
CONSERVATION REPORT – INTRODUCTION OF ARTICLE 4(2) DIRECTIONS – STRETHAM CONSERVATION AREA

Committee: Planning Committee

Date: 1 December 2010

Author: Conservation Officer

[K192]

1.0 **ISSUE**

1.1 To seek Members approval on one of the following options:

1.2 **Option 1**

To implement Article 4 Direction in order to restrict the classes of permitted development of the properties set out in Appendix 1 within Stretham Conservation Area.

1.3 **Option 2**

To implement Article 4 Direction in order to restrict the classes of permitted development of the properties set out in Appendix 1 within Stretham Conservation Area with a financial contribution to the advertising costs from the Parish Council.

1.4 **Option 3**

Not to implement Article 4 Direction in order to restrict the classes of permitted development of the properties set out in Appendix 1 within in Stretham Conservation Area.

2.0 **RECOMMENDATION(S)**

2.1 It is recommended that Members resolve to approve **Option 2**, to make an Article 4 Direction restricting the classes of permitted development of the properties as set out in Appendix 1.

3.0 **INTRODUCTION**

3.1 A report was taken to Strategic Development Committee on 20 April 2010 for members to discuss support for a report to Planning Committee to introduce Article 4 Directions within the boundary of the conservation area.

3.2 It was resolved by Members “that prior to a report being presented to Planning Committee, for its consideration regarding the introduction of Article 4 Directions within the boundary of the conservation area, that Stretham Parish Council be approached to enquire whether the Parish Council would

be prepared to offer a significant contribution towards the cost of the advert to serve the Article 4 Direction.

- 3.3 Stretham Parish Council were approached on 28 April 2010 and the decision at taken was presented to the Parish Council to discuss at their next meeting. The response was received in May advising that the Parish Council was not prepared to make a contribution as no other Parish Council was asked to contribute.
- 3.4 Conformation of this was received in September 2010.

4. LEGISLATIVE BACKGROUND

- 4.1 Set out within the General Development Order are the permitted development rights of property owners. Certain rights are removed because a property is within a Conservation Area, whilst others still apply. These range from being able to change the roof coverings, to the complete change of a building's fenestration pattern, thereby damaging the architectural quality of that building.
- 4.2 Article 4(2) Directions were introduced in 1995 as a simplified version of Article 4(1).
- 4.3 These Directions only relate to properties within a Conservation Area and then only to elevations that face onto a highway, waterway or open space. Therefore they usually only affect the front of a building.
- 4.4 The Directions are used to remove specific permitted development rights from properties within Conservation Areas, in order to preserve the special character and appearance of that area. The notice served must specifically state the permitted development rights being removed.
- 4.5 The Directions can only be made on dwelling houses. Flats and commercial buildings do **not** have any permitted development rights under the General Development Order.
- 4.6 Article 4 Directions, if sensitively applied, have been clearly shown, in other districts, to be a successful management tool in the protection of the character of conservation areas.
- 4.7 Article 4 Directions **should not be** regarded as a means of stopping owners/occupiers from improving their homes, but as an encouragement to improve them in a way that is sympathetic to their surroundings.
- 4.8 At present, no fee is charged for planning applications made on properties subject to an Article 4 Direction, provided that application relates to the removed permitted development rights.

5.0 HISTORY AND BACKGROUND

- 5.1 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority has a duty to preserve and enhance the District's Conservation Areas, and also to review the boundaries of these Conservation Areas from time to time.
- 5.2 To comply with the above, and to introduce best practice, East Cambridgeshire District Council has recently embarked on a comprehensive assessment of all existing Conservation Areas within the District.
- 5.3 As most Conservation Areas were designated in the early to mid 1970s and have not been reviewed subsequently, much work is required to carry out boundary reviews, character appraisals and management plans.
- 5.4 To comply with the duty to preserve and enhance, the Council has, over the years, carried out many enhancement projects within its Conservation Areas. This has been in conjunction with careful granting of planning permission within the Conservation Areas.
- 5.5 However, incremental changes to windows and doors, painting of brickwork, the loss of boundary walls, and the introduction of hard standing areas, can steadily erode the special character of the Conservation Area.
- 5.6 When asked, many tourists give the retention of character and historic features on buildings, as a reason why they visit historic towns and villages.
- 5.7 The Conservation Area Appraisals evaluate the special character of each individual Conservation Area. Included within the appraisal document are opportunities for enhancement and management proposals that can be taken forward into a management plan for each Conservation Area.
- 5.8 The appraisals for some of the Conservation Areas, as covered so far, have highlighted that an Article 4 Direction could assist in the protection of the special character of these areas.
- 5.9 Stretham Conservation Area Appraisal was adopted by Strategic Development Committee on 1 September 2009. Subsequently the Parish Council approached the conservation officer at the time regarding the introduction of Article 4 Directions.

