by the Scheme of Management, is its wider aim, which is 'to preserve the standard of appearance and amenity' of the Estate, decisions for which are informed by the Design Principles and assisted by consultations with local residents. The Design Principles have been developed to aid with applicants and their agents as to what may or may not be reasonably acceptable and to help support a more consistent approach to decision making. We have actively and consistently tried to find solutions that comply with our Design Principles but are also workable for the appellant and have put forward alternatives to meet these requirements which would not have such a significant impact against the wider aims of the Scheme and on local residents. Every effort to accommodate the requirements of [REDACTED] alongside the Design Principles has been made, despite the proposals being contrary to the Design Principles and we believe that alternatives exist, which would be of less harm.

It is disappointing that the property was purchased with the aim of substantial alterations with no regard to the provisions of the Scheme of Management or the Design Principles. There was also no pre-application submission or discussion, which would have helped shape these proposals to meet these special requirements or lead to the realisation that this property has already been substantially extended and may not be suitable for further major addition.

### 3. THE PROPOSALS

- 3.1 At 3.1 point 1 – the dining room alone would be overdevelopment of the host building.

point 2 – conversion of the garage to provide guest accommodation. The appellant points us to Appendix A of their Statement of Case. The letter from [REDACTED]

[REDACTED]

[REDACTED]

Whilst there is no argument with the statement, the needs of the guests do not necessarily have to be accommodated within the site.

At point 3 – the link The letter states at p5 paragraph 3 – 11<sup>th</sup> January 2019 regarding the AMC visit: -

[REDACTED]

The Case Officer, HAC and AMC have all actively attempted to find ways to help reduce the scheme. An explanation for the need for a link passageway as part of a safeguarding protocol for [REDACTED] did not arise until its removal was queried.

At point 4 - The Aquatic Physiotherapist's recommendations for a pool of 3m by 6m was ignored by the architect when the amended plans were submitted. This could have reduced the building by 600mm to accommodate some of the concerns of the HF to the depth of the proposal.

- 3.2 At 3.2 – The Aquatic Physiotherapist states in her report at the final paragraph: \_

[REDACTED]

There may be an opportunity for reductions to be made to other elements of the pool building.

#### **4. HF REFUSAL TO GRANT CONSENT – No comments**

#### **5. PLANNING HISTORY**

This section is not relevant to the appeal to the Independent Inspector. The application is to be considered under the Leasehold Reform Act 1967 and the Scheme of Management. The planning history, planning policy and heritage asset information is not relevant or considered within the Landlord Consent process.

#### **6. SPECIAL CIRCUMSTANCES**

- 6.1 The Heritage Foundation have made every effort to understand and take on board the background and reasoning behind the applications. The Householder Applications Committee and the Advisory Management Committee both visited the site on numerous occasions and met with the family and their professional advisers.
- 6.2 At 6.15 and 6.16 – Whilst the architects worked closely with a team of specialists to inform the design that “*would be agreeable to all parties*” no consideration was given to the site, the original building or the context within

which the proposed additions would be located. At no point were the HF advised of these meetings or invited to comment. The Design Principles were clearly not a consideration at the point of submission of the plans.

- 6.3 Both applications were submitted cold with no explanation, just the plans. There was no additional statements, explanations or justifications provided for the extent of the works. The HF have continually throughout this process needed guidance and advice from the specialists appointed to care for J. An upfront meeting as part of a pre-application process may have helped to overcome the concerns raised by the HF.
- 6.4 At 6.15.- 6.17 – The Heritage Foundation still do not know if they are fully aware of the circumstances behind the application, but every effort has been made to try and understand and take on board the background and reasoning behind the proposals.
- 6.5 At 6.19 – This is a very emotive statement which unjustly criticises the processes and procedures that the HF have put in place. It is argued that the appellant has failed to afford enough weight to the Design Principles and the parameters of the Scheme of Management.

It has been down to the Case Officer to request justification and evidence to support the applications and explain the reasoning behind the design choices.

The HF have tried to work with the appellant despite a poor submission and lack of clear justification for the overall requirements.

## **7. THE HERITAGE ASSET**

- 7.1 At 7.2 - Letchworth Garden City Heritage Foundation is a charitable foundation. Landlord's Consent is required via the Leaseholders Reform Act 1967 and the Scheme of Management. The HF is not a local authority and as such those duties incumbent on local authorities, are not relevant to this process.
- 7.2 At 7.4 – There has not been a full and open dialogue from the appellant. Only when suggestions have been made by the HF over alterations, has important information on the needs of ■ been made clear.
- 7.3 At 7.6 - Letchworth Garden City Heritage Foundation Strategic Plan does envisage more support for families and every effort has been made to find a way through this proposal which completely fails to comply with the Design Principles.
- 7.4 Throughout this difficult process, the HF has consistently attempted to help produce a scheme that supports ■ needs whilst balancing the need to comply with the Design Principles as closely as possible.

## **8 THE APPEAL SITE AND ITS CONTEXT**

- 8.1 This section is over reliant on the parameters of the Town and Country

Planning Acts which has been established within the Heritage Foundations Statement of Case cannot be considered within the review process being undertaken.

8.2 At 8.14 onwards – Undesignated Areas and the Appeal Site

Through the appellant's Statement of Case it has come to our attention that the Character Area look-up on the Letchworth website did not show [REDACTED] as within the Scheme of Management. This oversight has been rectified and all three houses are now shown as within the Heritage Character Area.

[REDACTED] is not included in the Character Areas as it is not a residential property and as such not subject to the Scheme of Management.

8.3 At 8.17 Despite the content of this section, there is no argument that the proposal will have an impact on the neighbouring properties at [REDACTED]. The admittance of this has led to the proposal for utilising soft landscaping in terms of pleached Hornbeams dotted around the hydrotherapy pool building to off balance the impact on the neighbours.

