

14 October 2021

Statement of case

1.0 Case History:

1.1 This statement of case sets out the reasons why we wish to appeal the decision to refuse consent for front, side and rear extensions by the Letchworth Garden City Heritage Foundation (LGCHF) on the 06/05/2021.

1.2 The scheme as described by LGCHF is described as: "Part single and part two storey extension to rear, side and front of property with replacement windows".

1.3 We originally contacted LGCHF on the 24/01/21 to seek pre-application advice from Claire Pudney. She initially raised concerns but most of these were due to the application being viewed out of context of the site. Eventually it was established that the following concerns remained:

- The depth of the rear extension 6.8m from the original house, 3.4m deeper than the current rear extension.
- The design of the front extension roof, cross-gable design to match the existing pitch, style and roofline of the current.
- The design of the proposed front porch (this was removed when appealing to the AMC/HAC to satisfy this concern).
- The width of the side extension - dimensions were provided showing that there is adequate space along the side of the property.
- Replacement windows - we were told that replacement windows should match original windows (we therefore updated our plans for the HAC/AMC to match the Crittall style windows with horizontal bars).

We spoke with Claire on the phone following this as site visits were not taking place. We explained that we did not want to encounter delays as we had a limited window to start the work in Autumn of 2021. Claire advised me in her email dated 02/03/21 that if we felt as though our proposals complied 'it is probably worthwhile submitting the application'.

1.4 Claire contacted us during the application process to request photos of the site and dimensions between our property and the side boundary. Despite this additional information and the above pre-application advice our application was still rejected on the 06/05/21.

1.5 We contacted Claire to see if a site visit would be possible as we felt that the decision to refuse had been unfair and inconsistent with other approved consents on similar size/style properties on Cashio Lane and across the town. We also felt as though the application had been viewed out of context of the size of the plot and other developments to neighbouring properties. This was not possible and as such we felt the only way forward was to appeal to the AMC/HAC in our email that dates the 10/05/21.

1.6 The AMC meeting with the chair of the committee and Claire Pudney took place at our property on the 08/07/21 and was highly unproductive and unprofessional. The architect who attended not only showed a lack of understanding of the system but also implied that the only way for our application to be taken seriously would be to employ a local architect to suggest alternative schemes.

1.7 Our application to NHDC was granted on the 23/03/21 with the following statement given: 'Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015'.

1.8 Our neighbours ██████████ have actively encouraged our design proposals and have commented on the applications to highlight this. We have discussed our grievances with the LGCHF and they have all commented on how inconsistent and inappropriate the refusal is.

1.9 The Household Application Committee attended our property on the 17/09/21 to discuss the proposals. They commented on the large size of the plot.

2.0 The LGCHF wrote to us on the 20/09/21 to confirm that following the AMC/HAC the decision to refuse consent had been upheld. No reason or explanation was given whatsoever.

2.1 The letter did however state that following discussions with the committee a rear extension out to the rear boundary of no24 would be acceptable.

2.2 We contacted Claire Pudney who confirmed in writing on the 28/09/21 that the LGCHF would accept our proposals as they stood for the rear, side and ground floor front extension, however they would be upholding the decision to withhold consent due to the front extension proposals - specifically the 1st floor element of the extension and front gable roof.

2.3 We formally escalated the appeal to the independent inspector on the 28/09/21.

2.0 Introduction:

2.1 Both my wife and I have lived and worked in Letchworth all of our lives. We appreciate the Garden City setting and also the architecture. We have no intention of over developing our property, however we worked very hard to purchase a house in need of development and improvement on Cashio Lane in order to grow as a family.

2.2 When we first applied for our application we downloaded the design principles and based our plans on this. We also took into account similar developments by our neighbours as we didn't want to impose on the street scene. We produced a set of plans that we believe allow us to modernise our property giving us room to grow as a family whilst also bearing in mind the feel of the road. We also see no reason why our plans do not fit in with the design principles.

2.3 Our property 22 Cashio Lane is a detached 3-bedroom, 2 storey house, in the Heritage character area of the town.

2.4 The property is a CM Crickmer design, dates from the mid-1950s and has very little architectural merit compared to most Garden City homes in the town. Numbers 20, 22, 24 and 28 were built as a group in the same period and back onto the former Norton School playing fields. The aforementioned properties are different in layout however they feature similar design cues and are all situated on generous plots. Our neighbours at numbers [REDACTED] and [REDACTED] have recently modernised their properties throughout with front, side and rear extensions. Even after modernisation the houses still sit very comfortably in the plot and are similar to the size and presence of other properties along Cashio Lane.