5.0 THE PROCESS FOR SERVING ARTICLE 4(2) DIRECTIONS

- 5.1 If Members support the introduction of an Article 4 Direction, a notice is served on all affected owners/occupiers and an advertisement placed in the local paper.
- 5.2 There is then a 28-day period for owners/occupiers to make representations relating to the notice.
- 5.3 Within 6 months of the date of the notice, a full report will be bought to Members, so representations can be considered and Members can decide whether to confirm the notice.

6.0 CLASSES OF PERMITTED DEVELOPMENT AFFECTED BY ARTICLE 4(2) DIRECTIONS

- 6.1 Below are the classes that would be affected, and why their restrictions will help to maintain the character of the conservation area:

Town and Country Planning (General Permitted Development) Order 1995

Schedule 2, Part 1

Class A - The enlargement, improvement or other alteration of a dwelling house.

- Changing the opening for windows and doors, and replacing windows and doors with an inappropriate style of material, can significantly alter the appearance. This would not necessarily preclude plastic windows, as some very good qualities ones are now available.

Class C – Any other alteration to the roof of a dwelling house

- Changing of a roof covering from slate to concrete tiles, can change the profile of the roof and result in loss of character to the area.

Class D – The erection or construction of a porch outside any external door of a dwellinghouse

- To reduce the impact of such structures on terraces and symmetrically designed buildings.

Class F – The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse

- To retain the building lines and settings within the conservation area by controlling the insertion of driveways and patios.

Schedule 2, Part 2

Class A – The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

Class C – The painting of the exterior of any building or wall

This should discourage the painting of attractive brickwork and the use of inappropriate colours within the conservation area.

- 6.2 The removal of all classes is not appropriate for all properties and the notice, when served, will detail which have been removed on each property. The classes removed from each property are detailed in Appendix 1 and these have been chosen for specific reasons.
- 6.3 It is possible to serve a blanket Article 4(2) Direction within a Conservation Area. However, this tends to impinge on properties that do not have a particular historic or architectural interest.

7.0 SUMMARY AND POSSIBLE ACTIONS

There are 3 courses of action on this matter:

- 7.1.1 The **first** would be to approve the Article 4(2) Direction, restricting the classes of permitted development as set out in Appendix 1.
- 7.1.2 The notices served will seek representations from owners/occupiers within 28 days of service.
- 7.1.3 Directions must be confirmed within six months of serving the notices and a report will be brought to committee within this time. Representations made will be presented and Members will be asked to resolve confirmation, or not, of the Article 4 Direction. It should be noted that the Direction could not be varied at this time, only confirmed or not.
- 7.2 The **second**, would be to approve the introduction of an Article 4 Direction, if the Parish Council provide a financial contribution to the advertising cost.
- 7.3 The **third**, would be to not approve the introduction of an Article 4 Direction within Stretham Conservation Area.

8.0 RECOMMENDATION

- 8.1 It is recommended that Members resolve to make an Article 4 Direction within Stretham Conservation Area, if a financial contribution is made from the Parish Council (**option 2**)

Furthermore, a report will be presented to Members within 6 months of the date of serving the notices, presenting any representations made in order for Members to confirm, or not, the Article 4 Direction.

