

# LONDON BOROUGH OF BRENT

## EXECUTIVE

**DATE: 8<sup>th</sup> December 2003**

**REPORT TITLE : CONSERVATION AREAS REVIEW : CONSULTATION**

### **1.0 SUMMARY**

- 1.1 On the 31<sup>st</sup> March 2003, a report was submitted to Executive regarding the review of the Borough's Conservation Areas, the report explained the Council's duty under the Planning (Listed Building and Conservation Areas) Act 1990 to review its historic areas and develop proposals for their long term preservation and enhancement. (Please see report in Appendix Four) The report outlined the significant issues and highlighted that the review had identified that a number of the Borough's Conservation Areas had lost the character that led to their designation. The Executive noted the recommendation within the report to remove Conservation Area status from these areas but instructed your officers to carry out a thorough consultation exercise with the results reported back to Planning Committee (29<sup>th</sup> October 2003) and subsequently to the Executive.
- 1.2 This report outlines the methodology for the consultation exercise and the responses received by the Council's Planning Service. It analyses the responses, discusses the technical and legal considerations and outlines recommendations for the future of the Borough's Conservation Areas.

### **2.0 RECOMMENDATION**

- 2.1 That, although the consultation exercise has identified that a high number of the residents of some Conservation Areas wish to retain Conservation Area designations, Executive approves that the following Conservation Areas are de-designated as Statutory Conservation Areas, because they do not retain a sufficient level of preservation to technically justify in planning terms, national conservation status.
  - 2.1.1 The de-designation of Butlers Green as a Conservation Area.
  - 2.1.2 The de-designation of the Kenton Conservation Area.
  - 2.1.3 The de-designation of Stanley Avenue as a Conservation Area.
  - 2.1.4 The de-designation of Woodheyas and Gresham Conservation Area
  - 2.1.5 The de-designation of Slough Lane Conservation Area
  - 2.1.6 The de-designation of Manor Close as a Conservation Area.
  - 2.1.7 The de-designation of Wembley Hill as a Conservation Area.
  - 2.1.8 The de-designation of Preston Park as a Conservation Area.
  - 2.1.9 The de-designation of Queens Walk as a Conservation Area.
  - 2.1.10 The de-designation of King Edward VII Conservation Area.

- 2.2 That, in recognition of the strength of feeling from some residents and the contribution by some of the areas to the Borough's local character, Executive may wish to consider that certain Conservation Areas from the list above are considered for re-designation as "**Areas of Distinctive Residential Character**" through the Council's policy BE28 in the Unitary Development Plan 2000 -2001 (Revised Deposit Plan). Residents of Queens Walk and Preston Park Conservation Areas have specifically indicated to officers that if their areas are de-designated as Conservation Areas they wish to be re-designated as Areas of Distinctive Residential Character.

## **PLANNING COMMITTEE**

At their meeting of the 29<sup>th</sup> October 2003, the Planning Committee considered a report on the results of the consultation exercise on the de-designation of ten of the Boroughs Conservation Areas (listed in section 2.1 of this report). The issues were discussed and a number of speakers were heard as part of the deliberations. The Planning Committee voted to recommend to the Executive the proposals in Section 2.0 of this report. The Committee also recommended that the Executive consider the re-designation of the ten Conservation Areas as "**Areas of Distinctive Residential Character**"

## **3.0 FINANCIAL IMPLICATIONS**

- 3.1 There are no extra financial implications to those identified in the report to the Executive on the 31<sup>st</sup> March 2003. However, for information, the financial section from the Executive report is repeated in Italics below:
- 3.2 *There are considerable costs associated with effective Conservation. It is desirable to exercise greater control over development through the application of Article 4 Directions, removing permitted development rights, producing more detailed planning guidance, and to engage staff with specialist knowledge. There is also a need for effective pro-active enforcement to ensure that environmental standards are maintained.*
- 3.3 *The Planning Service currently has one specialist conservation post, half funded by a grant from English Heritage. Local Authorities of the size of Brent generally have small-dedicated teams of officers dealing with conservation work. In order to address the issues around resources set out in this respect, it is estimated that budget growth of £133k will be required. This sum has been identified in the Environmental Services, Service Development Plan as growth for 2004/5.*
- 3.4 *If the Executive are minded to approve the recommendation from section 2.4 of this report, there would be an increase in fee exempt applications to the Planning Service. The Planning Act requires the advertisement of applications for development in Article 4 Conservation Areas,*
- 3.5 *The legal implications of designations, de-designations and the imposition of Article 4 Directions are very complex; the Borough Solicitor will need to advise on this and these comments will be incorporated into the report containing the final recommendations.*

- 3.6 *In section 2.6 your Officers recommend the establishment of an annual Conservation Area shortfall grant that would be used to help residents of Conservation Areas meet the extra over costs of specialist building work in their area. Your officers suggest an initially low figure of £2000 per area plus an additional £2,000 for the 7 largest Conservation areas giving a total for 22 areas of £58,000*
- 3.7 *The requirement of a further or existing half-planning post to process fee exempt applications and undertake effective enforcement work will have a financial implication of approximately £30,000*
- 3.8 *To enable the recommendations of Section 2.0 to be implemented within an acceptable time a Conservation Assistant post would have a financial implication of £30,000*
- 3.9 *The required consultation exercises may conservatively be expected to cost £750 per area, so with 10 de-designations and 9 new Article 4 directions expected consultation costs may be £15,000*

#### **4.0 STAFFING IMPLICATIONS**

- 4.1 No further staffing implications have been identified from this report. However, the implications for staff resources for the de-designation and rationalisation of the remaining Conservation Areas are set out in the report to Executive 31<sup>st</sup> March 2003.

#### **5.0 ENVIRONMENTAL IMPLICATIONS**

- 5.1 The de-designation of some of the Borough's Conservation Areas will enable officers to concentrate the Council's limited resources on the Conservation Areas that justify their status. Significantly, a fully reviewed and rationalised historic asset will enable officers to make sustainable credible applications for external funding for the Conservation of the Borough's historic areas.

#### **6.0 LEGAL IMPLICATIONS**

- 6.1 Local Planning Authorities under the Planning (Listed Buildings and Conservation Areas) Act 1990 have a statutory duty from time to time to formulate and publish proposals for the preservation and enhancement of conservation areas. These proposals must be submitted to a public meeting and the Local Authority must have regard to any views expressed at the meeting.
- 6.2 The Council can designate conservation areas under s 69 of the Listed Buildings Act 1990. There is no statutory provision, however, for de designation. It is assumed that the power to de-designate must be available because of the wording of s 70(5) requiring notice of cancellation. The de-designation of Conservation Areas can be undertaken by the Council as Local Planning Authority, without the need to consult local residents.

However, in this case local consultation was carried out. This should avoid any potential challenge to the decision on the basis the Council was acting capriciously or unreasonably. De-designation must be notified to the Secretary of State and publicised because of the wording of s 70(5) requiring notice of cancellation. The Secretary of State's guidance is set out in PPG 15.

6.3 Under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 the Council can make directions which restrict development in conservation areas which development would otherwise be permitted under that Order. This can be of use in retaining the character of the area.

In particular Article 4(2) Directions can be made without the need to obtain the Secretary of State's approval. These have the effect that residents have to apply for planning permission for certain categories of building work that affects any part of their house that faces onto the public highway, a waterway or public open space. This includes the following works:

- All building extensions, alterations and additions, which include erection of porches, garages and alterations to chimneys.
- Alterations and replacement of windows.
- Any change to or alterations to the roof slope - including re-covering and the insertion of a Dormer or Roof light.
- Painting, in any colour, of the following parts of a home:
- Entrance doors and doorframes, Window frames and Sills, Brick, Tiled or Rendered wall surfaces
- Alterations to front walls gates and fences
- The formation of vehicular hardstanding

## **7.0 CONSULTATION METHODOLOGY**

7.1 In order that the consultation was carried out in a fair and thorough way, the Council wrote to every household within each Conservation Area, explaining the Council's proposals and the implications of Conservation Area status, Article 4 Directions and de-designation - (A copy of the consultation letter is shown in Appendix One). In order to prevent discrimination against single person households, the Council has counted one vote from each household so that the percentage of responses from send outs can be established.

7.2 During the Consultation the Planning Service held evening consultation surgeries on Wednesday 11, 18 and 25th June 2003 between 5.00pm and 7.00 pm where residents could register their views personally.

7.3 All respondents were subsequently invited by letter to their respective Area Consultative Forums where officers gave a presentation on the implications and issues surrounding the de-designations.