2.5 The ground floor of the property provides a small front sitting room with working fireplace, kitchen, dining room and downstairs toilet. The kitchen and garage are both single storey and have flat roofing. The principle rooms (living and dining rooms) have large windows.

There are 3 bedrooms on the first floor as well as a bathroom and separate toilet across the hallway. Each bedroom has a large window on the main front and rear elevations as well as a small side window maximising natural light.

The property occupies a generous plot of approximately half of an acre, set back from the road with a large front garden fronted with an established hawthorn hedge and established borders. The rear garden extends back approximately 60 metres to the playing fields beyond.

There is an integral single garage and approximately 40% of the front garden has been paved, providing sufficient inter-curtilage parking for 5 cars.

2.6 The adjacent neighbouring houses are:

[REDACTED] Cashio Lane to the [REDACTED]. The [REDACTED]. The property has a rear extension and has been tastefully updated with modern astragal bar glazing.

[REDACTED] Cashio Lane to the [REDACTED]. Again, [REDACTED]. This property has been tastefully extended to provide a large single storey rear extension, and double storey extension to the side over the garage along with alterations to the front facade. [REDACTED]

Our proposals do not overbear [REDACTED] as can be seen by utilising the 45 degree rule below:

45 degree rule:

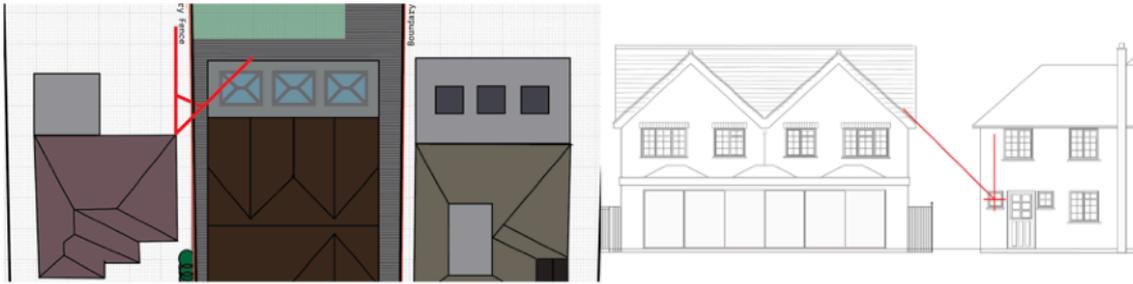
Relevant to the amenity of adjacent property [REDACTED] Cashio Lane; the 45 degree rule comes into effect when considering a rear extension and its potential for overbearing & reducing light into an adjacent property. See FIGURE 1 & FIGURE 2 below.

A perpendicular line from the centre of the closest first floor window is drawn, and any new development must not overlap a line drawn 45 degrees from this centre line (at first floor level). The diagram shows that the proposed extension does not overlap the 45 degree line, so no overbearing [REDACTED]

At ground floor level, a line is drawn at 45 degrees from the centre pane of the closest rear window at [REDACTED] Cashio Lane. This line is not intersected by the new extension at 22 Cashio Lane, thus ensuring no overbearing.

Fig.1 - 45 Degree rule site plan (exert from site plan elevations)

Fig.2 - 45 Degree rule rear elevation (exert from rear elevations)



2.7 We understand that the Scheme of Management includes a covenant requiring that homeowners obtain consent from the LGCHF for alterations to our home. In the case of the Scheme of Management, this states at Clause 6 of the First Schedule:

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

2.8 We have consulted several local and independent architects who are very familiar with the LGCHF design principles and the works of CM Crickmer. None of them have suggested that our proposals are overdevelopment of the site and none of them can see an issue with the scale or design of the proposals being in keeping with the existing house or that of CM Crickmer. Many have been left speechless as to why the LGCHF are being so difficult on this occasion.

2.9 We have carried out extensive research across the town and drawn together several examples of properties that have been granted permission for developments like our proposal. This further aids our argument that the LGCHF are being inconsistent and unreasonable. See Appendix 1.

3.0 Case in support of appeal:

3.1 The main grievances we have are to do with the inconsistencies and unreasonable nature of the LGCHF application decision process. Since our original rejection we have driven around the town and carried out extensive research on the NHDC planning website to see what other developments have been permitted in recent years. Following this we have found countless examples of;

- Properties with large rear plots that have been granted rear extensions in excess of 5m. (See appendix 1).
- Properties with large front plots that have been granted much larger front extensions than our proposed 1.2m front extension. (See appendix 1).
- Specifically there are countless properties in Letchworth that have been designed by CM Crickmer in the same period that have been granted front extensions and feature front cross gable front elevations similar to what we have proposed.

