

LONDON BOROUGH OF BRENT

Meeting of the Executive
17 January 2005

Report from the Director of Environment

For action

Wards affected: All

Report Title: PROPOSED ARTICLE 4(2) DIRECTION FOR NINE OF THE BOROUGH'S CONSERVATION AREAS.

Forward Plan Ref: ES-04/05-288

1.0 Summary

1.1 Over the last four years officers from the Planning Service have been carrying out a thorough review of the Borough's Conservation Areas. From this review a series of proposals for the future of the Borough's historic areas have been developed which include the designation of Article 4 Directions in all of the best preserved areas. At present there are 22 Conservation Areas within the Borough, of which seven are subject to Article 4 direction. The Council's review has established that there has been a more accelerated loss of character to the Conservation Areas which are not protected by an Article 4 Direction.

2.0 Recommendations

2.1 That the Executive resolves to make a Direction under Article 4(2) of the Town and Country Planning General Permitted Development Order 1995 as amended, to control the types of development as listed in Schedule A in the following Conservation Areas: **Northwick Circle, Buck Lane, Kensal Green, Kilburn, Homestead Park, Sudbury Cottages, Wembley High Street, Brondesbury, St Andrews.** This recommendation follows on from the Recommendation of the report to Executive of the 8th November 2003

3.0 Detail

- 3.1 Under the Planning, Listed Buildings and Conservation Areas Act 1990 and Central Government Planning Policy Guidance No.15, the Council has a duty to review its Conservation Areas from “time to time”. Section 71 of the Act also requires that Local Authorities formulate policies for the protection of their Conservation Areas.
- 3.2 A Conservation Area designation without the extra controls of an Article 4 Direction offers only marginal extra protection against unsympathetic change - residents can still build small extensions and replace windows etc. without referring to the Council. This is because Conservation status only allows for a small reduction in permitted development rights.
- 3.3 The cumulative effect of such alterations through permitted development has been to erode and undermine the special character and architectural quality of conservation areas which prompted their designation.
- 3.4 As a result, the Council’s Replacement Unitary Development Plan (2004) recognises that depending on the quality of the conservation area, increased controls over potential alterations allowed by the General Permitted Development Order are necessary. Such increased planning controls are gained by an instrument known as an “Article 4 Direction”. An Article 4 Direction specifies particular types of permitted development that are brought under planning control. The slow but continued loss of character in the nine Conservation Areas means that it is essential that an Article 4 Direction is applied.

Background to conservation areas

- 3.5 Dates of conservation area designation and summaries of special architectural or historic character are listed as follows:
- 3.5.1. **Northwick Circle** Conservation Area was designated in April 1989. It is an excellent example of suburban town planning in mock-Tudor style, incorporating a focal point and radiating street pattern. Substantial gardens add to the open character.
- 3.5.2. **Buck Lane** Conservation Area was designated in February 1979. It contains works of Ernest George Trobridge, a local architect active between 1921 and 1937. His castellated flats and thatched timber cottages are of highly individualistic design and include much decorative detailed work of considerable quality.
- 3.5.3. **Kensal Green** Conservation Area was designated in March 1990. It includes a group of Georgian properties, the earliest being about 1820, but the majority dating from the opening of the listed and registered cemetery (1832) which lies opposite.