## 8.0 CONSULTATION RESULTS

### 8.1 Responses to the Consultation Letter

All the responses have been registered and statistically processed, a complete analysis of the results is shown in (Appendix Two). A summary is shown below

#### 8.1.1 Butlers Green Conservation Area:

Total Number of Households Responding	61
Total Number of Responding Households <b>For</b> De-designation	25
Total Number of Responding Households <b>Against</b> De-designation	36
Total Number of Households Consulted	107
Percentage of Households that were Consulted that Responded	57%
Of those who Responded Percentage <b>For</b> De-designation	41%
Of those who Responded Percentage <b>Against</b> De-designation	59%

#### 8.1.2 Kenton Conservation Area:

Total Number of Households Responding	92
Total Number of Responding Households <b>For</b> De-designation	1
Total Number of Responding Households <b>Against</b> De-designation	91
Total Number of Households Consulted	181
Percentage of Households that were Consulted that Responded	51%
Of those who Responded Percentage <b>For</b> De-designation	1%
Of those who Responded Percentage <b>Against</b> De-designation	99%

#### 8.1.3 Stanley Avenue Conservation Area:

Total Number of Households Responding	4
Total Number of Responding Households <b>For</b> De-designation	3
Total Number of Responding Households <b>Against</b> De-designation	1
Total Number of Households Consulted	29
Percentage of Households that were Consulted that Responded	14%
Of those who Responded Percentage <b>Against</b> De-designation	25%
Of those who Responded Percentage <b>For</b> De-designation	75%

#### 8.1.4 Woodheyes and Gresham Roads Conservation Area:

Total Number of Households Responding	4
Total Number of Responding Households <b>For</b> De-designation	3
Total Number of Responding Households <b>Against</b> De-designation	1
Total Number of Households Consulted	172
Percentage of Households that were Consulted that Responded	2%
Of those who Responded Percentage <b>Against</b> De-designation	25%
Of those who Responded Percentage <b>For</b> De-designation	75%

#### 8.1.5 Slough lane Conservation Area

Total Number of Households Responding	55
Total Number of Responding Households <b>For</b> De-designation	0
Total Number of Responding Households <b>Against</b> De-designation	55
Total Number of Households Consulted	72
Percentage of Households that were Consulted that Responded	76
Of those who Responded Percentage <b>For</b> De-designation	0%
Of those who Responded Percentage <b>Against</b> De-designation	100%

### 8.1.6 Manor Close Conservation Area

Total Number of Households Responding  
 Total Number of Responding Households **For** De-designation  
 Total Number of Responding Households **Against** De-designation  
 Total Number of Households Consulted  
 Percentage of Households that were Consulted that Responded  
 Of those who Responded Percentage **Against** De-designation  
 Of those who Responded Percentage **For** De-designation

24	
14	
	10
51	
47%	
42%	
58%	

### 8.1.7 Wembley Hill Garden Suburb Conservation Area

Total Number of Households Responding  
 Total Number of Responding Households **For** De-designation  
 Total Number of Responding Households **Against** De-designation  
 Total Number of Households Consulted  
 Percentage of Households that were Consulted that Responded  
 Of those who Responded Percentage **For** De-designation  
 Of those who Responded Percentage **Against** De-designation

75	
1	
	74
125	
60%	
1%	
99%	

### 8.1.8 Preston Park Conservation Area

Total Number of Households Responding  
 Total Number of Responding Households **For** De-designation  
 Total Number of Responding Households **Against** De-designation  
 Total Number of Households Consulted  
 Percentage of Households that were Consulted that Responded  
 Of those who Responded Percentage **For** De-designation  
 Of those who Responded Percentage **Against** De-designation

489	
26	
	463
1385	
35%	
5%	
95%	

### 8.1.9 Queens Walk Conservation Area

Total Number of Households Responding  
 Total Number of Responding Households **For** De-designation  
 Total Number of Responding Households **Against** De-designation  
 Total Number of Households Consulted  
 Percentage of Households that were Consulted that Responded  
 Of those who Responded Percentage **For** De-designation  
 Of those who Responded Percentage **Against** De-designation

45	
1	
	44
47	
96%	
2%	
98%	

### 8.1.10 King Edward VII Conservation Area

Total Number of Households Responding  
 Total Number of Responding Households **For** De-designation  
 Total Number of Responding Households **Against** De-designation  
 Total Number of Households Consulted  
 Percentage of Households that were Consulted that Responded  
 Of those who Responded Percentage **For** De-designation  
 Of those who Responded Percentage **Against** De-designation

143	
8	
	135
401	
36%	
6%	
94%	

- 8.2 The results of the consultation are very clear and for most areas the statistical majority of the households who responded are quite definite that they want to retain some form of Conservation Area Status for their area. It is only Stanley Avenue, Woodheyes and Gresham roads and Manor Close where residents who responded support de designation of their Conservation Areas.

### 8.3 Area Consultative Forums

#### 8.3.1 Wembley Area Consultative Forum (Wednesday 3<sup>rd</sup> September 2003)

(This Area Forum includes the Stanley Avenue, Preston Park, Wembley Hill Garden Suburb, King Edward VI and Butlers Green Conservation Areas)

Residents that attended the forum were well informed of the issues and were adamant that their Conservation Areas were to retain a conservation status. They are concerned about the ability of developers to demolish houses and build high density flat blocks. Officers of the Council presented a detailed explanation of the issues including the changes in the General Permitted Development Order 1995 (As Amended) that prevents indiscriminate demolition of dwellings. The presentation covered proposals for the future which included the re designation of the five Conservation Areas as “**Areas of Distinctive Residential Character**”. Officers have recently met representatives of the Preston Park residents group and have agreed that should the de-designation go ahead that this is their preferred option for the future.

#### 8.3.2 Harlesden Area Consultative Forum (Thursday 4<sup>th</sup> September 2003)

(This Area Forum includes the Woodheyes and Gresham Conservation Area)

There was no representation from the residents of the Woodheyes and Gresham Conservation Area and the majority (75%) of households who responded were in favour of de-designation.

#### 8.3.3 Kingsbury/ Kenton Area Consultative Forum (Thurs 11<sup>th</sup> September 2003)

(This Forum includes the Slough Lane, Manor close and Wembley Garden Suburb Conservation Areas)

As with the residents at the Wembley area Consultative forum residents of the Kingsbury Kenton Area were, and are, concerned about the ability of developers to demolish houses and build high density flat blocks. Officers reiterated the issues including the changes in the General Permitted Development Order (GDPO) in 1995 that prevent indiscriminate demolition of dwellings. Some residents expressed concerns about a fall in the value of their homes. However, it is only Conservation Area where there are high levels of preservation where the value of individual homes is appreciably higher than outside Conservation Areas.

### **8.3.4 Willesden Area Consultative Forum**

( Weds 1<sup>st</sup> October 2003)

(This Area Forum includes the Queens Walk Conservation Area)

The residents of Queens Walk Conservation Area are perhaps the most concerned about insensitive development within their area; they are worried about large scale development out of character with their homes and gardens.

Discussions have identified that the residents were reassured about planning policy changes and if their area has to be de-designated would like the Queens Walk to be re-designated as an “**Area of Distinctive Residential Character**” to highlight the importance of the area within the borough,

## **9.0 RESIDENTS CONCERNS (SUMMARY)**

9.1 The consultation exercise has identified that the majority of residents who responded wish to retain Conservation Status for their areas and cite many reasons why they are concerned about de designation. However there is a consistent worry amongst residents that wholesale development will ensue. The following were of most concern to residents:

### **RESIDENTS DIRECT RESPONSES (ALL AREAS)**

9.1.1 Residents are worried that if their areas lose Conservation Area status other residents or developers will be able to purchase a number of houses within a street and demolish them to enable the development of multi story housing blocks.

#### **Council response / discussion**

Conservation Area status does not prevent development, the legislation passed by parliament Planning (Listed building and Conservation Areas) Act 1990 to define Conservation Area status, was not intended to prevent development. Conservation Area legislation is intended to aid residents, Local Planning Authorities and Councils to control the way in which development is carried out to ensure that an areas special character is preserved.

Since the designation of many of the Borough's Conservation Areas the General Permitted Development Order 1995 has been changed to prevent the demolition of houses without the submission of an application to the Council for its prior approval of the method of demolition and of the proposed restoration of the site. This means that the Council has the opportunity to assess these.

Should your committee be minded to support officer's recommendations residents can be reassured that the Council has many other policies within the Unitary Development Plan 2000 - 2010 which control the character and density of new development that does not rely on Conservation Area status to prevent inappropriate over intensive development. Theses are: BE2 (Local Context and Character) BE3 (Urban Structure: Space and Movement) BE9 (Architectural Quality) and BE10 (High Buildings)



### **Residents Concern (specific to Kenton Conservation Area)**

- 9.1.2 Some residents expressed concern that the removal of the Conservation Area status would result in the loss of community facilities and open space.
- 9.1.3 Residents also expressed concerns about intensive development.

### **Council response / discussion**

Conservation Area status in this context only deals with the built environment the provision of community facilities is outside the remit of Conservation and Planning control.

If the area is de-designated as a Conservation Area the open spaces and facilities of the area will be protected by a complete section in the UDP that deals with community facilities and open space. Unitary Development Plan 2000-2010 policies include: OS2 (Acceptable uses on MOL), OS3 (Development on MOL), OS6 (Public Open Space)

### **Residents Concern (specific to Slough Lane Conservation Area)**

- 9.1.4 A number of the residents of Slough Lane were concerned about the possible threat to the Trobridge Thatched House that constitutes the Majority of the buildings within the Conservation Area.

### **Council response / discussion**

The Thatched Trobridge houses are either statutorily or locally listed which confers either Statutory or Local UDP Policy BE23 protection to these buildings. The Council has recently completed a survey of the Trobridge buildings within the Borough to establish their condition and level of preservation with a view to reassessing their status in conjunction with English Heritage.

The majority of the remaining buildings within the Conservation Area are residential “buildings of multiple occupancy” and as such do not enjoy permitted development rights. This means that the owners have to apply to the Council for planning permission for even the simplest of alterations. This means that permitted development alterations are not possible on these buildings

### **Residents Concern (Woodheyas and Gresham Roads)**

- 9.1.5 A relatively small number of residents responded to the consultation letter. However, concern was expressed about the impact of “Absentee Landlords” neglecting their buildings.

## Council response / discussion

Conservation Area status will not prevent neglect by building owners the planning Service of the Council has very limited powers and resources to compel owners to maintain their houses.

- 9.2 The concerns expressed by the respondents to the consultation letter were mainly regarding the potential for uncontrolled demolition and over intensive unsympathetic development. The revised policies of the Unitary Development Plan 2000 - 2010 mean that the Council now has positive control over this type of development.

