

ARTICLE 4(2) DIRECTION FOR WHITMORE CONSERVATION AREA

Purpose of the report

To consider the approval of Article 4(2) Directions for Whitmore Conservation Area

Recommendation

That Members agree to the making of Article 4(2) Directions in Whitmore as set out in the report and attachments and that delegated authority be given to the Development Control Manger to make the necessary arrangements.

Reasons

To help protect features in the Conservation Ares which are key elements to its distinctive special character.

Background

A report has been prepared separately for the making of a Direction in Madeley and Audley Conservation Areas. No review has yet been undertaken for Whitmore Conservation Area which was designated in 1971. The programme set by the Council in 2011 envisages such a review at Whitmore to be undertaken in 2017/18.

Main issues

When Whitmore Conservation Area was designated in 1971 by the County Council, a short appraisal was prepared to justify the designation. The following statement was made;

“Whitmore is fortunate in remaining practically unaffected by recent development, a tribute to the effectiveness of landlord control, and its buildings are almost without exception well maintained. Its distinctive unspoiled quality is vulnerable, particularly if there should be any fragmentation of the present unified ownership. Future policy will have to especially sensitive to the delicate balance between unity and contrast which is held by the subtle combination of the siting, design and materials of buildings and their landscape setting. Any essential changes should be suitably small in scale and most carefully detailed so as to maintain the present character”.

This statement is still true and the village is still controlled by the same landlord and the buildings are well maintained. However subtle small changes are likely to cause harm to this unique rural village and despite the above statement, no control through polices can stop the incremental minor changes to important features such as windows, doors, roofs, frontages, chimneys and boundary walls as they do not require any prior approval. This is especially relevant in a Conservation Area which has a high percentage of houses. It is felt that some control over minor changes will help to preserve the special character of the village.

So far only one property on the estate, within the Conservation Area has upvc windows which does not reflect the traditional pattern of glazing bars in the rest of the terrace, has a shiny appearance and the glass a completely different reflective quality. Most other properties retain their original windows, doors and other features of interest, such as porches and decorative barge boards.

Minor changes can affect the character of an area especially in prominent positions and in terraced properties and the Council wants to resist this kind of change. The quality of an area can be defined by its original and traditional features and windows doors and are such key features.

The Proposal

The Town and Country Planning General Permitted Development Order 1995, as amended, makes various forms of development for houses, permitted development and thus grants planning permission for them.

Article 4(2) Directions are a means to control these kinds of incremental changes which can damage the important characteristics of a Conservation Area. The presence of an Article 4(2) Direction does not aim to prevent all changes, but that change is more carefully controlled through a planning application process. Where an application is received as a result of an Article 4(2) Direction, no fee is required for processing this application.

Directions are restricted to only those developments which in the Council's opinion can harm the appearance or character of a Conservation Area. The relevant circular 9/95 indicates that "the Secretaries of State are particularly concerned that the power to withdraw permitted development rights for extensions should be used only exceptionally, and only where the character or appearance of a Conservation Area is likely to be threatened".

The following developments are some examples of what Article 4(2) Directions can help to control. It only relates to a residential building as a single unit (ie, not flats) or land that fronts a highway; so the Direction does not prevent development on the rear:

- The enlargement, improvement or other alteration of a house, any alteration to its roof, the construction of a porch,
- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure within the curtilage of a house
- The demolition of all or part of a gate, wall or other means of enclosure within the curtilage of a house
- The erection, alteration or removal of a chimney on a house or building within the curtilage of a house, whether or not it fronts a highway.

Officers have considered carefully the buildings in Whitmore Conservation Area to determine which buildings are the most appropriate for Article 4(2) Direction. The schedule below sets out the specific buildings and forms of development to be removed in Whitmore, which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing this Conservation Area.

A plan indicating the location of these properties is shown. It should be noted that Listed Buildings use already have protection from alterations which are considered to affect their special character and it is illegal to carry out such work without the appropriate consent.

Whitmore Article 4(2) Direction Property Schedule

1. The following properties are affected by removal of Permitted Development rights including those for the removal of chimneys, replacement windows and doors, porches, any alteration to the roof on front roof slopes and boundary treatments.

1-5 Maltkiln Cottages, Bent Lane

*1-3 Bent Lane Cottages
Yew Tree, Bent Lane
Church Farmhouse, Bent Lane
Lilac Cottage, Whitmore Road
Church View, Whitmore Road
Ivy House, Whitmore Road
The Old Parsonage*

2. The following property are affected by removal of Permitted Development rights including those for the removal of chimneys, any alteration to the roof on front roof slopes and boundary treatments.

Box Cottage

Consultation

Consultation will be done through the following:

- By production of a leaflet explaining the effect of the Direction and how to make representations and serve notice on owner/occupier of every house affected by the Direction, detailed as above and inform the Parish Council.
- Inserting an advert in The Sentinel which will set out the properties and classes of development affected, explain its effects and specify a period of 21 days to make representations to the Local Planning Authority.

Financial Implications

Following the making of an Article 4(2) Direction, it may be possible for residents to claim compensation from the authority under the Town and Country Planning Act 1990 Section 108, if permission is refused (or granted subject to conditions), where development would normally be permitted. Compensation however, is very unlikely to be applicable in the control of precise details such as materials used in windows and doors or in new front garden walls.

Conclusions

A Conservation Area Management Plan highlights ways of protecting and improving an Area but it is not a requirement. The making of an Article 4(2) Direction will meet the Council's statutory duties and responsibilities to preserve and enhance the special architectural or historic interest of the area.

A report will be brought back to Planning Committee to consider any representations made regarding the Article 4(2) Directions and for it to consider confirmation of them. The Direction will no longer apply if the Council does not confirm it within 6 months.