- 3.5.4. **Kilburn** Conservation Area was designated in January 1993. It is part of the Brondesbury Estate which was developed in four different periods between 1850 and 1899. The pedimented doorways in Brondesbury Road by Wickes and terracotta work by Watkins are particular features. The Victorian architecture is attractive and varied.
- 3.5.5. **Homestead Park** Conservation Area was designated in January 1993. It is an unusual cluster of twenty cottages arranged in triplets (1926). The hedgerows are an outstanding and defining feature of the layout and character.
- 3.5.6. **Sudbury Cottages** Conservation Area was designated in January 1993. It is a satellite settlement on Sudbury once on the edge of Sudbury Common. A small group of eighteen and nineteen century cottages survives at the junction of medieval lanes in an otherwise suburban setting.
- 3.5.7. **Wembley High Street** Conservation Area was designated in March 1990. It is the original hamlet of Wembley but the properties were rebuilt about 1880. Not to be confused with Wembley High Road.
- 3.5.8. **Brondesbury** Conservation Area was designated in March 1990. It represents a slice through Victorian suburban development in the period 1872-1899 townhouses of decorative and attractive designs.
- 3.5.9. **St Andrews** Conservation Area was designated in December 1983 and extended in January 1993. It has an attractive street with mock-Tudor buildings by Simmonds and fanciful brick flats exquisitely detailed by Trobridge. Also included is a 13th century church (Grade I listed) with medieval ditch and embankment. The conservation Area, which includes a cul-de-sac of bungalows by Rains (1927) and flats of the Kingsbury Park estate by Yeo (1937) is centred on the 'new' church of St Andrews (Grade II*), a striking church of major importance by Daukes.

Article 4(2) Direction Application procedure

- 3.6 There is a strict legally defined procedure for the implementation of Article 4(2) Directions and their subsequent confirmation. This normally requires the consultation period to come after the application of the extra controls of the direction to prevent residents starting work under their permitted development rights before the extra controls come into force. However, your officers propose that residents of the areas listed above are invited to comment on the process prior to the application of the direction. The notification period is long enough to allow residents to make representations to the Council but not long enough for work to be started under permitted development rights.

3.6.1. If the Executive is minded to agree the implementation of an Article 4(2) Direction for the nine Conservation Areas, pre-consultation letters will be sent to all the owners and or occupiers of the areas informing them of the intention to impose Article 4(2) Direction and inviting their representations regarding the proposals (see Appendix B attached).

3.6.2. Unless there is a significant high percentage of representation from the majority of residents against the Direction, Article 4(2) Direction notifications letters will be sent out two weeks later notify that the types of work described on a schedule enclosed with the will be brought under planning control (see Appendix C attached). The schedule will also have to be advertised in local newspapers (see Appendix A attached).

3.6.3. The Direction will come into force on the day of Notification and the Council must specify a period of not less than 21 days during which further representations about the direction can be made to the Local Planning Authority.

3.6.4. An Article 4(2) Direction expires six months after it has been made, unless it is confirmed by the Council before the expiry date. In deciding to confirm the Direction the Council must take into consideration the representations received from residents during the second 21 day consultation period.

Implications of Article 4(2) Direction.

3.7 The Article 4(2) Direction will bring under planning control (require residents to make an application) for the following items that otherwise are scheduled as permitted development under the General Permitted Development Order 1995 (The full schedule is shown in Appendix A attached):

3.7.1. The erection, removal or alteration of chimneys.

- and for any development to the front and or sides of the houses that face onto a road, waterway or open space.

3.7.2. The enlargement and or improvement of houses.

3.7.3. The alteration of a roof.

3.7.4. The erection of a porch.

3.7.5. The erection of other buildings or a swimming pool.

3.7.6. The laying of a hard surface.

3.7.7. The installation or replacement of a satellite dish or antennae.

3.7.8. The erection, demolition or alteration of a gate fence or enclosure.

3.7.9. The painting of a house.

4.0 Financial Implications

4.1 If the Executive is minded to approve the making of an Article 4 Direction on the above nine Conservation Areas the Council's Planning Service will receive applications for building work that previously did not require planning permission. Under the General Permitted Development Order 1995 the Council is not allowed to charge a fee in Article 4 Directed Areas for processing applications for development that was previously permitted development.

4.2 The Council will also be obliged to publicly advertise the new applications for development which will have a budgetary implication. However, it is expected that these costs will be met by existing budgetary allocation.

4.3 Under certain circumstances, compensation claims may be made where "permitted development" applications are refused. None have been received by the Council in any Conservation Area since 1965.

