

CONFIRMATION OF ARTICLE 4 DIRECTIONS FOR THE BRAMPTON AND WATLANDS PARK CONSERVATION AREAS

Report to Planning Committee 20th June 2017

Purpose of the report

To provide the Committee with the opportunity to consider any comments received on the Article 4 Directions for the Brampton and Watlands Park Conservation Areas and to decide whether to confirm the Directions.

Recommendation

That the Committee confirms the non-immediate Article 4 Directions for the Brampton and Watlands Park Conservation Areas as coming into force on 29th June 2017, as set out in the Directions.

Reasons

The consultation period is over and the Council must now decide if the Directions should be confirmed or not.

1.0 Background

- 1.1 The Planning Committee, on 25th April 2017 resolved that a non-immediate Article 4 Direction be issued to remove certain permitted development rights with respect to specified properties within the Brampton and Watlands Park Conservation Areas including rights associated with works of improvement, extension and alteration of a dwelling, works to boundary walls and the demolition of such walls. This was made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 In both cases a non-immediate Direction has been progressed which will come into effect on 29th June if now confirmed. The Council in deciding whether or not to confirm the Directions is required to take into account any representations received during the consultation period.

2.0 Consultation

- 2.1 Representations were invited between 15th May and 5th June 2017. In accordance with legislation, the relevant notifications were undertaken. The Council's Conservation Advisory Working Party supports the making of Article 4 Directions for the Brampton and Watlands Park Conservation Areas. With particular regard to the Watlands Park Conservation Area, the Working Party considered that the Direction is justified as a lot of infill housing has been constructed which is not good quality in appearance and it is necessary to control further development to avoid further unsympathetic alterations damaging the special character of the Conservation Area.
- 2.2 No representations have been received with regard to the Direction for the Brampton Conservation Area. Four representations have been received in connection with Watlands Park Conservation Area. One is from the Watlands Park Residents'

Association and follows a meeting of the Association. These representations are summarised below but copies of the representations are available as background documents, from planningconservation@newcastle-staffs.gov.uk

- 2.3 Watlands Park Residents' Association are concerned on residents' behalf that there is a lack of clarity on what is acceptable if planning permission has to be applied for. The main issues are whether the Council would insist barge boards are replaced with timber ones rather than plastic ones due to expense and maintenance costs; whether the Council would grant planning permission for windows of a "good quality plastic version in keeping with the style of the property"; and if windows which have already been altered or replaced in either upvc or timber can be replaced with plastic. With respect to windows the importance of reducing householders' carbon footprint by installing double glazed windows is emphasised. The Association assert that all residents are unanimous and supportive in the desire for a Conservation Area but that they want to delay the Article 4 Direction confirmation awaiting satisfactory answers to the above questions.
- 2.4 A resident from Woodland Avenue wants more specific information about windows and barge boards and that plastic should be an acceptable alternative given expense of timber and ongoing maintenance costs. They also think the presence of an Article 4 Direction may deter prospective future sale of properties which are affected and prevent people from making their homes more energy efficient. The Residents Association express an opposite concern that properties will become an exclusive enclave due to the constraints of the Article 4 Direction.
- 2.5 A resident from High Street objects to the Direction because it is their property which is the only semi-detached property affected by the Order on High Street. The windows and porch door are already in upvc and they think selling a property will be more difficult with the Direction in place.
- 2.6 A resident from Woodland Avenue objects to the Direction for Watlands Park and feels that it will make living in the area too expensive to maintain the properties leading to a decline in the housing. In general again fears are around replacing bargeboards and windows and the desire to replace with upvc.

3.0 Response to representations

- 3.1 In response, the general points being raised are around replacement windows and barge boards and the ability to change them to upvc. The Residents' Association have raised a number of questions they want answered to their satisfaction before they want to commit to the Direction. The Watlands Park Conservation Area has been designated largely at the request and in conjunction with the Residents Association who have also supported the premise of an Article 4 Direction through the Appraisal process and the consultation upon it. Part of the historic character of the area is the nature and quality of the properties and survival of historic features like porches and windows. The Direction affects only certain properties across the whole Conservation Area including semi-detached properties, detached, terraced and some modern properties which retain historic boundary walls. The rhythm of historic details on terraces or the symmetrical nature of semi-detached properties often makes the features on historic properties more prominent and raises their interest from the public highway. Attached are the maps showing the affected properties for the two areas (Appendix A - The Brampton and Appendix B - Watlands Park)
- 3.2 The Council is unable to pre-determine a development for which there is no application or even pre-application enquiry. An Article 4 Direction means only that planning

permission is required for a change to certain features on a house and each property will have its own individual circumstances. The Direction only affects the front elevation or an elevation which fronts the public highway (some properties may be on a corner).