Based on the above we feel that we have been unfairly treated and that the LGCHF has not been reasonable and consistent in its processes before making a decision.

3.2 Since the initial rejection we have tried to compromise with Claire Pudney and as such we have agreed that we will remove the front porch from the application. We have also agreed to replace the windows with those that match the original Crittall style horizontal bar glazing. As such we will focus our support below on the two remaining areas of refusal; the front and rear extension.

3.3 Furthermore, since receiving refusal from the AMC/HAC and receiving confirmation from Claire Pudney that the rear, side and ground floor front elements of our proposal would be acceptable, some of the following may no longer be an issue. It has been confirmed to us that the only element that they have issues with is the first floor element of the front extension and the front gable roof element.

3.3 Rear Extension:

Below is the exert from the LGCHF design principles for rear extensions for detached dwellings. We have inserted our responses in bold.

3.3a "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." **Our property currently features a single storey rear extension that was added in the 1970's. It is badly insulated and poorly constructed. We have deliberately designed a proposal that is 50% two storey/ 50% single storey so that it does not impose on our neighbours (see part 2.6). There is sufficient clearance on both sides of the properties.**

3.3b "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." **The property sits on a generous plot of approx half an acre with the rear garden approx 1000m² in size, The proposed extension would add approx 36m² to the rear of the property reducing the size of the garden by 3.6% overall. There is no reasonable argument that this additional 3.4m of proposed depth is not a very large plot.**

3.3c "Extensions that are the full width of the existing house may be acceptable, but this will depend on the proportions in relation to the house, the detailing and design" **Neither Claire or others have ever raised any design issues with our proposals, only with the depth. We can therefore see no reasonable reason why the difference between a 5m deep extension and a 6.8m as proposed would make any negligible difference on the rear of the property especially as it is single storey.**

3.3d The proposed extension sits no further back than the permitted extensions at no. [REDACTED] & [REDACTED] Cashio Lane or at numerous other similar sized properties across the town (see appendix 1). Under NHDC planning regulations an 8m rear extension would be permitted under permitted development on plots half the size of ours. We therefore see no valid reason why the 5m maximum is being imposed on a plot of our size.

3.4 Front Extension:

Below is the excerpt from the LGCHF design principles for front extensions for detached dwellings. We have inserted our responses in bold.

3.4a "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. **Our property was designed by CM Crickmer in the 1950's as an individual property. It was built as part of a group of four properties however each of these was a completely different design and style, but on the same sized plots. We have deliberately chosen to extend over the front of the garage so that clear differentiation can be made between the existing house and the extended part brought forward. It is therefore unreasonable to argue that the front extension harms the appearance of the existing house. Furthermore, countless other properties across town have been permitted similar front extensions over the garage without harming the existing house as well as no's [REDACTED] & [REDACTED] on Cashio Lane.**

In the rare circumstance that this type of extension is permitted, the following principles will apply:

3.4b *Front extensions should be consistent with the character of the original house, utilising the detailing and matching materials, and have balanced proportions and scale;* **We have worked hard to maintain features of the original house within our proposed design. Examples include using similar size and style windows, brick soldiers above windows, matching the same type of brick. The extended part of the house only protrudes a further 1.2m from the current front of the house so there is little argument that it is too deep.**

3.4c *Roof pitches can have a substantial impact on the appearance of a building and the street scene. Therefore, all proposed roof pitches and design of the roof and roof line should be consistent with the original roof design of the house."* **We have paid particular attention to ensure that the proposed cross-gable front elevation matches the same pitch and design of the existing roof. The type of soffits, guttering and roof line match the existing exactly. We therefore see no reasonable argument why our proposals are not consistent with the original design of the house.**

3.5 In light of the above we believe that the addition of a shallow 1.2m front extension will not affect the overall appearance of the existing property or group, but will complement the Crickmer style exhibited elsewhere throughout the town featuring a cross gable roof to the front of the property; therefore maintaining the character of the existing house and also the architects style. The addition would match the existing roof pitch and the original roof line. Matching brick and tiles would be utilised as well as setting back the existing part of the house differentiating the new from the old and giving it balanced proportions.

The front garden of the property is approx 192m² and the house sits approximately 13m from the front boundary. The proposed front extension on the property would only result in an approx 3.5% reduction in size. Based on the above and numerous examples of similar style front extensions across town to Crickmer designed properties (appendix 2) we see no reason why our reasonable proposals do not satisfy the design principles.