8.4 At 8.18 - The over reliance on soft landscaping to mitigate the proposal cannot be supported. The appellant accepts the harm that the proposal would have on the Heritage Character Area by providing mitigation.

## 9 RESPONSE TO REASONS FOR REFUSAL

9.1 This section relies on the Planning Portal for definitions which are irrelevant to the Landlord Consent procedures under the Scheme of Management.

9.2 NHDC have their own criteria for their decision making process. In terms of the Scheme of Management, Appendix B of my Statement clearly shows the amount of development that the original building has seen to date and the further development proposed. The density levels shown are irrelevant. This decision is being determined under the Scheme of Management

9.3 It is still the view of the HF that the proposals will have a cumulative negative impact on the host building and the extent of the proposals does not comply with the Design Principles.

## 10 DESIGN ISSUES

10.1 At 10.3 – Ventersdorp is an early 20<sup>th</sup> Century bungalow that follows the Arts and Crafts architecture that forms part of the character of Letchworth. The bungalow is considered under the Design Principles for the Heritage Character Area.

10.2 At 10.5 - The criteria for the pool given by [REDACTED] is 6m by 3m which would result in a pool of 18m<sup>2</sup>. Even this specific requirement has been ignored by the appellant with the pool measuring 19.8m<sup>2</sup>.

- 10.3 At 10.9 – At 20 metres from the rear of the original building line, the extent of the proposal is undeniably over development of the original small bungalow.
- 10.4 At 10.12 – 10.14 – Whilst there is a nod towards the period, the pool building cannot be considered as a skilful representation of the Arts and Crafts movement. The proposed pleached hornbeam planting would suggest that the appellant accepts the limitations of the design.

## 11 VIEWPOINTS AND MITIGATION MEASURES

- 11.1 At 11.2 and 11.6 - The addition of the hornbeam trees surrounding the pool did not form part of the original submission. The use of landscaping to disguise or hide the pool would not overcome the scale and mass of the building nor mitigate its impact.

By providing mitigation the appellant clearly understands that the proposal has an impact on the host building and the environs.

- 11.2 At 11.4 - This again refers to a planning decision which is not relevant to this case.
- 11.3 At 11.8 – the over reliance on a pleached Hornbeam row of trees cannot as the appellant implies “*demonstrate beyond doubt that the proposal is not harmful*”
- 11.4 At 11.9 to 11.14 – Originally the property had an integral porch which has since been altered. It is unlikely that a porch of any description would gain Consent as it would be considered to impact on the simplicity of the front elevation.
- 11.5 To introduce a car port to the front and most important elevation, would cause significant harm to the original building.
- 11.6 At 11.14 - The argument of the hedge hiding the carport cannot be sustained as shown elsewhere in this document, soft landscaping cannot be used to mitigate poor design.

## 12 RESIDENTS OBJECTIONS

- 12.1 At 12.7 – This has not been submitted as part of the formal application and cannot be considered within the context of the appeal.
- 12.2 At 12.12 – The garden path does not require Landlord’s Consent and as such there is no objection to this element of the application.
- 12.3 Noise At 12.14 to 12.17 – If the Inspector were minded to give Consent, the issues surrounding the pool pump would be deferred to Environmental Health.

## 13 MATERIAL CONSIDERATIONS AND VERY SPECIAL CIRCUMSTANCES

- 13.1 At 13.1 - This statement is very misleading. Every effort has been made to establish a dialogue with the appellant. The initial scheme was submitted without any pre-application discussions nor any additional statements justifying the extent of the works which clearly do not comply with the Design Principles.
- 13.2 At 13.2 - The HF have diligently tried to assist the appellant in reaching a scheme that would always be contrary to the Design Principles but may be acceptable to aid [REDACTED]. It is truly unfortunate that information and support for the applications has been handed over piecemeal rather than a full statement being prepared to support the application. The Aquatic Physiotherapy report dates from May 2018 which is later than the original application.
- 13.3 At 13.4 to 13.9 - reflects on the planning definition of material consideration, which is not incumbent on the HF.
- 13.4 At 3.10 to 13.12– It is also incumbent on the appellant to set out any special circumstances which as identified throughout this statement, has only been forthcoming after requests from the HF. This in itself shows that the HF have engaged with appellants representatives and tried to work towards a proposal that may be acceptable.
- 13.5 At 13.15 – At no point has the HF questioned the medical advice that has been submitted. However, the HF must respect Section 6 of the Scheme of Management. Every effort has been made to try and negotiate a proposal that accommodates [REDACTED] needs whilst sitting under the Scheme of Management.
- 13.6 At 13.17 – 13.18 - As the appellant clearly states within the Statement of Case, this is [REDACTED] forever home and the works required will sit with the building throughout [REDACTED] lifetime. The Scheme of Management responsibility lies in preserving the standard of appearance and amenity of the Estate. Any proposals that falls outside of the parameters of the Design Principles will need further scrutiny. Every effort has been made to work with the appellant to resolve the outstanding issues.

## 14 SUMMARY

- 14.1 At 14.5 - This is not being considered under the TCPA and as such the reference to this again is unnecessary.
- 14.2 At 14.6 and 14.7 - North Hertfordshire District Council are not a consultee to the Heritage Foundation although we do try and work closely with them. However, their processes and decisions are completely independent to the HF.

- 14.3 At 14.8 - Whilst any landscaping works are appreciated, we cannot consider this within the application process as mitigation. The planting may be removed, altered or die throughout the lifespan of the building.
- 14.4 At 14.9 -14.10 The massing and scale of development will completely amass the original building and will eat into the garden area and soft landscaping.

## **15 SUMMARY**

- 15.1 I therefore respectfully request that this appeal is dismissed.