- 3.3 To provide some clarity however, the Council has granted permission in other Conservation Areas where there is an Article 4 Direction in place for upvc sliding sash windows of a high quality, where the existing windows were originally sash windows. Every case is unique however and some property owners request permission to replace poor quality plastic windows (non-sliding sash), which were already altered prior to the Article 4 Direction, so such changes are often seen as an improvement. There is also a judgement to be made about what is a sympathetic window or door and there is a judgement to be made about what is considered to be a high quality replacement which matches the original window design. Some replacements are better than others. Again each application will be judged on its own merits and particular circumstances so the Council cannot give assurances on what will get permission when no application is before it. Other options are of course secondary glazing where the Council would have no involvement and owners could potentially access a grant to repair and improve the thermal efficiency of their historic windows on the front elevations.
- 3.4 If all historic features, including front boundary walls, historic windows, doors and porches are all removed and replaced with unsympathetic alternatives, the character and appearance of a Conservation Area is likely to be diminished. The local residents within their recently constituted Association have repeatedly requested that the Council recognise this special character and help to conserve the area using the powers available to it.
- 3.5 The Committee should be aware of an existing Article 4 Direction that has been made and confirmed (6th October 2016) in respect of 7 Park Avenue, within Watlands Park Conservation Area. The Residents Association requested that the Council consider designating a Conservation Area within this area and make an Article 4 Direction on this property to help retain the character of this particular plot which was deemed as vulnerable to inappropriate change. The Council agreed and served an “immediate” Article 4 Direction on the property. The reason for undertaking a Direction on an individual property in advance of the designation of the Conservation Area and the wider consideration of the Article 4 Direction was due to the perceived threat of redevelopment of the site following previous planning applications and the good survival of historic features of interest on the property. The process for designating a Conservation Area was underway (but not yet complete) when the Direction was made and a proposal for an Article 4 Direction on other properties was also being considered through the Conservation Area Appraisal and Management Plan process. It is important to be aware this property was not being singled out but that Direction was part of a wider process for the area to help retain its special character.
- 3.6 If the members are minded not to confirm the Direction for Watlands Park Conservation Area, they should also consider if the Article 4 Direction on 7 Park Avenue should be revoked. If not, this then specifically singles out one property within the Conservation Area as special enough to warrant such a Direction. There are in reality many other properties which retain their windows, boundary walls and other features which are just as worthy for protection as 7 Park Avenue.

4.0 Conclusions

- 4.1 That there have been no representations regarding the Article 4 Direction for the Brampton Conservation Area is noted, and in the absence of any new circumstances, confirmation of that Direction is recommended to the Committee
- 4.2 The designation of a Conservation Area for Watlands Park and consideration of a potential Article 4 Direction were raised during the review of the area, which began in conjunction with the Residents' Association in February last year and a joint consultation ran over June and July last year.
- 4.3 In reality the presence of an Article 4 Direction over the last 10 years in other Conservation Areas such as Basford and Betley has not caused problems for either the Council or homeowners and a solution is generally found through the application process. In other Conservation Areas, residents value the historic features their properties have managed to retain and they are often seen as a positive attribute when people are selling their property.
- 4.4 An Article 4 Direction only means that a particular development cannot be carried out under permitted development rights on an elevation fronting the public highway and therefore needs a planning application. This gives a Local Planning Authority the opportunity to consider the proposal in more detail. .
- 4.5 It is considered that the Direction, as set out in the previous report, is justified and will hopefully help to retain the special architectural details which contribute to the character of the area. Accordingly it is also recommended that the Committee now confirm the Watland Park Direction as well as that for the Brampton Conservation Area.

Background documents – Conservation Area Appraisals and Management Plans, Article 4 Directions, and representations received
Report prepared 6th June 2017