## 10.0 CONCLUSIONS

- 10.1 The Consultation with residents of the Conservation Areas proposed for de-designation has identified some very clear concerns and ideas for the future of the Borough's historic environment. The following conclusions can be summarised as follows:

10.1.1 In examining the responses from the consultation exercise the majority of residents that responded have indicated that they are against de-designation. Your Officers have examined the views expressed and have not found any convincing planning reasons for maintaining a statutory Conservation Area status for any of the areas listed in Paragraph 2.1 above. In particular officers have not been convinced that the areas have sufficient survival of historic building features and special character that sets these areas apart from other areas within the Borough and the Country

10.1.2 The revised UDP will reassure residents that intensive development can still be controlled if de-designations are carried out. Your officers are of the opinion that the revised GDPO 1995 provides the extra control over demolition that resident are concerned will be lost through de-designation

10.1.3 In two cases Preston Park and Queens Walk residents would like their areas to be re-designated as "**Areas of Distinctive Residential Character**" to recognise their contribution to the character of the Borough and give the areas the residual protection of UDP Policy BE28

10.1.3 This rigorous, balanced review of the Borough's Conservation Areas means that the Council is responding effectively and efficiently to duties placed upon it by central government and the Statutory Planning Acts. This should reflect well on Brent Council, particularly in light of the recent publication "**Protecting our Historic Environment: Making the system work better**" July 2003 by the Department for Culture Media and Sport. The document encourages Local Authorities to review and rationalise their historic assets. In the Forward, Tessa Jowell, Secretary of State for Culture Media and Sport states:

*"There is a broad consensus that it is time for reform to create a more simple, open, flexible but rigorous system."* (Page.2)

The Publication also discusses the need to conserve the best and allow environmental change that is based on sustainable conservation standards.

*“The system must be robust enough to conserve the best and to continue to take on board changes in what people value without devaluing currency.” (Page 5)*

In addition, English Heritage is keen to support Local Authorities in this type of review (please see email from the Historic Buildings Inspector for North West London for English Heritage in Appendix Three).

10.1.4 A rationalised historic environment will help to attract potential external funding for the Borough’s buildings and Conservation Areas. This would enable controlled, planned maintenance and restoration of the Borough’s historic landscape.

10.1.5 The Council will be able to concentrate its present restricted resources to the remaining Conservation Areas that have a higher level of historic preservation. The Council will be able to provide Better Value in its all-round conservation service.

10.2 Although the process of Conservation Area review has been protracted and contentious the careful rigorous assessment and subsequent consultation and discussion has led to a relatively satisfactory resolution of the concerns of residents and the standards required by English Heritage and Planning Policy Guidance Note 15.

## **BACKGROUND INFORMATION**

### **Details of Documents:**

Planning (Listed building and Conservation Areas) Act 1990  
Planning Policy Guidance Note 15 (PPG15)  
General Permitted Development Order 1995 (as amended)  
Brent Unitary Development plan as revised 2000 – 2010  
Report to Executive 31<sup>st</sup> March 2003 “Review of Conservation Areas”  
“Protecting our historic environment: Making the system work better” ODPM (DCMS)

Any person wishing to inspect the above papers should contact Mark Smith  
Planning Service,  
Brent House,  
349 High Road,  
Wembley,  
Middlesex HA9 6BZ,  
Telephone: 02089375213

Richard Saunders  
Director of Environment

Chris Walker  
Director of Planning

## **Appendix One**

**BRENT HOUSE,  
349-357 HIGH ROAD,  
WEMBLEY. HA9 6BZ**  
CONTACT: Mark Smith  
TELEPHONE: 020 8937 5018  
FACSIMILE: 020 8937 5207  
E-MAIL: mark.smith@brent.gov.uk  
WEB SITE: http://www.brent.gov.uk

Owner/Occupier,

Dear Sir/Madam

**Planning (Listed Buildings and Conservation Areas) Act 1990** **6<sup>th</sup> June 2003**  
**Consultation: Proposed De-Designation of XXXXXXXXXX Conservation Area**

The Council has over the last two years carried out a detailed survey of the condition of all the Conservation Areas within the Borough and unfortunately the findings have been very disappointing. This letter has been sent to you because your home or property is in the XXXXXXXXXX **Conservation Area** and the Council is proposing to **remove** from the area the **Conservation Area status** and the extra restrictions that the status puts on your house. The re-survey is one of the duties placed on the Council by Central Government through the Planning (Listed Building and Conservation Areas) Act 1990. The Council has found that the character that prompted the designation of Butlers green Conservation Area has been mostly lost and that the area can no longer justify its status or the extra control that restricts the type of changes that residents can make without planning permission. The Loss of character has mainly come about because of alterations and smaller extensions carried out under what is called "**permitted development**" (please see explanation below). Unfortunately, windows have been replaced with PVCu alternatives, roof coverings have been changed to artificial materials and parking areas have been created in front gardens. All these alterations mean that the area no longer justifies its Conservation Area status.

**What is Permitted Development?**

Normally, if you live outside a Conservation Area, you have certain development (building work) rights through the **Planning (General Permitted development) Order 1995**. This Order allows you to carry out certain types of building and alteration work at your home without the need to apply to the Council for planning permission. **Permitted development** allows the demolition of or building of a small extension up to 70m<sup>3</sup>. If you live in a Conservation Area, these rights are reduced to restrict the size of smaller extensions that you can build or demolish without permission to 50 m<sup>3</sup>. However, if you live in a Conservation Area that has the extra restrictions of an **Article 4 Direction** applied to it, (**at the moment XXXXXXXXXX Conservation Area does not**) most of these permitted development rights to do work to the public faces (those which face onto the road) and front garden/yard are removed all together.

**What is an Article 4 Direction?**

An Article 4 Direction is a special control, which gives extra protection to a Conservation Area by removing most of resident's **Permitted Development** rights. The **Article 4 Direction** means that residents will have to apply for Planning permission to do work to the public elevations (faces) of their homes - so replacement of windows, alterations to chimneys and roof coverings and alterations to front gardens, would require Planning permission. **At present there is no Article 4 Direction at Butlers green Conservation Area.**

However if residents wish to keep the Conservation Area status The Council will have to impose a direction if it is to prevent further loss of character.

### **What does De-designation mean to you and for your home:**

After this consultation with residents, the Council will analyse your responses and will continue its de- designation process in accordance with resident's wishes. This means that after the consultation is complete there may be two courses of action and each will affect your home and you as a resident of Butlers green Conservation Area. The following two sections explain the impact of both alternatives.

#### **Alternative One: If the Conservation Area is De-designated.....**

- The size (volume) of extensions that you are allowed to build without planning permission will increase from 50m<sup>3</sup> to 70m<sup>3</sup>
- The Council will not have to spend extra time assessing the conservation element of Planning enabling quicker decisions.
- As part of planning applications the Council will not need to encourage you to replace existing building features with identical replicas. In particular, the Council will not discourage PVCu windows purely on heritage grounds.
- The Council will not require that you pay extra special attention to the detailed design of extensions and the quality of building materials.
- The costs of design and materials for alterations and extensions outside a Conservation Area is normally less that the costs for alteration and extensions inside a Conservation area

#### **Alternative Two: If the Area Remains as s Conservation Area.....**

- The size (volume) of extensions that you are allowed to build without permission will remain at 50m<sup>3</sup>
- The Council will have to continue paying extra special attention to the conservation parts of your application which if properly done takes extra time.
- As your Conservation Area has now lost most of its historic character the Council will have to act to prevent the loss of what little remains and apply an **Article 4 Direction** (see explanation above) to help the Council to try and restore the character that has been lost.
- The Council will work hard to encourage you to replace parts of buildings with accurate historic replicas and materials and require that extra special attention is paid to the quality of detailed design of alterations and extensions and materials from which they are made.
- The quality of design and materials that are required to maintain the character of a Conservation Area will normally cost more that the same sort of extension outside a Conservation Area.
- The Council will have to apply an **Article 4 Direction** to allow the Council to guide the restoration of the character of the area. This will then mean that you will have to apply for Planning permission for window replacement, roof covering replacement, chimney alterations and paving work to your front garden.

I hope the above is clear, but if not please call me on the number above for further explanation of the issues raised in this letter.

The Council has also arranging Consultation sessions where you can discuss the de-designations and put your views to a Council officer in person on Wednesday 11<sup>th</sup> June 2003 between 5.00pm and 7.00 pm at the One Stop Shop Brent house (address at top of letter) Which ever response you choose, it is important that your comments and ideas are included in the Councils discussions and reports. Therefore, if you would like to formally register your point of view about the de-designation of the Butlers green Conservation Area, please **comment in person** at the evening session, or **telephone**, **E-mail** or **write** to me at the above address by the **27<sup>th</sup> June 2003**. The Council will take then take your views into account when making any decisions on the de-designation of Butlers green Conservation Area.