9.0 APPENDICES

- 9.1 Appendix 1 – Conservation Area Notice

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Conservation Area	Room 011	Lorraine King
Appraisals are available from the conservation team	The Grange Ely	Conservation Officer (01353) 616333 E-mail: Lorraine.king@eastcambs.gov.uk

APPENDIX 1

IMPORTANT-THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) Order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

Article 4(2) Directions

To: The Owners/Occupiers

TAKE NOTICE that the East Cambridgeshire District Council (“the Council”), as the local planning authority, and in pursuance of the power conferred on them by Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 has, on....., made a Direction withdrawing certain permitted development rights from some dwelling houses in Stretham Conservation Area.

The Direction covers only dwellinghouses listed in the schedule attached to it.

These properties are considered to be important to the street scene and the Direction has been made to preserve the character of the Conservation Area. The effect of the Direction is that the permitted development rights granted under Article 3 of the GPD order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 shall not apply to certain types of development and therefore, that such developments should not be carried out on, or within, the curtilages of the properties included on the attached schedule, unless permission is granted on an application made under Part 3 of the Town and Country Planning Act 1990.

A certified copy of the Direction and schedule of properties may be inspected without charge at East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely between the hours of 8.45am and 5pm Monday to Thursday and 8.45am to 4.45pm on Friday.

Should you wish to raise any objection or make any representations in respect of the Direction, these should be made in writing by the to The Conservation Officer, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs, CB7 4EE. Any representations submitted will be made available for public inspection

David Archer

Development Services Executive Director
Town and Country Planning (General Permitted Development) Order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

DIRECTION MADE UNDER ARTICLE (4)2 TO WITHDRAW CERTAIN PERMITTED DEVELOPMENT RIGHTS FROM DWELLINGHOUSES IN CONSERVATION AREAS

WHEREAS East Cambridgeshire District Council being the appropriate local planning authority with in the meaning of Article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995 **as amended by** Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 are satisfied that development of the descriptions set out in the Schedule 1 below should not be carried out on, or within the curtilages of, the dwelling houses set out in Schedule two attached, unless permission is granted on an application made under Part 3 of the Town and Country Planning Act 1990.

NOW AND THEREFORE the said Council in pursuance of the power conferred on them by Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 hereby direct that the permission granted by Article 3 of the **GPD Order 1995 amended in 2008** shall not apply to development on the said land in Schedule 2 of the descriptions set out in Schedule 1 below.

SCHEDULE 1 Town and Country Planning (General Permitted Development) Order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

Categories of permitted development restricted by this direction under Article 4(2) of the Town and Country (General Permitted Development) Order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

The following restrictions apply only to those parts of a dwelling house which front a relevant location unless otherwise stated, and for the purposes of this Schedule 1, a relevant location comprises a highway, waterway, or open space.

The following restrictions apply in part, and or in whole, to the properties listed in Schedule 2 to this direction.

1.1 Schedule 2 Part 1 Town and Country Planning (General Permitted Development) Order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

- Class A The enlargement, improvement or other alteration of a dwellinghouse.
- Class C Any other alteration to the roof of a dwellinghouse.
- Class D The erection or construction of a porch outside any external door of a dwellinghouse.
- Class F(a) The provision within the curtilage of a dwellinghouse of a hard surface for the purpose incidental to the enjoyment of the dwellinghouse.

1.2 Schedule 2 Part 2 Town and Country Planning (General Permitted Development) Order 1995 as amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

- Class A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class C The painting of the exterior of any building or wall.

Schedule 2

Properties Covered by this Direction:

Stretham Conservation Area:

Address	Classes
Cage Lane	
2 Ashmor House	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
1 & 4	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
Chapel Street	
9, 13	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
19 The Old Chapel	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
21, 23, 25 & 27	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
High Street	
38	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
20 Spring Cottage	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
18 Akeman House	Sch 2, Pt 1, A, C, D, F(a), Sch 2 Pt, 2, A, C
2, 4, 8, 12, 14, 16	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
Newmarket Road	
2 & 6	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
Pump Lane	
16 & 18	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
Reads Street	
12, 16, 18 & 20	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
1	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
Top Street	
1 Oakley House	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
12, 4, 6, 8, 10, 12, 14, 16	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C
Wilburton Road	
1, 2, 5, & 7	Sch 2, Pt 1, A, C, D, F(a), Sch 2, Pt 2, A, C