

Our Ref: NA/784-B025516

Your Ref: 38246

Clare Pudney
Heritage Advice Service Manager
Letchworth Garden City Heritage Foundation
One Garden City
Broadway
Letchworth Garden City
Herts
SG6 3BF

23 March 2023

Dear Ms Pudney,

APPEAL AGAINST REFUSAL OF SCHEME OF MANAGEMENT CONSENT – 17 PASTURE ROAD, LETCHWORTH GARDEN CITY, SG6 3LP RESPONSE TO LGCHF STATEMENT OF CASE AND OTHER DOCUMENTS

Further to your colleague, Tracy Albon's email received on 9th March 2023, we now provide our comments in relation to the Heritage Foundation's Statement of Case for the appeal to the independent inspector for the above property.

LGCHF Statement of Case / Report for Inspector

References to paragraphs refer to those in the LGCHF's Statement of Case. We only provide comments to those issues that have not been previously commented on or to correct facts.

- Paragraph 2.3 – the Statement of Case incorrectly states that planning permission was granted (for the previous scheme) on 6th October 2021. The planning permission ref 20/01392/FPH was granted by North Hertfordshire District Council on 5th October 2020. A copy of the planning permission notice appears at **Appendix A**.
- Paragraph 4.1 – whilst Section 6 of the First Schedule of the Scheme of Management is set out, this clause simply sets out the requirement for the approval of the Corporation prior to any works of material alteration being undertaken but makes no specific requirement for compliance with set standards apart from works being undertaken “in a good substantial and workmanlike manner with sound and proper materials”.

- Paragraph 5.5 – The garage extension will not terminate at the main ridge line as stated by the Heritage Foundation but will be set below this.
- Paragraph 5.6 – The proposed elevation drawing (PO2) clearly has a label that states that the external walls are to be constructed from matching brick and so we fail to see why it is necessary to include the brick colour specifically. There is no mention of the original tile hanging or render on the front elevation as this is not proposed as part of the scheme. Please note there is no render on the existing rear elevation ground floor.
- Paragraph 5.8 – the comment made here is very generalised. The approximate 7 metre depth is indeed taken from the original rear wall of the property. As we have set out previously, we consider that the property can take this depth of extension without comprising the amenities of the adjoining property. Planning permission has been granted for this depth of extension and clear impact on neighbour amenity would have been a significant consideration in the assessment of the planning application. Furthermore, as the Site, Block and Roof Plan on drawing P04 clearly demonstrates, the extension does not cut through the 60-degree line from the adjoining properties closest windows.
- Paragraph 5.11 – the existing property abuts the northern boundary of the plot. Immediately adjacent to this is an unused footpath. The proposed building as extended will encroach no closer to number 19 than the existing property and at its closest point will still be separated by a 7.7m gap which his considered appropriate to the locality. To overall width of the property is not increasing and so the general separation with no 15 to the south will not change.
- Paragraph 6.1 – It is noted that the AMC were concerned about the volume of the gable roof which could lead to future applications for dormer windows. On behalf of I can confirm that there is no intention to make any such future application. In any event, if an application were to be made, that would be assessed against the relevant Design Principles at the time.

Please ensure these comments are passed to the Independent Inspector. We look forward to attending the site visit with the Independent Inspector on 16 May 2023.

Yours sincerely



Enc

Appendix A – Copy of NHDC Planning Permission Notice dated 05.10.20



NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

17 Pasture Road
Letchworth Garden City
Hertfordshire
SG6 3LP

Applicant:

PARTICULARS OF DEVELOPMENT

Application: 20/01392/FPH

Proposal: Demolition of first floor / dormer window above the garage, existing single storey (north) side projection and existing single storey rear extension and conservatory followed by replacement two storey rear extension, two storey (north) side extension, single storey (south) side extension and first floor extension above ground floor part of the garage plus two hip to gable roof extensions and alterations to the fenestration. (Amended plans received 21/09/20 and 05/10/20).

Location: 17 Pasture Road, Letchworth Garden City, Hertfordshire, SG6 3LP

Plan Nos: Location Plan 1 2 4

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GRANT PERMISSION** for the development proposed by you in your application received with sufficient particulars on 3 July 2020, subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Before the building of the external walls, details and/or samples of the external brick to be used and the roof tile are to be submitted to, and approved in writing by, the Local Planning Authority and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

Proactive Statement:

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.

Signed:



Simon Ellis
Development & Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 5 October 2020

The Council's Privacy Notice is available on our website: <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr>

NOTES

- 1 **Failure to satisfy conditions may invalidate this permission and/or result in**

enforcement action. Particular attention should be paid to the requirements of any condition in bold.

2 Circular 04/2008 (Planning Related Fees) states that where an application is made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995, a fee will be payable for any consent, agreement or approval required by condition or limitation attached to the grant of planning permission.

3 The fee is £116 per request or £34 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of the dwellinghouse. No fee is required for applications resulting from a condition removing "permitted development rights".

The request can be informal through the submission of a letter or plans, or formal through the completion of an application form and the submission of plans. Any number of conditions may be included on a single request. The form is available on the Council's website:

www.north-herts.gov.uk/home/planning/planning-applications/submit-planning-application

4 If the development hereby permitted is one that will require a new postal address/es then please contact the Council's **street naming and numbering service** on 01462 474431 or email SNN@north-herts.gov.uk who will advise you on how to apply for the new address/es.

Any proposed sales and/or marketing name to be adopted by the developer should be forwarded to the **street naming and numbering service**, prior to any publication of the site details and sales information.

5 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision on a householder application then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed,

having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

6 **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 7 The District Council and County Highway Authority wish to ensure that, in the implementation of the development, hereby approved, the highway verge adjacent to the property is not damaged or does not become unsightly due to the stationing of skips, parking of vehicles, storing of building materials etc thereon. Your attention is, therefore, drawn to the provisions of Section 131 of the Highways Act 1980 and to the Hertfordshire County Council Bylaws 1955 (specifically relating to grass margins and verges in Letchworth Garden City) by virtue of which such actions, unless authorised by the prior grant of a licence, constitute a prosecutable offence. Persons responsible for undertaking the development and any associated works are, therefore, strongly encouraged to take appropriate steps to ensure that no breach of the said legislation occurs during the course of such activities. In the event of any damage being caused it will be expected that suitable reinstatement is undertaken upon completion of the development. Failure to do so could also result in legal action being pursued. To obtain information regarding the issue of licences, contact Hertfordshire Highways, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG138DQ or telephone 0300 1234 047.

THIS PLANNING PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS AND IS NOT A LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT. IT DOES NOT CONVEY ANY APPROVAL OR CONSENT WHICH MAY BE REQUIRED UNDER ANY ENACTMENT, BY-LAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.

Consent for these works may be required from the Letchworth Garden City Heritage Foundation (www.leitchworth.com/heritage-foundation) under the Scheme of Management or leasehold covenants. If you do not already have

their approval, you are advised to contact the Heritage Foundation on home@letchworth.com or 01462 476017 to confirm whether you also need to submit an application to them.