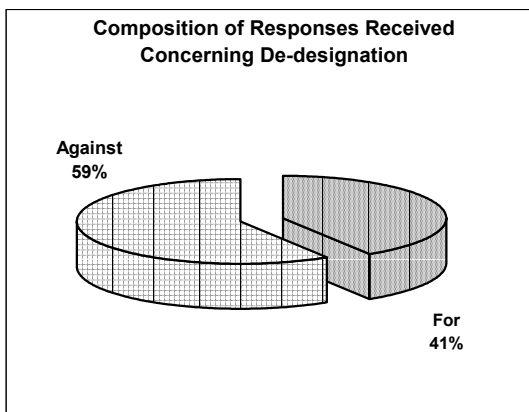
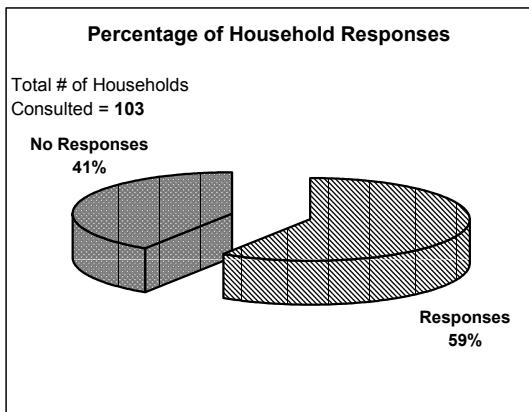
Yours faithfully,

Mark Smith  
Principal Design and Conservation Officer

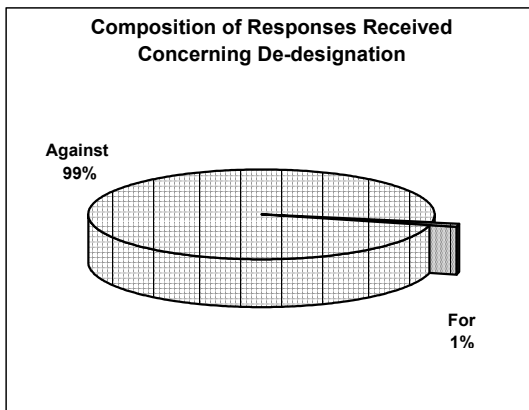
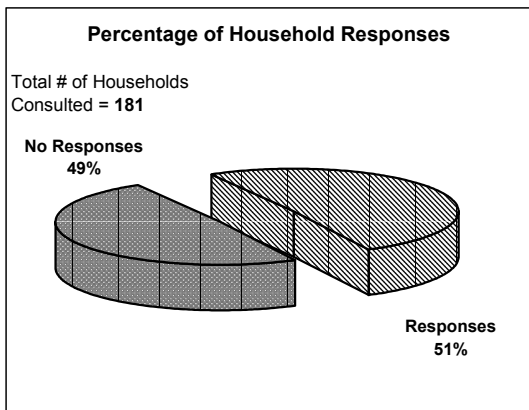
## **Appendix Two**



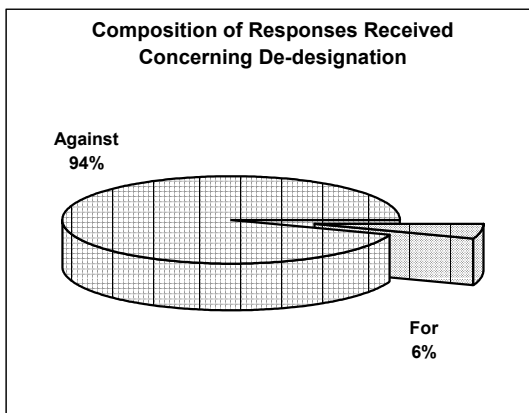
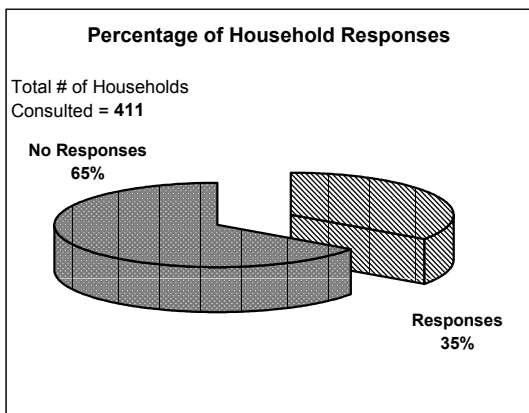
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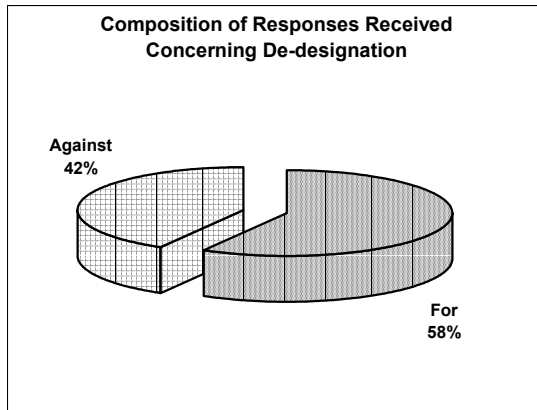
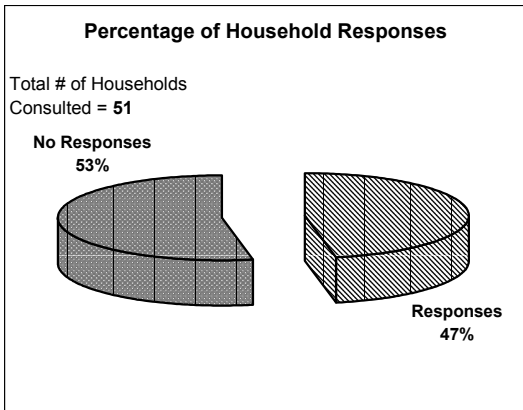
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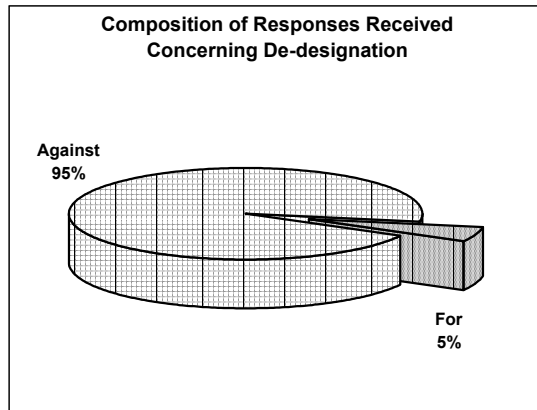
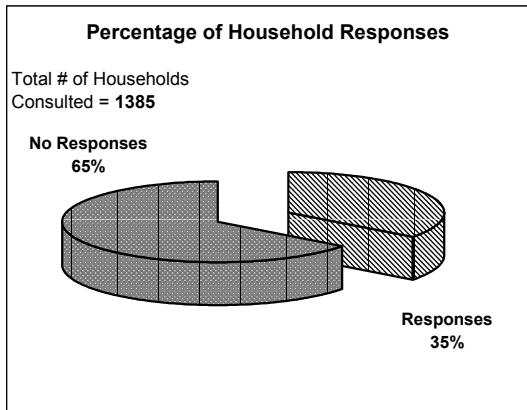
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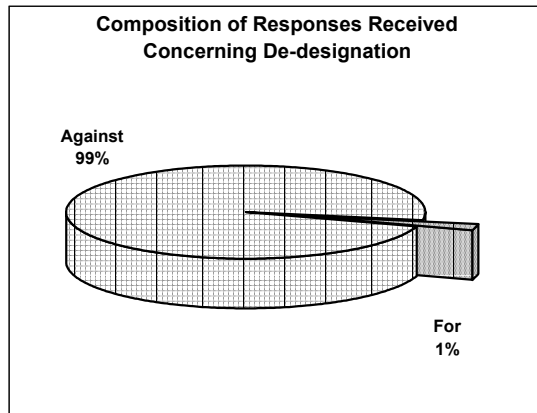
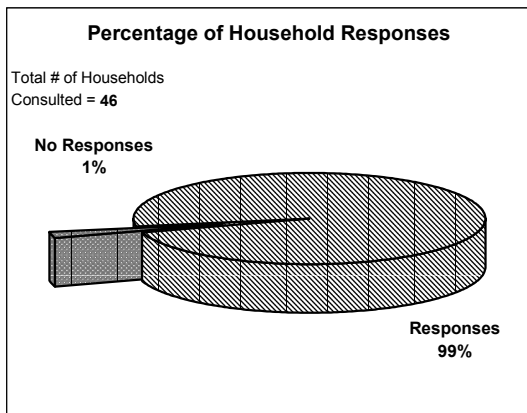
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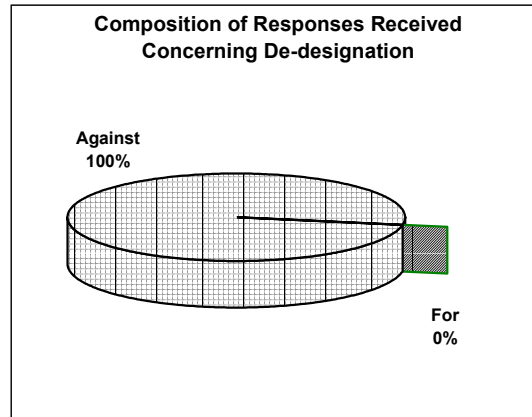
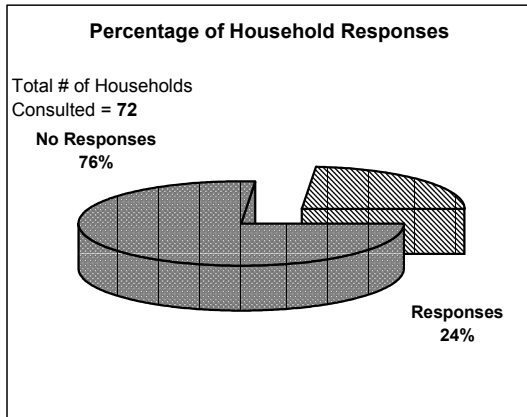
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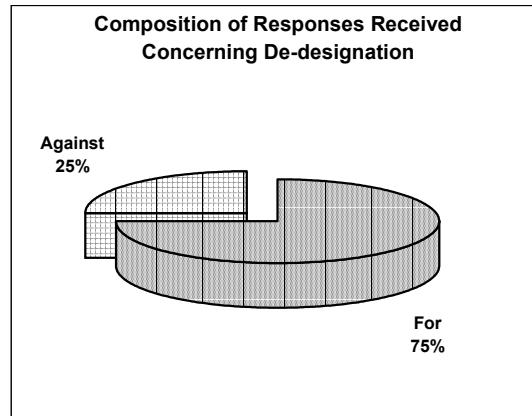
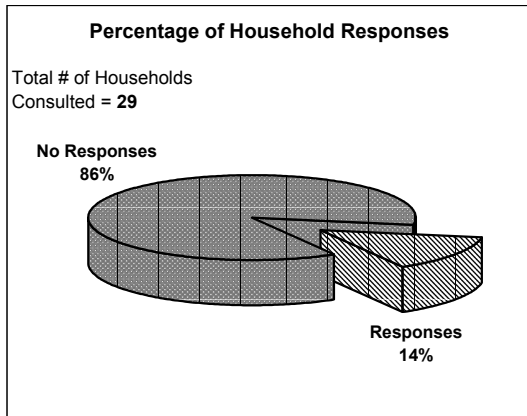
**QUEENS WALK CONSERVATION AREA CONSULTATION**