5.0 Legal Implications

5.1 The Article 4(2) Direction represents a removal of residents permitted development rights under the General Permitted Development Order 1995. Where permitted development rights have been withdrawn an owner can seek compensation if planning permission is refused for his or her proposed development. However, compensation can only be sought for abortive expenditure or other losses directly attributed to withdrawal of permitted development rights. If the Council fails to take relevant considerations into account or does not follow the correct procedure, it would be open to a legal challenge to the direction itself.

6.0 Diversity Implications

6.1 None identified at present.

7.0 Staffing/Accommodation Implications

7.1 Conservation work is currently undertaken within the Planning Groups on an area basis as part of local plan project work. This work will be incorporated into future project work programmes utilising existing recently increased conservation staff resources.

8.0 Environmental Implications

- 8.1 The Article 4(2) Directions will help to prevent the insidious decline in the character of the Borough's Conservation Areas that led the Council to the difficult but necessary proposal to de designate some of its other Conservation Areas on 10 November 2003. The direction will not prevent residents from altering or extending their homes, it will however, require them make planning applications for the type of development listed in paragraph 3.7 and on Appendix A. Therefore, the Council will have the opportunity to consider their proposals and give residents advice on how to preserve the character of their home and the character of their Area.

Background Papers

Planning (Listed Building and Conservation Areas) Act 1990.
Planning Policy Guidance Note 15.
The Cambridge Guide to historic building law.

Contact Officers

Any person wishing to inspect the above papers should contact:

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SCHEDULE A

NORTHWICK CIRCLE, BUCK LANE, KENSAL GREEN, KILBURN,
HOMESTEAD PARK, SUDBURY, WEMBLEY HIGH STREET,
BRONDESURY, ST ANDREWS CONSERVATION AREAS

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER
1995

**ARTICLE 4 (2) DIRECTION: THE FOLLOWING CLASSES OF
DEVELOPMENT BE BROUGHT UNDER PLANNING CONTROL**

The following developments being within Part 1 of the schedule

The erection, alteration or removal of a chimney on a dwelling house or on a building within the curtilage of a dwelling house.

The following developments being within Schedule 2, part 1, Class A

The enlargement, improvement or other alteration of a dwelling house where any part of the enlargement, improvement or alteration would front a relevant location.

The following developments being within Schedule 2, part 1, Class C

Alteration to a roof slope that fronts a relevant location.

The following development being within Schedule 2, part 1, Class D

The enlargement improvement or other alteration to an external door that fronts a relevant location.

The following developments being within Schedule 2, part 1, Class E

The provision within the curtilage of a dwelling house of any other building or enclosure, swimming or other pool, required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure that in either case fronts a relevant location.

The following development being within Schedule 2, Part 1, Class F

The provision, enlargement, improvement or alteration within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house that fronts onto a relevant location.

The following developments being within Schedule 2, Part 1, Class H

The installation, alteration or replacement of a satellite antenna on a part of a dwelling house or on a building within the curtilage of a dwelling house which in either case fronts a relevant location.

The following developments being within Schedule 2, Part 2, Class A

The erection or alteration of a gate, wall or fence within the curtilage of a dwelling house that would front a relevant location.

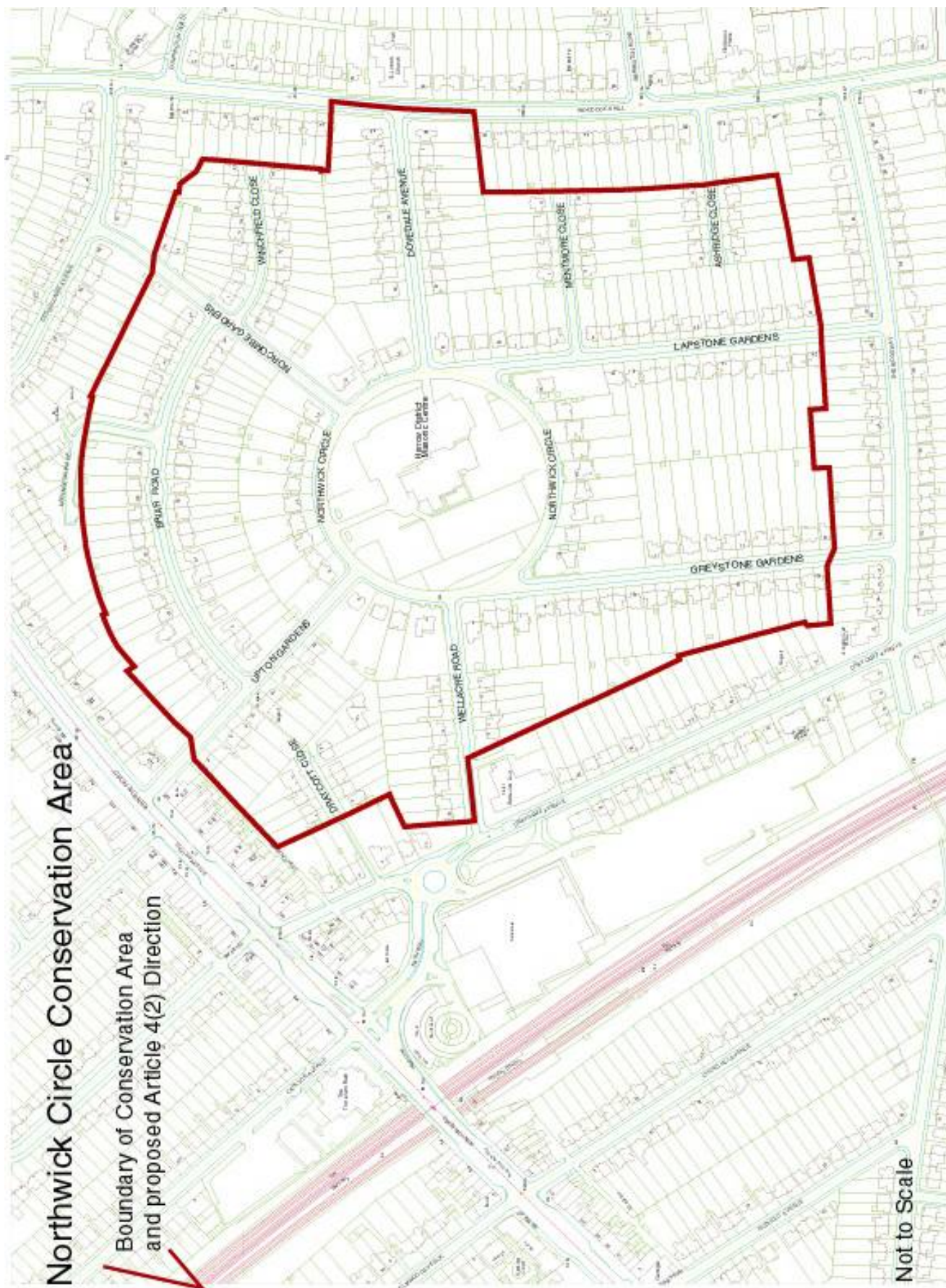
The following developments being within Schedule 2, Part 31, Class B

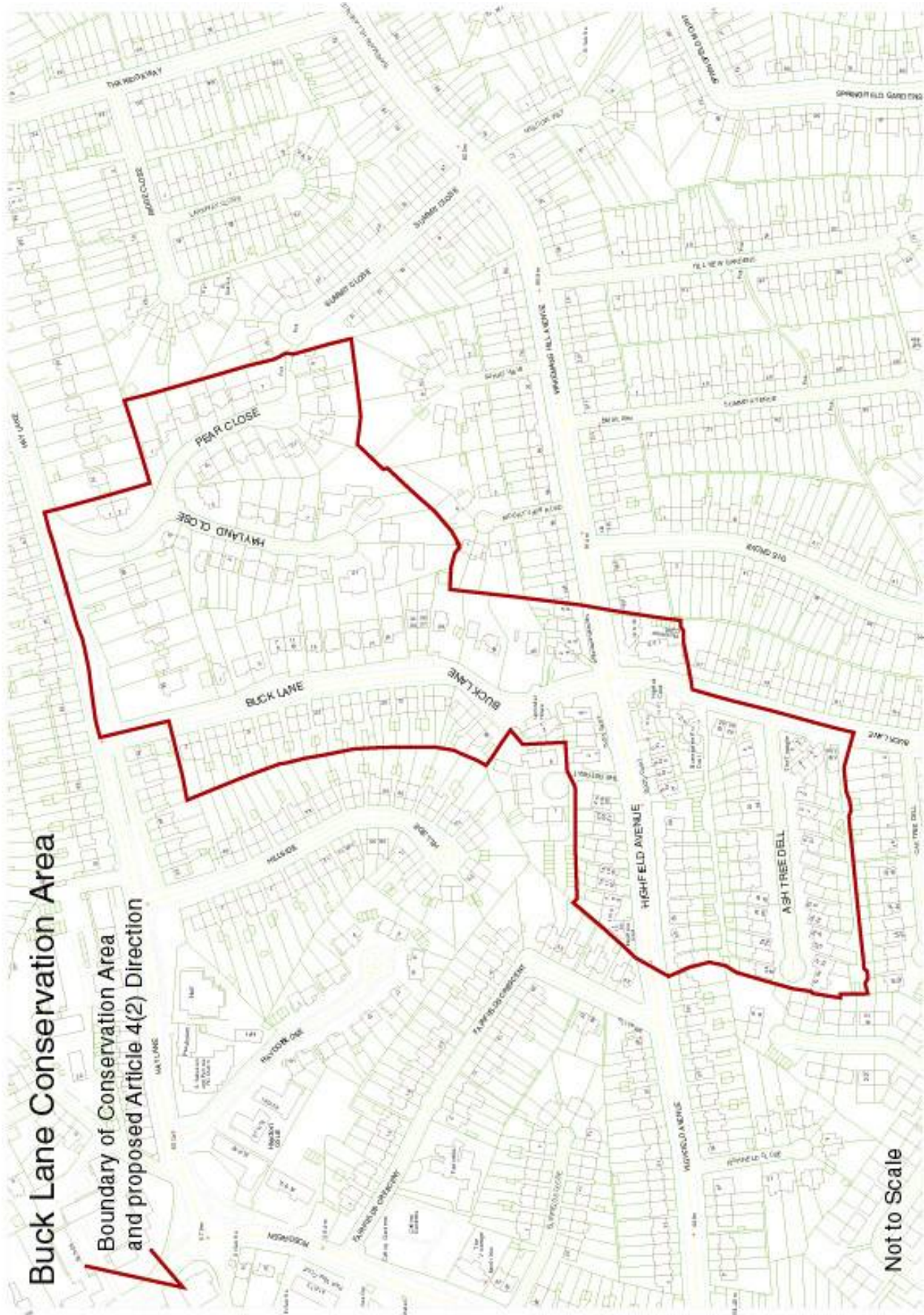
The demolition of a gate, wall or fence within the curtilage of a dwelling house that fronts a relevant location.

The following developments being within Schedule 2, Part 2, Class C

The painting of the exterior of any part of a dwelling house or any building within the curtilage of a dwelling house that fronts onto a relevant location.

A “relevant location” means a highway, waterway or open space.



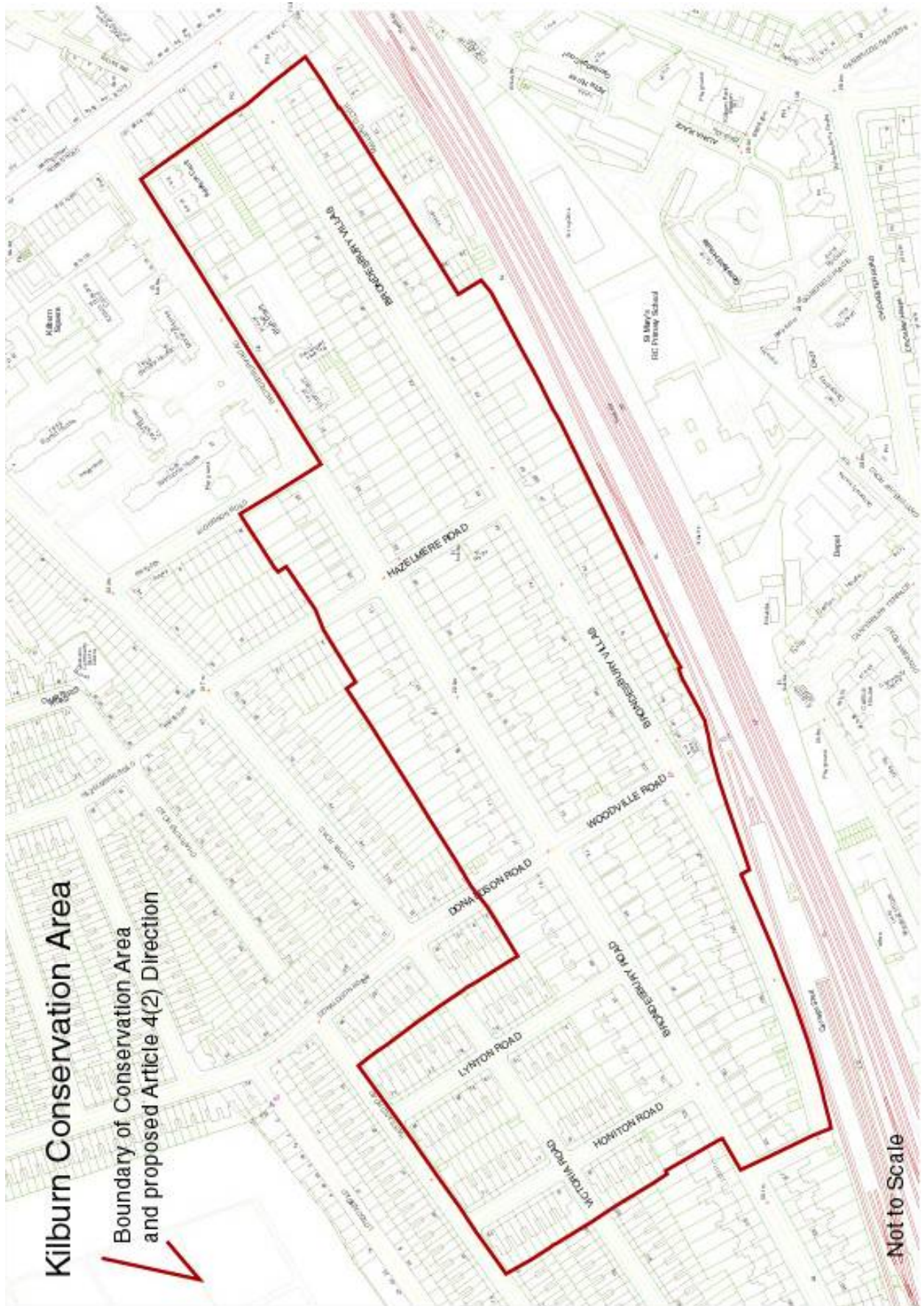


Buck Lane Conservation Area

Boundary of Conservation Area
and proposed Article 4(2) Direction

Not to Scale





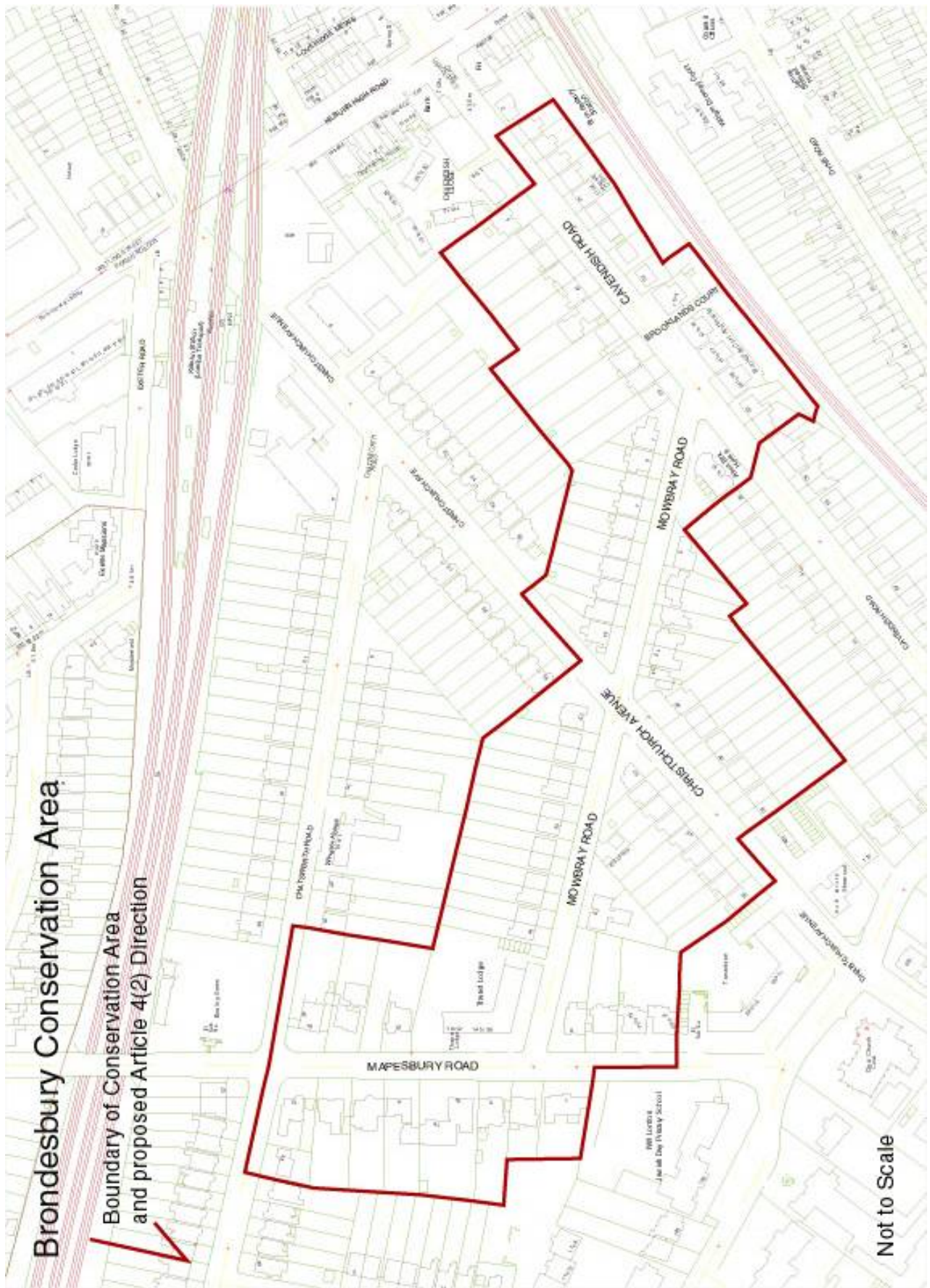


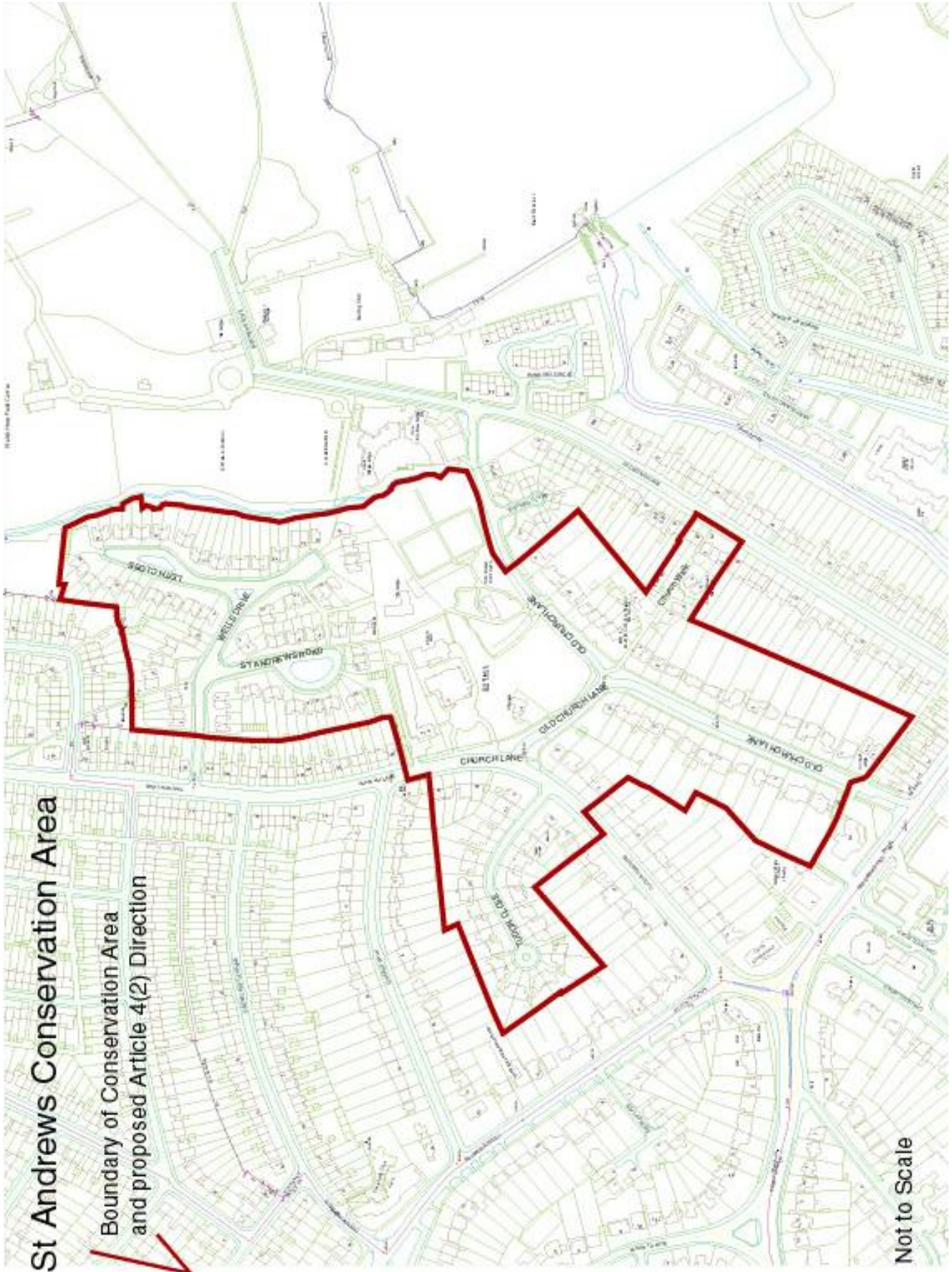
Homestead Park Conservation Area

Boundary of Conservation Area
and proposed Article 4(2) Direction

Not to Scale







St Andrews Conservation Area

Boundary of Conservation Area
and proposed Article 4(2) Direction

Not to Scale