

Appeal Decision

Site visit made 10 October 2019

By Ruth Reed BA DipArch MA PGCertEd PPRIBA HonAIA FRIAS

An Independent Scheme of Management Inspector
Appointed by the Heritage Foundation Letchworth Garden City

Decision date 7 November 2019

Appeal Reference RR/2019/007

**Ventersdorp, Barrington Road, Letchworth Garden City, Hertfordshire,
SG6 3TH**

- The appeal is made by [REDACTED] against refusal of consent under the Scheme of Management of Letchworth Garden City Heritage Foundation for the application submitted on 24 October 2018.
 - Consent was refused by the Heritage Advisory Team on 29 November 2018. It was reviewed by the Advisory Management Committee on 7 March 2019 and the decision to refuse was upheld by the Housing Applications Committee 26 April 2019.
 - The development is rear extensions, garage conversion, new doors and windows and car port.
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Decision

1. The appeal against refusal of the rear extensions, garage conversion, and new doors and windows is allowed. Consent is refused for the front car port.

Preliminary Matters

2. In preparing the appeal the appellant's agents requested a copy of the Character Area Map from the Heritage Foundation. The issued plan dated January 2015 shows Ventersdorp and the adjacent properties of 1 and 2 Cloisters Cottages outside the designated Heritage and Modern character areas. The appellant's case was prepared on the basis of this information. Subsequently, this map has been amended to include the three properties in the Heritage Character Area. Both parties accept that this is now the case and I have based my decision on the Design Principles for Heritage Character Areas.
3. The decision is made in accordance with the Scheme of Management and the Design Principles. It does not cover matters that would normally be assessed

by Environmental Health. The Heritage Foundation have confirmed that any noise nuisance arising from the pool pump would be referred to Environmental Health Officers.

4. In reaching my decision I have had regard to the [REDACTED]
[REDACTED] Such rights, which are a primary consideration, are to be considered alongside the applicable qualified rights under Article 8 of the European Convention on Human Rights.
5. The role of Inspector determining appeals against refusal under Clause 6 of the First Schedule of the Scheme of Management and in accordance with the Design Principles places a public duty on me. This duty is to balance the requirements of the Heritage Foundation as custodians of the public interest to preserve the appearance and character of Letchworth Garden City against the personal circumstances of the appellant [REDACTED]. Consequently, in accordance with Article 3 UNCRC and Article 8 ECHR, I have had regard for the [REDACTED]. These have been treated as a primary consideration and no greater weight has been given to any other matter by virtue of that matter's inherent characteristics, in accordance with prevailing jurisprudence (see *ZH(Tanzania) v SSHD* [2011] UKSC 4) Such rights are not determinative but have been balanced against the other considerations in the case.

Main Issue

6. The main issue in this case is the impact of the proposed rear extensions, garage conversion, new doors and windows, and front canopy extension on the character of dwelling and the area.

Reasons

7. Ventersdorp is a large detached bungalow that has previously been extended to both sides and to the rear. It is the only residential property facing directly onto the southern side of Barrington Road. It lies to the east of the Grade II* listed Cloisters Masonic Hall. Between the two properties a private drive leads to Cloisters Cottages, a pair of semi-detached houses that face northeast across the rear gardens of Ventersdorp.
8. The property was purchased [REDACTED] who requires a lifetime home with generous circulation and living spaces for safe freedom of movement together with a hydrotherapy pool for their health and well-being. The proposed extensions and internal alterations are designed to provide for [REDACTED]. I have the particular requirements described to me in detail in the submissions from the [REDACTED] medical advisors who agree that the scheme before me meets these needs.

9. The extensions to form the housing for the hydrotherapy pool and a dining room to the house with a link between, are large and are proposed for a dwelling that has already been substantially extended.
10. The Design Principles for Heritage Areas states that rear 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 is not detrimental to the character of the dwelling or its setting.
11. The plot is very large however, the proposed extension for the hydrotherapy pool extends 20m from the original building line. In terms of its effect on the character of the dwelling, it would not be large in comparison to the extended bungalow and would not dominate it. The use of a flat roof with parapets would reduce the height to make it subservient and identify it as a separate element from the main dwelling. However, this would result in a utilitarian appearance and, overall, the effect on the character of the dwelling would not be positive.
12. The rear extensions would not result in a cramped and overdeveloped appearance as the plot is very large and the distances to the boundaries more than adequate. The plot is not part of a frontage of properties and the bungalow stands alone in the street scene adjacent to the Cloisters which is non-domestic in scale and in use. In this context the proposed development would not be detrimental to the character of the area.
13. The plot runs along the rear of properties facing onto Willan Way and along the private drive that serves Cloisters Cottages. The pool extension would not extend as far as the frontages of the cottages. At my visit I was invited to view the site from █ Cloisters Cottages. I noted that the mature hedge to the southwestern boundary of the appeal site screens the location of the extension from view from this property in leaf-on conditions.
14. The vegetation is dense and in all conditions the pool extension would be well screened and the effect on the neighbouring properties would be restricted to filtered views from first floor windows. The appellant has sought to further mitigate this by the proposed introduction of pleached hornbeams around the pool extension.
15. The pool extension would extend sideways beyond the line of the side of the bungalow and behind the garage. However, it would lie behind both buildings and would appear not much higher than the side gate and fence. This, combined with the large well-maintained dense hedges to the front of the property would result in little impact from the street.
16. The plot is more than large enough to accommodate the proposed extensions without detriment to the occupiers' amenity and that of the neighbours. The

character of the area would not be affected however, the appearance of the pool extension would have a detrimental effect on the appearance of the property when seen from the rear garden and it would not be in accordance with the Design Principles in this respect.

17. The change of use of the garage to guest room and wheelchair store would have little impact on the external appearance of the building other than the introduction of a new external door to the side passage and a window to the rear. The alterations would not be detrimental to the character of the building or the to the area.
18. Similarly, the changes to the doors and windows to facilitate the layout changes to the ground floor bedroom and shower room would not be detrimental to the rear elevation when combined with the new extensions which would remove the symmetry of the elevation.
19. The proposed canopy to the front entrance is the one element of the proposal that would impact on the character and appearance on Ventersdorp when seen from Barrington Road.
20. The occupational therapist recommends that a canopy and covered way be installed to provide cover for transfer of [REDACTED] between a vehicle and the house. The report does not specify which entrance this should be provided for. It is noted that the other recommendations for external adaptations, including gates, have not been incorporated into the proposal and that the front door is currently kept locked to prevent [REDACTED] running into the road.
21. I have not been provided with details that suggest that alternatives to this canopy have been explored and the appellant has confirmed that they are willing to redesign this element.
22. As submitted, the canopy would be a substantial structure supported on eight columns to a height above the eaves line of the bungalow to accommodate a large people carrier and it would be visible through the entrance ways to the property that are gaps in the mature hedges.
23. The canopy would be an incongruent element in the Heritage Character Area and not in accordance with the Design Principles that seek to protect the quality of the original design that contributes to the special Letchworth Garden City street scene.

Balance

24. The personal circumstances in this case are extremely unfortunate and exceptional. I have not made detailed reference to the particular needs of [REDACTED] in question to respect their privacy but it should be taken that they are truly exceptional. The proposals could not be considered a precedent for other

development elsewhere in Letchworth Garden City as neither the circumstances nor the unique location of the property could be found elsewhere. This scheme cannot be used to justify other cases.

25. The proposed extensions by virtue of their size and extent are not in accordance with the Design Principles. However, the harm to the Heritage Character Area is restricted to the effect on the property itself. Balanced against the rights of [REDACTED] in this exceptional case of personal circumstances I consider the extensions should be allowed.
26. The conversion of the garage and the minor amendments to doors and windows on the rear elevation are not harmful and should be allowed.
27. The front entrance canopy would be an incongruent element and would cause substantial harm to the wider area not just the property itself. The requirement for the canopy in this location is not explicit in the occupational therapist's report and is one of a number of recommendations for the exterior of the property, the remainder of which have not been included in the scheme. It is likely that other less harmful solutions are possible that can meet [REDACTED] needs.
28. The harm of the design and location of the canopy as currently proposed is substantial. In the balance, the public remit of the Heritage Foundation to preserve the character and appearance of Letchworth Garden City exceeds the primary consideration of the personal circumstances of the appellant.

Conclusions

29. Having read the submissions and seen the site and its context I conclude that the rear extensions would result in harm that would not outweigh the rights of [REDACTED]. The conversion of the garage and the alterations to windows and doors would not result in any harm. For these elements of the proposal the appeal is allowed.
25. The entrance canopy as currently designed and located would result in considerable harm to the character of Letchworth Garden City that would outweigh the personal circumstances of the appellant and their rights. For this element the appeal is dismissed.

Ruth Reed

Independent Scheme of Management Inspector