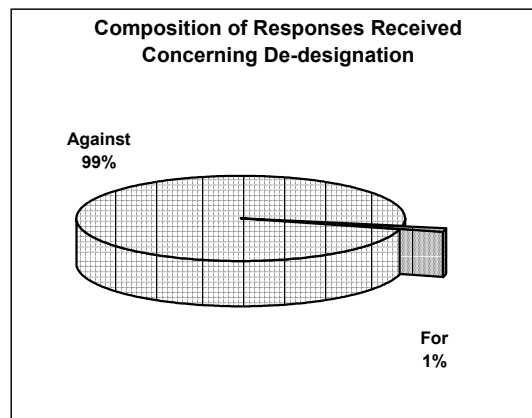
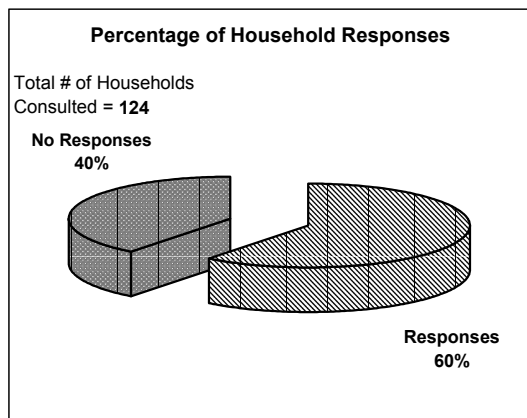
### SLOUGH LANE CONSERVATION AREA CONSULTATION



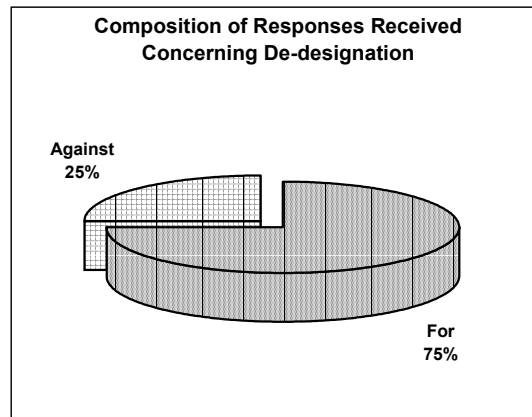
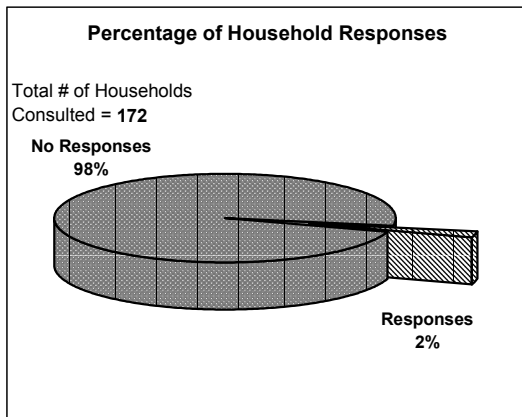
### STANLEY AVENUE CONSERVATION AREA CONSULTATION



### WEMBLEY HILL CONSERVATION AREA CONSULTATION



# WOODHEYES & GRESHAM CONSERVATION AREA CONSULTATION



## **Appendix Three**

**E - mail from Roger Mascall , English Heritage**

**Historic buildings Inspector,**

**English Heritage**

Sorry for the delay in responding, but today is my first day back in the office.

I note that the conservation area review is noted within the work programme, submitted for agreement.

I am happy to confirm my views, expressed during our tour around the conservation areas in question, that the principle of de-designation was in this case soundly based upon a reasoned review of the qualities of the areas. Specifically, many of the areas were at best, borderline cases at the time of designation. Since that time, lack of management and control over householder alterations has eroded the character of the areas further. Our discussion about recent householder appeals revealed that in light of such wide-scale alterations to driveways, doors, windows and boundaries, your Council has little chance of sustaining a valid case.

That is not to say that the areas are not in themselves attractive residential areas, but the necessary requirement to encompass special architectural or historic interest, is not met.

I fully support your aim of wishing to focus sound conservation area management to the remaining areas. This will require resources to control and implement Article 4 Directions etc.

Roger

## **Appendix Four**

## **EXECUTIVE**

DATE: 31<sup>st</sup> March 2003

REPORT NO: /03  
FOR / ACTION

FROM THE DIRECTOR OF ENVIRONMENT  
NAME OF WARD: ALL

### **REPORT TITLE : THE REVIEW OF CONSERVATION AREAS**

#### **1.0 SUMMARY**

- 1.1 Conservation Areas are designated to "Preserve and enhance" (Planning Policy Guidance Note 15) the character of important historic areas and they need ongoing active management if they are to survive and develop in a way that preserves their character. Although the London Borough of Brent has 32 Conservation Areas, the Council has, and had, very limited conservation resources and over a number of years many areas have fallen into serious decline. If nothing is done to prevent the continued decline of the Borough's Conservation Areas, the already serious situation will get considerably worse.
- 1.2 A review of all of the Borough's Conservation Areas has been carried out and the findings suggest that a number of the existing 32 should lose their designation so that limited conservation resources can be concentrated on the remaining areas. It is also suggested that additional staff and financial resources be identified and applied to the remaining Conservation Areas to avoid further significant decline

#### **4.0 RECOMMENDATIONS**

- 4.1 Members agree that due to the erosion of the historic and architectural character in many Conservation Areas the following 10 Conservation areas are considered for de-designation and a programme of consultation is undertaken and officers are instructed to report the results back to the Executive to make a decision. The areas recommended for de designation are:
  - 4.1.1 The de-designation of Butlers Green as a Conservation Area.
  - 4.1.2 The de-designation of the Kenton Conservation Area.
  - 4.1.3 The de-designation of Stanley Avenue as a Conservation Area.
  - 4.1.4 The de-designation of Woodheyas and Gresham Conservation Area
  - 4.1.5 The de-designation of Slough Lane Conservation Area
  - 4.1.6 The de-designation of Manor Close as a Conservation Area.
  - 4.1.7 The de-designation of Wembley Hill as a Conservation Area.
  - 4.1.8 The de-designation of Preston Park as a Conservation Area.
  - 4.1.9 The de-designation of Queens Walk as a Conservation Area.
  - 4.1.10 The de-designation of King Edward VII Conservation Area.



- 2.2 That the Executive agrees the creation of a post for a Conservation Assistant, subject to approval during the 2004/5 Budget process.
- 2.3 That the Executive agrees the creation of a post for an Enforcement Assistant, subject to approval during the 2004/5 Budget process.
- 2.4 That the Executive approves the priorities and programme for the implementation of the character appraisals, production of Design Guides and the imposition of Article 4 Directions. (Please See Appendix One)
- 2.5 That the Executive considers the allocation of a budget for a conservation grant scheme, subject to approval during the 2004/5 Budget process. (Please see Para 3.2.3.) This will assist building owners to meet the extra over Costs of Conservation work. (As a comparative example, The London Borough of Wandsworth has 44 Conservation Areas with a £120,000.00 per year, main programme conservation grant allocation).

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 There are considerable costs associated with effective Conservation. It is desirable to exercise greater control over development through the application of Article 4 Directions, removing permitted development rights, producing more detailed planning guidance, and to engage staff with specialist knowledge. There is also a need for effective pro-active enforcement to ensure that environmental standards are maintained.
- 3.2 The Planning Service currently has one specialist conservation post, half funded by a grant from English Heritage. Local Authorities of the size of Brent generally have small-dedicated teams of officers dealing with conservation work. In order to address the issues around resources set out in this respect, it is estimated that budget growth of £133k will be required. This sum has been identified in the Environmental Services, Service Development Plan as growth for 2004/5.
- 3.2.1 If the Executive are minded to approve the recommendation from section 2.4 of this report, there would be an increase in fee exempt applications to the Planning Service. The Planning Act requires the advertisement of applications for development in Article 4 Conservation Areas,
- 3.2.2 The legal implications of designations, de-designations and the imposition of Article 4 Directions are very complex; the Borough Solicitor will need to advise on this and these comments will be incorporated into the report containing the final recommendations.
- 3.2.3 In section 2.6 your Officers recommend the establishment of an annual Conservation Area shortfall grant that would be used to help residents of

Conservation Areas meet the extra over costs of specialist building work in their area. Your officers suggest an initially low figure of £2000 per area plus an additional £2,000 for the 7 largest Conservation areas giving a total for 22 areas of **£58,000**

3.2.4 The requirement of a further or existing half-planning post to process fee exempt applications and undertake effective enforcement work will have a financial implication of approximately **£30,000**

3.2.5 To enable the recommendations of Section 2.0 to be implemented within an acceptable time a Conservation Assistant post would have a financial implication of **£30,000**

3.2.6 The required consultation exercises may conservatively be expected to cost £750 per area, so with 10 de-designations and 9 new Article 4 directions expected consultation costs may be **£15,000**

#### **4.0 STAFFING IMPLICATIONS**

4.1 The significant financial implications of the review and de-designations on staffing are discussed above. However, the following section discusses the implications in more detail. The rationalisation process is scheduled and prioritised in (Appendix 1.0). The workload described represents many hours of officer time there are 10 de-designation Proposals, 9 new Article 4 Directions and 22 character Appraisals. This work represents up to 5 years for the Conservation Area rationalisation process and an ongoing workload for the Character appraisals.

