

LONDON BOROUGH OF BRENT

Executive

DATE: 12th November 2003

FROM THE DIRECTOR OF ENVIRONMENT

FOR INFORMATION / ACTION

NAME OF WARDS: QUEENS PARK

**REPORT TITLE: PROPOSED ARTICLE 4 DIRECTION FOR QUEENS PARK
CONSERVATION AREA EXTENSION**

1.0 SUMMARY

- 1.1 Over the last three 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. Queens Park Conservation Area was designated in two phases, the first part in July 1986 and subsequently the designation was extended to cover a wider area in 1995 (please see the attached plan in Appendix One). The Council's review has established that there has been a more accelerated loss of character in the extension to the Conservation Area which is not protected by an Article 4 Direction.

2.0 RECOMMENDATION

- 2.1 That 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 in the Queens Park Conservation Area extension as listed in Schedule A.

3.0 FINANCIAL IMPLICATIONS

- 3.1 If Executive is minded to approve the making of an Article 4 Direction on the extension to the Queens Park Conservation Area 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 for processing applications for development in Article 4 Directed Areas.
- 3.2 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
- 3.3 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.

4.0 STAFFING IMPLICATIONS

- 4.1 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 and future staff resources.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 The Article 4 (2) Direction will help to prevent the insidious decline in character that has led the Council to the difficult but necessary proposal to de designate some of its other Conservation Areas. The Direction will not prevent residents from altering or extending their homes, it will require planning applications to be made for the type of development listed in paragraph 8.6 and therefore will give the Council the opportunity to consider their implications

6.0 LEGAL IMPLICATIONS

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.

7.0 DETAIL

- 7.1 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.
- 7.4 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
- 7.5 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.
- 7.6 As a result, the Council’s Replacement Unitary Development Plan (2000-2010) 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 Queens Park Conservation Area

extension means that it is essential that an Article 4 Direction is applied to the extended Area.

8.0 BACKGROUND

- 8.1 Queens Park Conservation Area was originally designated in 1986, because of its importance as an excellent example of late Victorian domestic architecture, built around an attractive Victorian park. The original designated area stretched from the rears of properties along Salusbury Road in the east, to just west of Peplow Road. This original area was extended to the west in 1993 to cover the area up to Chamberlayne Road. This extension is the subject of the current proposal before the Executive to apply an Article 4 Direction. The original part of Queens Park Conservation Area was granted an Article 4 direction in 1994 which has succeeded in bringing much more effective protection to the character of the area.
- 8.2 The Article 4 Direction was not applied to the extension however, and unfortunately, because of this, protection of the local character has not been as successful and there have continued to be unsympathetic alterations carried out to a number of properties. The most common include the removal of finely detailed original timber sash windows with unsympathetic UPVC replacements, replacement of original front doors and replacement of original roof slates and tiles with interlocking concrete tiles. It is details such as these which give Queens Park Conservation Area its special character and the council feels that the special protection afforded by an Article 4 Direction is urgently needed, before the Queens Park Conservation Area Extension loses its special qualities through inappropriate changes made under permitted development.
- 8.3 The Council previously proposed an Article 4 Direction in 1998, for the Queens Park Conservation Area Extension, but unfortunately did not have the resources at the time to implement it. In discussion with the Queens Park Residents Association, it was decided on this occasion, to consult residents through a public meeting and to send letters to all the households affected. The majority of those who gave an opinion were in favour of the proposal. The Residents Association has been actively seeking extension to the Article 4 to cover the whole of the Conservation Area and working with the Council's Conservation Officer on a revised Design Guide for Queen's Park.
- 8.4 In 1998 the Council proposed to implement an **Article 4 (1) Direction** which had to be approved by the Secretary of State. Since then revisions to the General Permitted Development Order in 1995, the Council is now able to impose an Article 4 (2) Direction under its own authority.

The Procedure: (Article 4(2) Direction)

- 8.5 There is a strict procedure for the implementation of an article 4 (2) Direction and its subsequent confirmation:

8.5.1 If the Executive is minded to agree the implementation of an Article 4 (2) Direction for the extension at Queens Park Conservation Area the Council will notify as soon as is practicable all the owners and or occupiers of the area that the areas of work described on a schedule enclosed with the letter will be

brought under planning control. The schedule will also have to be advertised in local newspapers (Please see Appendix One attached)

8.5.2. 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 representations about the direction can be made to the Local Planning Authority.