4.0 Architects Response:

Since the AMC meeting we have engaged with a number of local architects following the advice of the AMC chair. We have shown them our plans and explained the situation to them, providing them with copies of email correspondence with the LGCHF. Not one of the six architects we engaged with were able to see what the issues were with our proposals in relation to the design principles. They were convinced that any potential points of contention were purely subjective and were simply attempts by the LGCHF to be unreasonable. In order to enforce our case we have asked one of the architects to represent. The following statement has been given:

"As an architect that has worked within both heritage and conservation areas around the UK, I understand the concerns posed by the Letchworth Garden City Heritage Foundation. However, this is an instance where the applicants have sought to not only preserve, but enhance the character of their home.

Having visited the site and reviewed the design proposal by [REDACTED] alongside the Letchworth Garden City 'Heritage Character Area Guide', I believe this is a carefully considered proposal that retains the quality of the original design, without any negative impact on the street scene.

Further consideration should be sought to support this application and review the proposal based on its own merits. The applicants at 22 Cashio Lane decided on a gabled-end facing front extension, in a conscious effort to not allow an extension with a 'continuous roof line,' as suggested by the guide (pg. 10), which would create an imposing and overbearing appearance on the street scene.

In-line with the design principles, the proposal is consistent with the character of the original house and it relates well with the neighbouring properties ([REDACTED] & [REDACTED] Cashio Lane) and their setting. The applicants have followed the guidance documents alongside providing a design statement in support of their application and where advised have made the necessary concessions to ensure the proposal meets the sensitivity and character of the area."

- [REDACTED], ARB registered and RIBA chartered architect.

5.0 Summary:

In our opinion, the reasons given by LGCHF to refuse Scheme of Management Consent for the proposed extensions to our property are both inconsistent, unreasonable and unjustified.

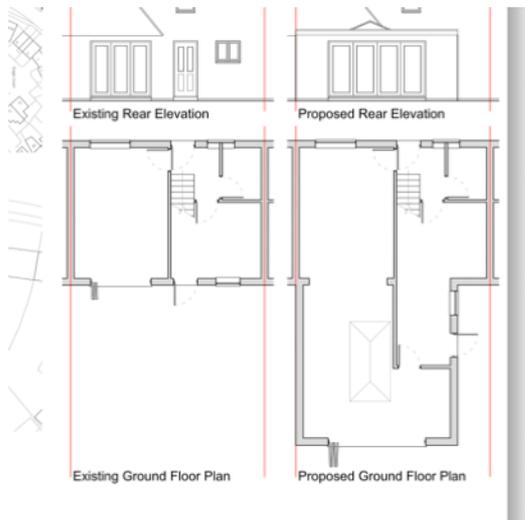
It is clear to see that our proposals are for alterations and extensions to a property on a large plot and are not inappropriate. We have given evidence above how our proposals meet and exceed the design principles in every area.

Our proposals are not significantly different to any of the other examples referenced throughout the appendices which have been approved. The other properties on Cashio Lane have a wide variety of styles each with their individual architectural merit. The only common factor is that the majority are large properties on large plots.

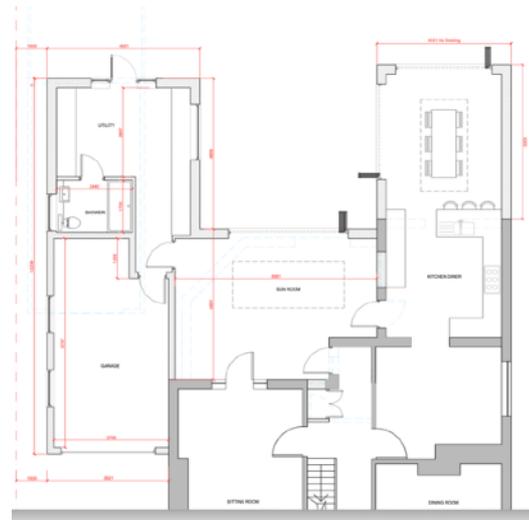
Furthermore, planning permission has been granted for our proposals where NHDC's consideration is partly based on its assessment against the LGCHF's guidance. There is therefore no reasonable justification for refusing our proposals which will maintain and improve the character of the area.

We have spoken to a number of architects whom agree with our viewpoint and it can be seen that the LGCHF are using any means possible to unreasonably hinder development of our property without justification.