4.1.1 At present, the Planning Service receives approximately 90 applications per year for work to buildings in Conservation Areas with Article 4 Directions. This means that one third of a planning officer post is involved in processing applications for which the council cannot charge a fee. If your committee approves the implementation of the recommendations of section 2.0 of this report, it is likely that the number of applications from residents within Article 4 Conservation Areas will double. Overall, this will mean that the equivalent of approximately one full planning post will be involved in the process of planning applications for which the Council cannot charge a fee.

4.1.2 It is the recommendation of your officers that a Conservation Assistant is appointed to help with and accelerate the designation and de-designation of Conservation Areas. The extra staff will also enable the accelerated application of Article 4 Directions to the remaining Conservation Areas. Once the rationalisation has been completed, the schedule of conservation character appraisals will need to be carried out. A Conservation Assistant would also be able to assist development control officers with the increased number of fee exempt applications.

4.1.3 At present, the Planning service is compelled to carry out enforcement actions that are solely instigated by the special designation status of Conservation Areas. However, as some areas do not justify their special status the extra enforcement workload is not justified. The recommended actions will enable stretched enforcement resources to be concentrated where they will be most effective.

4.1.4 The Planning Service has a very effective and efficient enforcement section but unfortunately, with approximately 10,000 homes in the Borough within Conservation Areas, the team has insufficient resources to deal with all the conservation planning infringements. This highlights the immediate requirement for the Council to appoint an Enforcement officer to help with the high number of planning infringements within the Borough's Conservation Areas. This further staff resource combined with the de-designation of un-deserving Conservation Areas will enable the Council to maintain a reasonable level of protection for its historic assets. It will provide "Best Value" to the Borough's residents by concentrating its limited but enhanced enforcement resources on areas that retain their character and deserve their status.

## **5.0 LEGAL IMPLICATIONS**

5.1 Local Planning Authorities under the Planning (Listed Buildings and Conservation Areas) Act 1990 have a statutory duty from time to time to formulate and publish proposals for the preservation and enhancement of conservation areas. These proposals must be submitted to a public meeting and the Local Authority must have regard to any views expressed at the meeting.

5.2 The Council can designate conservation areas under s69 of the Listed Buildings Act 1990. There is no statutory provision, however, for de designation. It is assumed that the power to de-designate must be available because of the wording of s70(5) requiring notice of cancellation. The de-designation of Conservation Areas can be undertaken by the Council as Local Planning Authority, without the need to consult local residents. However, if the Executive accepts the officers' recommendations it is intended to carry out local consultation on the proposed de-designations and report them to the Executive prior to a final decision. This should avoid any potential challenge to the decision on the basis the Council was acting capriciously or unreasonably. De-designation must be notified to the Secretary of State and publicised because of the wording of s 70(5) requiring notice of cancellation.

5.3 Under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 the Council can make directions which restrict development in conservation areas which development would otherwise be permitted under that Order. This can be of use in retaining the character of the area. The details of Conservation and Article 4 Directions that can be used to provide added control over development are included in Appendix 2.0 to this report. and referred to below in Para 8.2

5.4 There are significant legal implications for the de-designation and designation of Conservation Areas and implementation of Article 4 Directions. The Secretary of State's guidance is set out in PPG 15. Further advice will be required from the Borough Solicitor after the consultation process in the final report.

## **6.0 THE REVIEW**

### **6.1 The Survey**

The review was carried out by your Officers, representatives of the London Borough of Harrow, English Heritage and the Twentieth Century Society; Each Conservation Area was individually surveyed to establish the survival of original Windows, Doors, Roof coverings, Front Gardens and Garden Walls. These factors are important in deciding whether an area retains the special character that prompted its designation.

The survey identified that many Conservation Areas are in serious decline because of many years of un-sympathetic change through Permitted development, unauthorised works, and lack of enforcement resources. These problems were compounded because the Council has had very restricted Conservation resources for many years and these meagre resources have been spread too thinly to prevent insidious decline. (See Background Paper "Preservation Status" for descriptions of individual Conservation Area conditions)

### **6.2 The Article 4 Direction Test**

The survey team established the level of survival of the elements of buildings that would be protected by an Article 4 Direction. (These are the parts of individual buildings that give an area its character - please see Appendix 2 for a full description). The team then set a standard by which the level of survival of the historic quality of an area could be judged. All Conservation Areas were then assessed using the following standard.

*"If most of the building elements within an individual area had been lost or inappropriately replaced, there would be no point in applying an Article 4 direction, because there would be no fundamental character to protect. Therefore, if there was not enough surviving historic detail to make the application of an Article 4 direction worthwhile, the area had lost the character that instigated its designation, meaning that it no longer deserved its conservation status/designation."*

## **7.0 BACKGROUND DETAIL**

### **7.1 Statutory Framework**

Local Authorities are obliged by the Planning (Listed Buildings and Conservation Areas) Act 1990, to undertake periodic reviews and re surveys of their Conservation Areas. The Act requires this to ensure that Conservation Areas retain the character that brought about their designation. If too many Conservation areas retain their designation but do not retain their essential character, they undermine the credibility of a Conservation Area status. They also dilute the available resources for Conservation Work

### **7.2 Designations**

The standards by which historic areas are judged worthy of Conservation Area status have changed significantly over the last twenty years, (In particular since the publication of PPG15 in 1994). Conservation Area assessment has become more stringent to prevent the designation of areas that either, have very low levels of building and landscape preservation or, are designated for strategic reasons.

The Borough like many other Local Authorities has a number of Conservation Areas that were designated some time ago and which are no longer of a sufficient standard to retain their designation as Conservation Areas. These areas started with low levels of preservation and over the ensuing years, they have lost most of their surviving historic quality. They must be considered for de designation to underpin the importance of the more deserving areas and allow the Council to concentrate its resources where they will return "Best Value" for officer and other resource input.

### **7.3 What has been Lost**

The survey team discovered that over the last ten to fifteen years there appears to have been a steady and serious decline in the character of many of the Borough's Conservation Areas. Indeed, the loss of original character was so serious in some cases that it is now difficult to recognise some areas as Conservation Areas. The decline has come about through the loss of significant landscape and building features that are important in defining the character of these areas.

7.3.1 Most importantly many houses in the Borough's Conservation Areas have had their windows and doors replaced with unsympathetic PVCu replacements. They have been installed in place of the original finely detailed timber originals that boasted slender feature frames with attractive individually designed leaded lights. Significantly PVCu is also a serious global pollutant and has significant implications for sustainable development and the principles outlined in draft SPG 19, submitted to your Committee in July 2002.

7.3.2 When the majority of the Borough's Conservation Areas were first designated, they had complete front gardens with hedges, planting borders and lawns. Unfortunately, in many areas residents have taken down walls, introduced highway crossovers and completely paved their front gardens in concrete based paving units. The removal of green natural front gardens is very damaging to the character of an area, as it turns very leafy suburban streets into very hard semi urban roads.

- 7.3.3 At one time, the Borough's Conservation areas had a wide variety of timber porch designs, these porches more than any other feature help to form the first impression of the houses in Conservation Areas. In many areas, nearly all the original porches have been, in filled or taken down. As part of their permitted development rights many residents have replaced the original brick and timber porches with inappropriately sized and designed replacements often constructed with concrete block and PVCu.
- 7.3.4 Chimneys are no longer an integral part of mass housing design, the advent of modern flues means that a traditional chimney is not always required. Therefore, the very detailed well-designed chimneys are often what set Conservation areas apart from other later residential areas. Over the years, as brickwork has deteriorated and has not been maintained many chimneys in the Borough's Conservation Areas have been reduced in height and or completely removed.
- 7.3.5 Unfortunately, much of the loss of character in the Borough's Conservation Areas has been due to lack of very simple maintenance - Brickwork has been neglected, leading people to render or paint what were once carefully designed elevations. The various colours that have been painted on houses throughout the Borough are often damaging to the consistency of character of an area.

#### **7.4 Why the Boroughs Conservation Areas Have Deteriorated**

Over the last two years, the Planning Service has been carrying out an ongoing review of the Borough's historic areas (Please see section 6.0). Although some areas retain their character, the survey team was disappointed to find serious decline in many of the Borough's Conservation Areas. The decline in character is due to many factors the most damaging of which is permitted development and work carried out without permission.

##### **7.4.1 Permitted Development**

Conservation Areas that do not benefit from an Article 4 Direction (Please see Appendix A2.2) will always be subject to loss of character through permitted development. Residents of Conservation Areas are allowed to change their windows, roof coverings, hard pave their front gardens and build small extensions without Planning permission. Unfortunately, these elements of Conservation Areas are most important in defining their character.

In a large number of the Borough's Conservation areas there are more houses that have had their original windows removed and replaced with unsympathetic PVCu alternatives than houses with their original windows. Many houses have been re-roofed with concrete interlocking tiles and front gardens have been converted to driveways and hardstandings. This type of permitted development has over a number of years completely removed the original character from many of the Borough's historic areas.

#### 7.4.2 Building Work without Planning Permission

The Borough's Conservation Areas have also suffered from building work and other development carried out without Planning permission. This means that the Council has not had the opportunity to assess the designs of these unauthorised works, so in many cases the finished buildings pay no respect to the historic character of an area. Many areas in Brent have suffered from high levels of unauthorised development and no longer deserve their conservation status.

#### 7.4.3 Modern Building Techniques and Materials

The increase in interest in DIY has meant that more and more people are carrying out so-called improvements to their homes. In many cases, they do not obtain planning permission. However, the poor quality of workmanship and the use of modern materials such as PVCu and concrete cast materials have significantly damaged the character of many areas.

#### 7.4.4 Planning Service Resources

In recent years, the Council has contributed to half a specialist Conservation Officer post, the other half being provided through funding by English Heritage. Also, The Council does not provide any grant aid schemes for either building or Conservation Area restoration. Overall, this represents a comparatively low financial commitment to historic conservation. (Please see section 2.3.3)

7.4.5 The Council must take a lead in effective efficient Conservation Area management and to this end; officers will have to work more closely to ensure that it is the preservation of Conservation Area character that is the primary motivation for all departments and sections of the Council. It is envisaged that the Planning Service will take a lead in developing a strategy for closer working relationships.

## **8.0 CONSERVATION AREA STATUS.**

### **8.1 Definition of a Conservation Area**

Conservation Areas are given their designation because there is a very high level of survival of their original historic character and built fabric. At present, The Borough has 32 Conservation Areas and is obliged by the Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 69) to "preserve and enhance" the character of its areas. Unfortunately, Conservation Area status does not give the council any extra powers to prevent the decline of character through inappropriate work carried out under Permitted Development. Extra Controls must be applied to a Conservation Area to prevent the un-regulated replacement of windows doors and roofs etc. (See Appendix 2 and Para A2.2)

## 8.2 Article 4 Directions

Article 4 Directions are extra special planning controls that enable the Council to require an application for works to houses in Conservation Areas that might otherwise be carried out without residents having to apply for planning permission. The requirement for an application for this type of work enables the Planning service to monitor the way in which the work is carried out. Officers are also afforded the opportunity to give advice to residents on the way in which their building work can be designed to preserve the character of their area. **An Article 4 Direction is not intended to prevent change, just to control the quality of change.**

## 9.0 IMPLICATIONS FOR THE FUTURE

- 9.1 Your Officers recommend that the Council act quickly to protect the Conservation Areas that retain their quality and character and that the Executive adopt the recommendations outlined in section 2.0. If the Council does nothing there will be serious further degradation of the quality of the Borough's Conservation Areas and there will inevitably be further de-designations. The more that the Council delays action to address the problems within its Conservation areas the greater the future financial implications - The Council has statutory duties that it must discharge.
- 9.2 If your Committee were minded to carry out the recommendations outlined in section 2.0 the present slow but definite decline in the character of the Conservation Areas of the Borough would be slowed and eventually halted. The further Article 4 Directions will help to prevent the negative impact of Permitted development. The historic environment of the Borough would improve and prosper through concentration of increased but still relatively limited resources on the better preserved areas. Indeed, if properly managed some of the better-preserved Conservation Areas within the Borough maybe a stimulus to increased tourism.
- 9.3 The Council must seriously consider the future of its Conservation Areas if it is to provide a high quality, value for money service to its residents. The integrity of Conservation Area status must be maintained if the Council is to rely on the statutory protection provided by the designations. It is inevitable that with increased demand for development that the Council will receive many applications for development within its Conservation areas. Developers are fully aware that Conservation Areas can provide the highest returns on their investments. Therefore, if the Council is to properly control development in these special areas it must be able to demonstrate that its Conservation Areas retain their special character particularly at Appeal hearings.
- 9.4 If the Borough's Conservation Areas do not retain the character that led to their designation it is likely that the Council will loose many appeals and subsequently be wasting officer time defending planning decisions that are essentially not defensible. This is has two resource implications, firstly, officers working on work intensive appeals are not processing Planning applications. Secondly, failed appeals can be expensive particularly from the larger developers who may seek costs from the Council if appeals are upheld.



## **9.5 Statutory and Local Responsibilities**

The Council must take its responsibilities under The Planning (Listed Building and Conservation Areas) Act 1990 seriously. If the Council was to ignore the existing problems, it may be vulnerable to challenge from the more active of the residents conservation groups and indeed Central Government.

The review of the Borough's Conservation Areas has confirmed what officers already suspected and has identified that Brent has the same problems within its Conservation Areas that may other Boroughs experience. However, unlike other Boroughs Brent now has the opportunity to take a national lead in good Conservation Practice and Management. The implementation of the recommendations in section 2.0 of this report will be seen nationally as a positive not regressive course of action.

## **10.0 Conclusions**

10.1 If the Conservation Areas of the Borough are to be properly protected the recommended actions must be carried out to allow restricted resources to be applied where they will give "Best Value". The resulting situation will allow Officers to concentrate their efforts in historic areas that justify their special attention and provide competent and considered management of the Borough's historic assets.

10.2 Apart from the responsibilities placed on the Local Authority through the Planning Acts, the Council cannot afford to ignore the condition and status of its Conservation Areas. Although there are a number of financial liabilities identified within this report they are relatively modest compared to the projected liability for the future should the council delay action. If the Council does nothing the present situation can only get worse which will mean increased financial liability. An early relatively small investment will pay dividends later.

10.3 Significantly, the considered and managed review of Conservation Areas on the scale described by this report has not been carried out by any other Local Authority. In carrying out the recommendations of this report, the Council will not only prevent further decline of its historic asset it will be at the forefront of Conservation Area Management not only in London but nationally.

## **11.0 BACKGROUND INFORMATION**

11.1 Reference information.

Planning Policy Guidance Note 15 and 16

Unitary Development Plan Adopted 1994 and Revised UDP 2000 - 2010

Planning (Listed Buildings and Conservation areas) Act 1990

Preservation Status : Survey Summary Sheets for all 32 Existing Conservation Areas

Any person wishing to inspect the above papers should contact

Mark Smith

Design and Conservation Officer

Telephone 020 8937 5018

**Richard Saunders**  
**Director of Environment**

**Chris Walker**  
**Director of Planning Service**

# **Appendix One**

Programme

Article 4 Directions  
And  
Character Appraisals

**A1.1** Once the historic areas of the borough have been rationalised and their status confirmed your officers would be able produce Management plans for each individual area. This is recommended by English Heritage as a positive tool in the preservation of Conservation Areas and will help to improve the efficiency of the Boroughs conservation and development control processes. As part of the management plan each Conservation Area will require a full character appraisal. This appraisal will analyse and describe the elements of an area that define its character and recommend basic principles for its future. This information can be used to aid planning control decisions and provide vital evidence for Public inquiries. A properly prepared character appraisal will also help the borough to significantly improve the quality of its applications for Grant aid.

**A1.2** Unfortunately, once the review has been completed the pressures of insensitive development will still be eroding the quality and character of the remaining areas. This means that if the Council is to prevent further de-designations in the future, Article 4 Directions will have to be applied to all the remaining Conservation Areas

**A1.3** The following schedule lists the Conservation Areas that will require the production of a character appraisal and after the appropriate consultation the application of an Article 4 Direction. Priorities are established by the overall assessment of Development control pressures, number of appeals, and preservation of character and degree of threat.

<u>Conservation Area</u>	<u>Appraisal: Priority</u>	<u>Article 4 Direction: Priority</u>
Sudbury Court.	13.	Already applied.
Mapesbury.	12.	Already applied.
Queens Park.	3.	3 Extend Existing direction
Northwick Circle.	1.	1.
Mount Stewart.	11.	Already applied.
Barn Hill.	10.	Already applied.
Roe Green.	14.	Already applied.
Buck Lane.	2.	2.
St Andrews.	15.	Not required (Listed Buildings)
Kensal Green.	4	4.
Kilburn.	5.	5.
South Kilburn.	16.	Not required (Listed buildings).
North Kilburn.	17.	Already applied.
Harlesden.	19.	Not required (retail area)
Willesden.	18.	Not required (retail area)
Brondesbury.	9.	9.
Neasden Village.	20.	Already Applied.
Wembley High Street.	8.	8.
Lawns Court.	22.	Not required (Flat Development).
Sudbury Cottages.	7.	7.
Homestead Park.	6.	6.
Paddington Cemetery.	21.	Not required Listed Building

# **Appendix Two**

## Conservation Area and Article 4 Direction Status

## **A2 CONSERVATION AREAS STATUS AND CONTROL**

### **A2.1 Conservation Areas**

**A2.1.1** Conservation Area designation identifies an area as having an exceptionally high level of preservation of its historic and or architectural character. Within that area the survival of historic building and streetscape detail will set it apart from other areas and stimulate special efforts to preserve the character that defines the area. At present Conservation Area designation only removes a limited number of permitted development rights in respect of certain extensions, alterations, demolition and the erection of new minor ancillary buildings. This means that many Conservation Areas although formally designated will continue to deteriorate because the General Permitted Development Order (GDPO) allows the sort of work that is most damaging to the character of a Conservation Area. Residents of some Conservation Areas are permitted to change their windows, doors, and roof coverings and remove their front garden walls without securing planning permission.

**A2.1.2** Central Government through the Office of the Deputy Prime Minister and English Heritage sets out the standards that it expects Local Planning Authorities to maintain in the management of its Conservation Areas. Brent has adopted these national standards as part of the recently revised Unitary Development Plan 2000 - 2010.