8.5.3. 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.

The Implications of the Article 4(2) Direction

8.6 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 Three)

i) The erection, removal or alteration of chimneys.

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

ii) The enlargement and or improvement of houses.

iii) The alteration of a roof.

iv) The erection of a porch.

v) The erection of other buildings and or a swimming pool.

vi) The laying of a hard surface.

vii) The installation or replacement of a satellite dish or antennae.

viii) The erection demolition or alteration of a gate fence or enclosure

ix) The painting of a house.

9.0 QUEENS PARK CONSERVATION AREA: PUBLIC CONSULTATION

9.1 Although a full consultation of all resident was carried out in 1998 in view of the delay between consultation and the submission of a final report to the Executive the Planning Service has carried out further consultation of the all the residents living in the Conservation Area Extension.

Methodology

- 9.2 Initially, a letter was sent to all 453 households within the Conservation Area Extension (a copy can be found in Appendix Two) of this report. The letter explained the Council's proposals and the full ramifications of the imposition of an Article 4 (2) Direction. The letter requested resident's views and comments on the proposals.
- 9.3 Subsequently A public meeting was held on Thursday 13 March at Kensal Rise Junior and Infants School, Harvist Road - Where a presentation was made on the issues surrounding the Direction.

The Results

Statistics

- 9.2 The Council received 21 direct responses, 3 by telephone, 1 by post, 9 by E-mail and 8 in person at a residents meeting. The statistical analysis of the responses is as follows:

Of the 453 Households consulted 21 responded, which represent	4.6%
Of those, 18 were in favour of the Direction, which represents	86%
Of those 3, were opposed to the Direction which represents	14%

Therefore, although the council is not required by the 1990 Act, to consult prior to the imposition of an Article 4 Direction the majority of those who responded were in favour of the Direction.

Summary of responses

9.3 Resident Concern

Although the majority of respondents were in favour of the proposal residents were concerned about the level of resources required to enforce the direction, and whether the no fee policy for planning applications such as re-roofing would be guaranteed.

Council Response

The Councils review of Conservation Area has identified a strategy for focusing the Councils limited resources on the Conservation Areas that are best preserved and would give back best returns on the Councils investment. In line with national Policy there will be no fee for planning applications for the works described in the attached schedule.

9.4 Resident Concern

Some residents who were opposed to the proposal were concerned mainly by the loss of individual freedom, feeling that a property owner should have the right to do whatever they like with their property. One consultee felt that the move was being forced by a minority of members of the residents association and that the direction would be restricting individual rights for the sake of turning Queens Park into a Victorian time capsule.

Council Response

The Article 4 (2) Direction is not meant to unnecessarily restrict residents and it is certainly not meant to prevent any of the specified types of development within the Conservation Area designation. The direction is purely a means of allowing the Council the opportunity to give consider whether a particular development covered by the Direction compliments the character of the area rather that detracting from it. The Article 4 (2) Direction is not intended to turn Queens Park into a Victorian time Capsule; indeed in line with most other London Boroughs the Council encourages contemporary approaches to the design of buildings and extensions so long as they preserve the character of the area.

10.0 Conclusions

- 10.1 Queens Park Conservation Area has an Article 4 Direction applied to only half its area. Changes due to Permitted Development within the extension to the Area are starting to have a significant negative impact on the character of the Area. It is logical therefore, that there should be consistent level of protection for the whole of the Conservation Area.
- 10.2 Although there was a relatively poor response to the consultation post out, the majority of the residents appear to be in favour of an Article 4 (2) Direction for the extension. The Queen's Park Residents Association support the extension of the Article 4 Direction and liaised in the consultation programme and public meeting. Although Consultation prior to the designation of the Direction is not required by the GDPO.
- 10.3 In imposing an Article 4 (2) Direction at Queens Park the Council is taking seriously its responsibility to formulate policies for the protection of the character of its Conservation Areas.
- 10.4 The Article 4 (2) Direction for Queens Park will be one of the first proposals to be realised from recommendations supported by Executive in the report "Review of Conservation Areas" submitted on the 31st March 2003

11.0 BACKGROUND INFORMATION

Details of Documents:

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

Any person wishing to inspect the above papers should contact
Planning Service,
Brent House,
349 High Road,
Wembley, Middlesex, HA9 6BZ,
Telephone: 0208 937 5018

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Appendix "One": Queens park Conservation Area

Boundary of Conservation Area

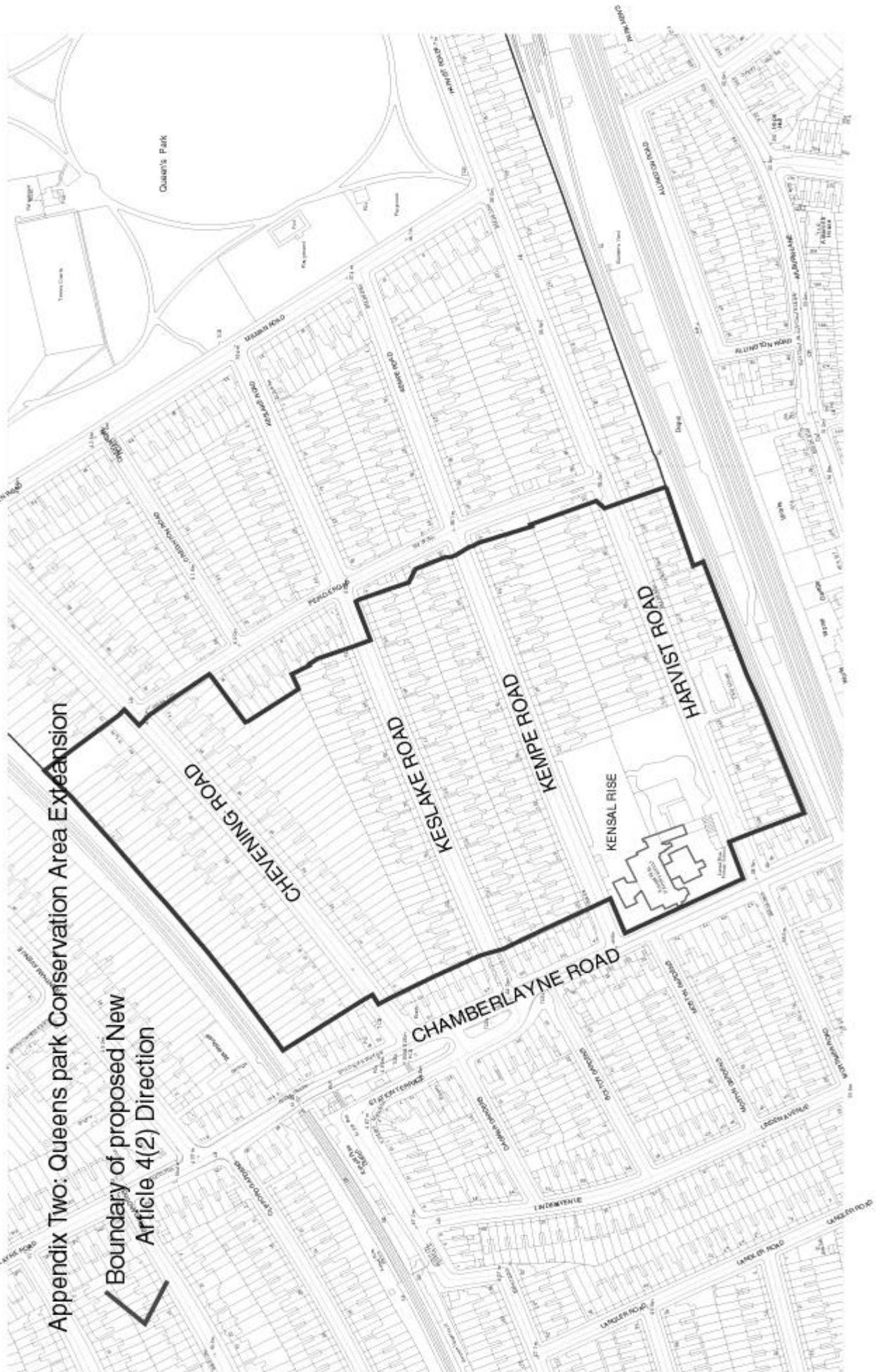
Area already covered by
Article 4(1) Direction

Queens Park Conservation Area

Area of proposed
Article 4(2) Direction

Appendix Two: Queens Park Conservation Area Extension

Boundary of proposed New
Article 4(2) Direction



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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