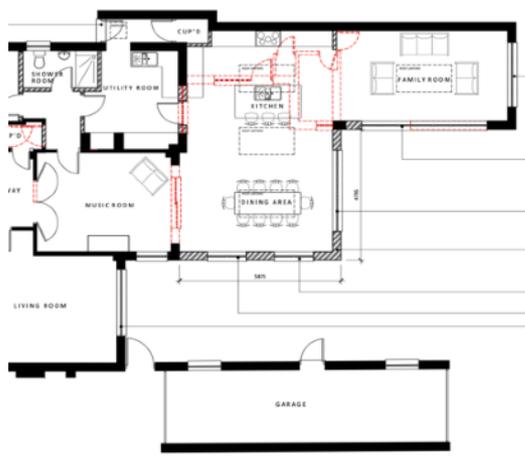
Appendix 1 - Recent examples of rear extensions in excess of 5m from the rear of the original house, all on similar sized or smaller plots on roads across Letchworth:



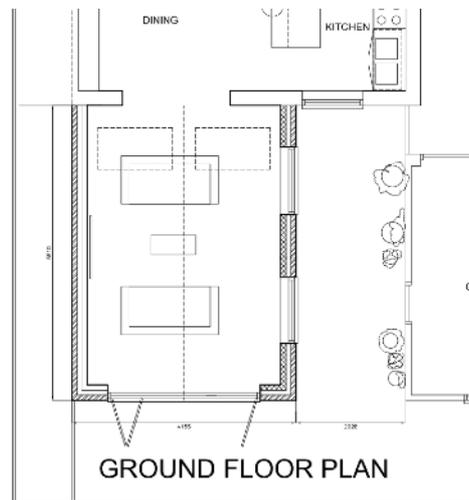
The above property has had a 6.9m rear extension beyond the rear of the original house.



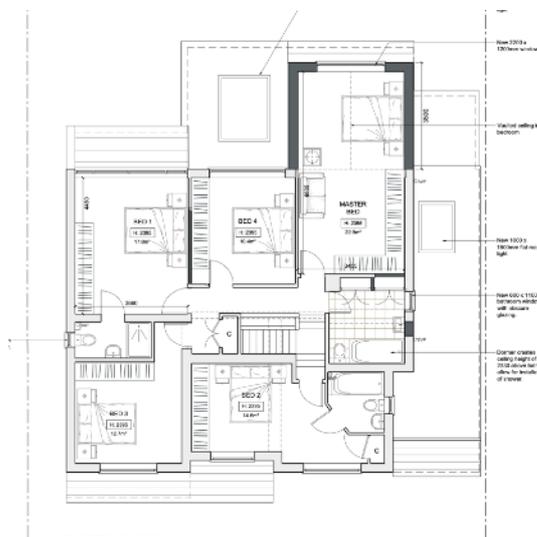
The above property has had an approx 8m rear extension beyond the rear of the original house.



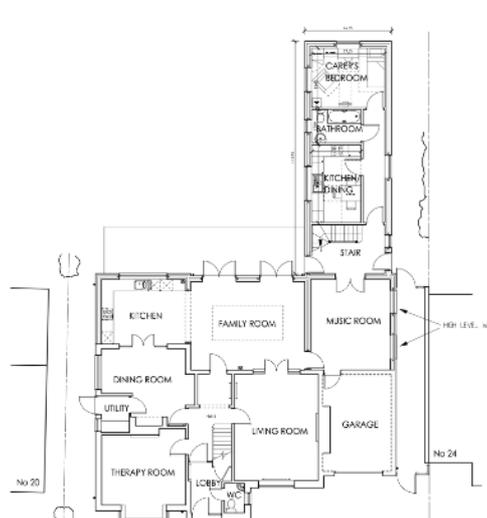
The above property has had an 11m rear extension beyond the rear of the original house.



The above property has had a 5.51m rear extension beyond the rear of the original house.



The above property has had a double storey front extension with three rooms, and a front gable roof.



The above property has had an 11m rear extension beyond the rear of the original house.

Appendix 2 - Examples of cross-gable front extensions on similar style houses in Letchworth (Two are CM Crickmer Designs from the same period):



Appendix 3 - Below is an example of a Crickmer property on [REDACTED]. The property originally had brown roof tiles, painted brick walls, Crittall style windows and a single gable front extension as we are proposing. The property was originally built the same as ours without the front gable side extension.

Since then the house has been redeveloped with a much higher pitch roof, grey roof tiles, modern white render, plain UPVC windows, two front gable extensions and a traditional style porch. We have no objection to these improvements however the LGCHF needs to show consistency in its approach if it is going to consent to applications such as this, when rejecting ours.



A property in Letchworth designed by CM Crickmer in the same period as our property featuring a front cross gable roof and perturbed front elevation:

