

Director of Planning – Delegated Decision

Date: 9 December 2014

Wards: Fairfield and Waddon

Subject: Article 4 (non-immediate) Direction to remove permitted development rights relating to development falling within specified Parts of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended to areas within Chatsworth Road and The Waldrons Conservation Areas.

Contact Officer: Head of Spatial Planning – Tim Naylor

Recommendations:

That the Council approves the approach to serving non-immediate Article 4 Directions on Chatsworth Road and The Waldrons Conservation Areas which would remove permitted development rights relating to development falling within specified Parts of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.

With the powers delegated to the Director of Planning, I hereby agree/~~not agree~~ (delete as appropriate) the recommendation outlined above.

Signed _____ Director of Planning

Date 09-12-14

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 On 11 February 2013, Cabinet approved the introduction of an Article 4 Direction to be served on the Chatsworth Road and The Waldrons Conservation Areas following the production and adoption of Conservation Area Appraisals and Management Plans.
- 1.2 National planning policy, the London Plan and Local Planning Policy require that local authorities preserve and enhance conservation areas through identifying the special character of each conservation area and outlining how these characteristics can be managed through the retention, development and maintenance of the built environment within conservation areas. English Heritage recommends that every conservation area has its own Conservation Area Appraisal Management Plan (CAAMP).

1.3 The Town and Country Planning (General Permitted Development) Order 1995, as amended, permits the serving of Article 4 Directions (where appropriate) to enable a local planning authority to prevent cumulative erosion of the special character of a conservation area through minor changes to properties. Policy SP4.13 of the Croydon Local Plan: Strategic Policies states that “the Council and its partners will strengthen the protection of and promote improvements to heritage assets and their settings” which includes conservation areas.

1.4 CAAMP’s for the conservation areas of, inter alia, Chatsworth Road and The Waldrons have been produced and adopted as Supplementary Planning Documents.

2. DETAILS AND BACKGROUND

2.1 The Spatial Planning Service has considered the benefit of serving Article 4 Directions in the conservation areas for which CAAMP’s have been produced to protect and enhance the special character of areas.

2.2 An Article 4 Direction withdraws planning permission granted by the General Permitted Development Order for a particular class of development.

2.3 There are two types of Article 4 Directions:

- Immediate directions – permitted development rights are withdrawn with immediate effect and without consultation for a period of up to 6 months. To make permanent the immediate Article 4 Direction, the Local Planning Authority must confirm them within 6 months following local consultations;
- Non-immediate directions – permitted development can only be withdrawn after local consultation for a period of no less than 6 weeks, and no sooner than a year after notice is served.

2.4 It is important to note the following:

- That an Article 4 Direction does not prevent the type of development to which it applies; it simply requires that planning permission be sought for the proposed development which must be sympathetic to the special character of the Conservation Area;
- There is no charge to apply for types of development for which Article 4 Directions have been served.

- 2.5 The use of Article 4 Directions is common across Conservation Areas in London in order to protect and enhance the special character of Conservation Areas.
- 2.6 It has been agreed by Cabinet (11 February 2013) that a non-immediate Article 4 Direction be served on the Chatsworth Road and The Waldrons Conservation Areas as this removes the risk of compensation claims against the Council which would be realised if an immediate Article 4 were served. However, to accord with the Council's constitution, approval is also necessary from the Director of Planning under delegated authority.
- 2.7 The introduction of Article 4 Directions to the Chatsworth Road and The Waldrons Conservation Areas may cause some administrative inconvenience to residents seeking to undertake work that would typically be categorised as permitted development. However, it is considered that the benefit brought through the preservation and enhancement of the special character of the Conservations Areas will outweigh this.
- 2.8 The appraisals of the Chatsworth Road and The Waldrons Conservation Areas have revealed several key threats to the gradual and cumulative erosion of the special character of the Conservation Areas due to permitted development. These threats could be mitigated through the serving of Article 4 Directions to remove some permitted development rights for some properties.
- 2.9 The types of development for which the Article 4 Direction applies in Chatsworth Road are:
- The enlargement, improvement or other alteration of a dwelling house (this includes the removal and replacement of windows and doors)
 - The erection of porches
 - Changes to boundary treatments
 - Hard-surfacing of front gardens
 - Any other alteration to the roof of a dwelling house
 - The installation, alteration or replacement of solar PV or solar thermal equipment on or within the curtilage of a dwelling house or block of flats.
- 2.10 The types of development for which the Article 4 Direction applies in The Waldrons are:
- Changes to the boundary treatment
 - Hard-surfacing of front gardens
- 3. REQUIRE PLANNING PERMISSION VIA ARTICLE 4 WITH BESPOKE APPROACHES TAKEN TO EACH CONSERVATION AREA**

3.1 It is recommended that an Article 4 Direction be served on the entirety of the Chatsworth Road Conservation Area to require planning permission be sought for any development which would fall within Class A, C, D, and F of Part 1 [Development within the curtilage of a dwellinghouse] of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, and not being development comprised within any other Class consisting of:

- 'The enlargement, improvement or other alteration of a dwellinghouse'
- 'Any other alteration to the roof of a dwellinghouse'
- 'The erection or construction of a porch outside any external door of a dwellinghouse'
- 'The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such'.

