

**APPEAL AGAINST HF REFUSAL TO GRANT CONSENT FOR THE CONSTRUCTION OF
A HYDROTHERAPY POOL AT [REDACTED], LETCHWORTH GARDEN CITY.**

ADDENDUM TO APPELLANT'S RESPONSE (REDACTED)

OBJECTION FROM NEIGHBOUR NO 1

12 SEPTEMBER 2019

1.0 Introduction

1.1 We refer to the letters dated 4 September 2019 from resident no1 to the Heritage Foundation (HF). Taking each point in turn our response is as follows:-

Consultation

Consultations were undertaken with HF following submission of the first scheme. Those negotiations were intensified when it became clear that it would be refused. This led to a period of on-going negotiations with the Council and HF, with the main objectives of identifying and resolving, wherever possible, any harm likely to affect the historic environment and private amenity of residents. It was also right and proper that the consultations should have, as a central issue, [REDACTED] [REDACTED]

[REDACTED] Inevitably this led to a conflict of ideologies and objectives which hitherto have not been resolved. However, it is now for the Inspector to decide upon these matters.

Advice

The Appellants made substantive changes to the proposals notwithstanding that they could [REDACTED] requirements in doing so. This was a big step for them to take but they understood that a demonstration of flexibility on their behalf would be acknowledged as a material contribution to resolving the objections raised. They and their specialist medical advisors and architects could not have worked harder to reach this position by demonstrating that they too understood the importance of protecting the heritage asset but, for them, the priority remained [REDACTED] It took immense courage and skilled clinical judgement for them to go this far, therefore it is disappointing for them to discover that this has still not been acknowledged by the objectors. [REDACTED] [REDACTED] wish to make it clear that they are unable to make further changes to the design as this would [REDACTED], both now and into the future.

Changes made in direct response to objections to the first proposals were:-

1. Replacement of the pitched roof with a flat roof. HF provided specific advice, the acceptability of which was corroborated by the Council, regarding the design of this change, particularly regarding the character of a parapet required for the flat roof and the detailing of it to make it an acceptable solution in the heritage context.
2. Reducing the extension by four meters to ensure it was as far from resident no1's property as it possibly could be, while maintaining a secure link with the [REDACTED] [REDACTED] This was achieved at the expense of the size of the

hydrotherapy pool and mobility space around the edge of the pool which are now on minimal limits.

3. The Appellants' consideration, given on their own initiative and for interests of the heritage asset and amenity of their neighbours, have approved proposals for the planting of mature Hornbeam hedging over 3 metres in height in the garden of [REDACTED] so that residents would see foliage, rather than the walls and part of the roof to the pool building. The amenity benefit of this proposal was illustrated in a photomontage included in the Statement of Case. It was planned to be entirely in accordance with the ethos of the Garden City's landscape objectives, is an efficacious measure in relation to the extension and an enhancement of the gardens' environment.

All these changes are substantive, it is therefore inappropriate for the objector(s) to allege that *"no substantive changes have been made to date"*.

3. The first bullet point reflecting HAC reasons for refusal is answered by the above responses. The second bullet point regarding over development has been dealt with thoroughly in the Appellant's Statement of Case. The third bullet point refers specifically to the differences of opinion between the two parties in this case, whereby the special circumstances are a material consideration. The significance of this in the decision-making process has been made clear in the Statement of Case. The fourth bullet point is answered as follows:-

There is no indication from noise data already available regarding the proposed location, nor from the pumping and ventilation equipment manufacturer, to suggest that a noise impact assessment would be necessary. The manufacturers and installers are competent and experienced in these matters and have nothing to gain from assessing noise impacts inadequately. We are satisfied that the evidence given in this regard is wholly sufficient and entirely reliable. By way of reassurance to residents, we have contacted the suppliers who confirm that the installation, as a matter of routine, would be checked for noise emissions on completion. Should it be unexpectedly found that they exceeded anticipated emissions, more insulation would be fitted to reduce them to acceptable levels.

4. Conservation and Heritage Character Areas

The Appellant's statement of Case undertook a thorough appraisal of Heritage and Conservation assets. It recognised the importance of these and made judgements about the effects of the proposals upon them. It made clear reference to the perception of impacts and how the courts in recent years have come to regard the significance of visual impacts as a significant starting point in the assessment process.

It is therefore a substantial hindrance to experiencing alleged impacts if they cannot be seen and unless they are of any other kind, then it cannot be claimed that they are present and thereby capable of causing harm to the environment, of whatever kind.

The findings of the Statement of Case were that no material impacts were present with the proposal which could not be mitigated by suitable means. Those means have been provided,

as mitigation measures they will work, they will enhance the locality and thereby ensure that the heritage asset will not be harmed.

OBJECTION FROM NEIGHBOUR NO 2.

12 SEPTEMBER 2019

This objection alleges overdevelopment of the application site. This matter has been thoroughly examined in the Appellant's Statement of Case which concludes with justification, that the site is not overdeveloped. There is nothing further we can add to those findings.

The hydrotherapy pool is not intended to be a popular leisure destination for several people to enjoy. It has a sole, serious and exclusive purpose which is to provide [REDACTED] [REDACTED]. The reasons why this is necessary have been given in the Appellant's Statement of Case and the reports of specialist medical consultants.

End of Response

[REDACTED]/LGC/Appeal response 2/120919