**A2.1.3** In the day to day management of building and landscape conservation, officers will also use the advice set out in the "Planning Policy Guidance note 15" (PPG15) Listed buildings and Conservation Areas and "Planning Policy Guidance note 16" (PPG16") Archaeology.

**A2.1.4** The Planning Service has produced a Conservation handbook and a number of specific Conservation Area design guides to help both the Service and the residents of Brent to preserve the historic landscape of the borough.

### **A2.2 Article 4 Directions**

**A2.2.1** Residents of the borough living outside Conservation Areas enjoy what is known as "Permitted Development" rights. These rights mean that certain types of building work can be carried out without having to make an application to the Council for planning permission. The sort of work that is permitted, is the painting of external brick and timber, the replacement of windows and doors and some relatively large extensions. Similarly, In Conservation Areas where an Article 4 Direction has not been imposed residents still enjoy a reduced level of permitted development. Residents who live in flats will require permission for any building works, as residents of Multi-occupancy buildings in any location do not enjoy such rights.

**A2.2.2** In Conservation Areas an Article 4 Direction may withdraw from residents any or all Permitted development rights, where it can be justified that it is needed to protect the character of the area and it has residents' support. It is this type of building work that permitted development allows which can be the most damaging to the essential character of an area. Significantly, the Council is not allowed to charge a fee for certain planning applications in Article 4 directed Conservation Areas. Since the 1990's the Borough has taken a national lead in promoting Conservation through the publication of information and design guidance leaflets.

**A2.2.3** An Article 4 Direction means that residents have to apply for planning permission for building work that affects any part of their house that faces onto the public highway or public open space, which includes the following type of development:

1. All building extensions, alterations and additions, which will include the erection of porches, garages and alterations to chimneys.

2. Alterations and replacement of windows.

3. Any change to or alterations to the roof slope - including re-covering and the insertion of a Dormer or Roof light.

4. Painting, in any colour, of the following parts of a home:

Entrance doors and doorframes, Window frames  
and Sills, Brick, Tiled or Rendered wall surfaces.

5. Alterations to front walls gates and fences

6. The alteration of front garden plots including the formation of vehicular hardstandings

7. The introduction of a vehicular pavement crossing and the means of access to a highway.

**A2.2.4** The application of an Article 4 Direction will always be contentious and until 30<sup>th</sup> March 1994 Local Planning Authorities have had to seek the approval of the Secretary of State for the confirmation of an Article 4 Direction. However, since the revisions set out in the Planning (Listed buildings and Conservation Areas) Act 1990 your committee is now empowered to impose Article 4 (2) directions after a minimum of six months consultation process with the residents of a Conservation Area or a potential Conservation Area.

**A2.2.5 Article 4 Directions are not intended to prevent residents from making repairs or alterations to their homes - They are however, intended to ensure that alterations and repairs are carried out in a way that preserves or enhances the character of the area.**



# **Appendix Three**

Conservation Area

Existing Preservation Status

### **A3 THE REVIEW**

**A3.1** This review was largely initiated to enable the Borough to establish a coherent and workable strategy for the management of Brent's Conservation Areas. It is essential that the service's pressured conservation and Enforcement resources are concentrated where they can be the most effective and give "Best value" for the efforts and input of the Planning Service. Therefore, the principal aim of the re-survey was to establish those areas of the borough that retain the essential character that prompted their designation and those areas that were failing in that regard. It was soon realised that there were some areas that no longer reflected or deserved their Conservation Area status.

#### **A3.2 The Conservation Areas of the London Borough of Brent** (See Key Below)

<b><u>No.</u></b>	<b><u>Conservation Area</u></b>	<b><u>Article 4 Direction</u></b>	<b><u>Design guide</u></b>	<b><u>Preservation Status</u></b>
1.	Butlers Green	No	No	E
2.	Sudbury Cottages	No	No	B
3.	Kenton	No	No	E
4.	Wembley High Street	No	No	D
5.	Brondesbury	No	No	D
6.	Kilburn	No	No	B
7.	Mapesbury	Yes	Yes	B
8.	North Kilburn	Yes	Yes	B
9.	Queens Park	Yes	Yes	B
10.	South Kilburn	No	No	B
11.	Stanley Avenue	No	No	E
12.	Neasden Village	Yes	Yes	B
13.	Woodhey/Gresham	No	No	E
14.	Kensal Green	No	No	C
15.	Paddington Cemetery	No	No	C
16.	Harlesden	Yes	Yes	C
17.	Willesden Green	No	No	C
18.	Buck Lane	No	No	D
19.	Slough Lane	No	No	E
20.	St. Andrews	No	No	C
21.	Homestead Park	Yes	No	B
22.	Manor Close	Yes	No	E
23.	Roe Green	Yes	Yes	A
24.	Wembley Hill	No	No	E
25.	Barn Hill	Yes	Yes	B
26.	Mount Stewart	Yes	Yes	B
27.	Northwick Circle	No	No	B
28.	Preston Park	No	No	E

29.	Queens Walk	No	No	E
30	Sudbury Court	Yes	Yes	B
31.	King Edward VII	No	No	E
32.	Lawns Court	No	No	C

### **A3.3 The Preservation Key**

The above schedule gives each Conservation Area a preservation rating either A,B,C,D or E which is intended to compare the condition of the individual conservation areas at the time of the survey and estimate the potential for the future. The status key is defined as follows;

1. A Conservation Area with an A rating has a high level of preservation and is maintaining its fundamental character. On site indicators also suggest that the threats to the future of the areas character are relatively small compared to other areas.
2. B rated Conservation Areas are show some signs of decline in character but site indicators suggest that this decline is of a long standing nature and that the ongoing depreciation of character is extremely slow.
3. Conservation Areas with a C rating are showing signs of decline that appears to be ongoing but at the time of the survey, the loss of character was slow and less serious than a D rating. However the problems need to be addresses as soon as possible.
4. Conservation Areas with a D rating show a serious loss of character that is ongoing and if steps are not taken within 2 - 3 years to halt this decline the Conservation Area will have lost all the character that prompted its designation and have to be considered for de-designation
5. Conservation areas rating category E have lost the character that instigated their designation and have been recommended for de-designation

### **A3.4 The Survey method**

The survey of the above Conservation Areas was carried out by a group established to provide a dispassionate and objective analysis of each Conservation Area. The team comprised planning officers from the London Borough of Brent, the London Borough of Harrow and representatives of English Heritage and the Twentieth Century Society. The survey involved the detailed site inspection of all the Conservation Areas to establish how much of the original character survived and in what condition. The team analysed the following elements of each individual area:

1. How many of the houses in the Conservation Area had unsympathetic window and door replacement including PVCu and aluminium, commonly installed under permitted development rights?

2. How many of the buildings in the Conservation Area had been re-roofed using non-traditional materials and had been altered with inappropriately designed rooflights and dormers?

3. How many of the buildings in the Conservation Area had unsympathetic extensions and alterations again quite often the result of permitted development?

4. How many of the buildings in the Conservation Area had painted brickwork and or render (Many people paint over rather than repair defective brickwork)?

5. How many of the buildings in the Conservation Area had large front vehicular hardstandings instead of soft landscaped areas?

6. How many of the buildings in the Conservation Area had lost the front boundary walls and fences to allow vehicular access to a front garden plot?

7. How well has the public domain within the Conservation Area retained its character? If not carefully selected, Street furniture, including: road signs, barriers, road surfaces, and painted lines can detract from the character of the Conservation Area.

**A3.5** As part of the review of Conservation Areas your officers have carried out a survey of neighbouring London Boroughs to establish how common the problems that Brent experiences are. The responses to the questionnaire support the findings of the internal review and make it more important that this borough should be at the forefront of efficient Conservation Area management and preservation.

**A3.6** The detailed site survey information is provided as a background paper.

The survey questionnaire prompted the following responses:

### London Boroughs Consulted

	Ealing	Three Rivers D.C.	Bromley	Harrow	Barnet	Haringey	Hillingdon
<b>Number of Conservation Areas in your area?</b>	26	17	43	27	17	25	25
<b>Number of Conservation Areas with Article 4 Directions?</b>	5	3	2	9	14	3	1
<b>Are your CA's under pressure from window replacement?</b>	yes	yes	yes	yes	yes	yes	yes
<b>Do you consider window replacement to be a problem?</b>	yes	yes	yes	yes	yes	yes	yes
<b>Do you permit window replacements in Conservation Areas in PVCu</b>	some areas	no	rarely	no	no	no	try to avoid
<b>Do you consider unauthorised works to be a problem in Conservation Areas?</b>	yes	yes	yes	yes	yes	yes	yes
<b>Is planning enforcement effective in such areas?</b>	partially	yes	not always	yes	partially	yes	no
<b>Have you ever considered de-designating a Conservation Area?</b>	no	no	yes	part only	no	yes	yes
<b>Has a de-designation been carried out?</b>	no	no	no	no	no	no	yes
<b>Does your authority have a Conservation Area advisory committee?</b>	yes	no	yes	yes	yes	yes	yes

**A3.6** The above table illustrates that many other Councils with a similar built heritage, experience the same difficulties that have caused the problems of character decline in Brent's Conservation Areas. All the Boroughs surveyed, expressed problems with window replacement, which arguably has the most impact on the character of Conservation Areas. The majority of those boroughs do not allow window replacement in PVCu and it is the opinion of your officer that to arrest the continuing decline in this borough's Conservation Areas the council should review its policies on window replacement in line with other London Boroughs.

## **Appendix Three**

### Maps of Conservation Areas Proposed for de-designation