Development falling within Class A, B and C of Part 2 [minor operations] of Schedule 2 to the said Order and not being development comprised within any other class consisting of:

- 'The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'
- 'The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development by any Class in this Schedule (other than by Class A of this Part)'
- 'The painting of the exterior of any building work'.

Development falling within Class A of Part 40 [installation of domestic microgeneration equipment] of Schedule 2 to the said Order and not being development comprised of:

- 'The installation, alteration or replacement of solar PV or solar thermal equipment on (a) a dwellinghouse or block of flats; or (b) a building situated within the curtilage of a dwellinghouse or block of flats'.

3.2 It is also recommended that an Article 4 Direction be served on selected properties within The Waldrons Conservation Area where properties are of merit and require the protection afforded to them by introduction of the Direction. These addresses are: 5-23 (odd) The Waldrons.

3.3 The withdrawn permitted development rights relate to:

Development falling within Class F of Part 1 [Development within the curtilage of a dwellinghouse] of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, and not being development comprised within any other Class consisting of:

- 'The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such'

Development falling within Class A of Part 2 [minor operations] of Schedule 2 to the said Order and not being development comprised within any other Class consisting of:

- 'The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'

4. CONSULTATION UNDERTAKEN OR PROPOSED

4.1 In accordance with the National Planning Practice Guidance and the General Permitted Development and the Town and Country Planning (General Permitted Development) (Amendment)(England) Order 2012 SI No.654, a six week period for receipt of representations will be required prior to the confirmation and introduction of the Article 4 Direction. All properties affected within each area must be notified as part of this.

4.2 The Secretary of State will also be notified in accordance with legislation and has the right to cancel or modify a Direction made under Article 4(1) by the local planning authority at any time before or after its confirmation.

5. TIMETABLE

5.1 The Timetable for the implementation of the Article 4 Direction is set out in the table below. A non-immediate Article 4 Direction takes a year to be confirmed and introduced.

Time	Action
0	Make the Article 4 Direction
0	Notify residents of representation period in which to receive comments regarding the introduction of an Article 4 Direction by newspaper advertisement, area notices and letters.
0	Notify Secretary of State of consultation regarding introduction of an Article 4 Direction by email
+6 weeks minimum	Representation period closes
+10 weeks	Council consider representations received. Any material changes to the draft Article 4 will require re-consultation (and this may alter the timescales involved)
+ 12 weeks*	Confirm the Article 4 Direction (via Planning Committee)
+12 weeks*	Notify residents of the Direction coming into force from 0 + a year
+12 weeks*	Notify Secretary of State of Direction coming into force from 0 + a year hence

+ 1 year	Article 4 Direction comes into force
*subject to the committee timetable and receipt of any intervention from the Secretary of State	

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 The costs of making and confirming the Article 4 Directions can be met within the Spatial Planning budget.
- 6.2 The Article 4 Direction is likely to increase efficiency of the planning application process for sites within conservation areas through reference to clear and concise information.
- 6.3 There will be a resource pressure as planning applications submitted as a result of the Article 4 Direction do not incur a cost to the applicant.

7. LEGAL AND STATUTORY IMPLICATIONS

- 7.1 The National Planning Practice Guidance updates the Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995 (DCLG, 2012, para 2.3) and sets out the Government's Guidance to creating and implementing a Direction made under Article 4 of the Town and Country Planning (General Permitted development) Order 1995 amended.
- 7.2 Whilst the Council has the powers to make and confirm an Article 4 Direction, the Secretary of State has residual power to intervene and prevent the proposed Article 4 Direction taking effect.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 The Core Strategy Equalities Impact Assessment applies to all the conservation area guidance documentation and is available upon request.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 The introduction of the Article 4 Direction would not have any direct impact on Crime and Disorder.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 There is a risk that the Secretary of State may intervene and not permit an Article 4 for either or both of the Conservation Areas.

10.2 If the Article 4 Directions are not served in the Chatsworth Road Conservation Area and to addresses within The Waldrons Conservation Area, then piecemeal erosion of the special character of these areas is likely to continue.

