

APPENDIX A

Article 4 Direction Consultation – replacement Article 4 Directions for Brent’s residential conservation areas. 19 November – 18 December 2020

Summary of representations received and officer comment

12 representations received, six in support, one no objection and 5 neither for nor against.

Respondent	Comment	Summary of Comments	Officer response	Change to Article 4
Secretary of State.	No comment.	I refer to your email dated 19th November 2020 with attachments notifying the Secretary of State that a non-immediate Direction was made on 16th November 2020. You are reminded to advise the Secretary of State about confirmation of this Direction in those circumstances as set out in the regulations. It would also be helpful to know if the Council decides in due course not to confirm the Direction.	Noted	No change.
Resident.	In support.	Thank you for this, the new Planning White Paper 2020 is notable for its proposed division into protected neighbourhoods (your attached items), renewal neighbourhoods and Growth Area (unprotected neighbourhoods).	Noted.	No change.
Resident.	No objection.	I have taken a look at this and can have no objection as drafted. It occurs to me though that inevitably it is merely playing catch-up in dealing with unsightly paraphernalia resulting from technological advances that were not anticipated at the time of the previous direction. These changes will continue and probably increase in ways that no-one can possibly predict. In the circumstances I wonder if the wording could be altered to encompass such "advances" in a generic way to avoid periodic revisions and pending those revisions undesirable alterations slipping through loopholes. That might be achievable if the Legal department were to instruct planning counsel to come up with something.	Noted. It would be virtually impossible to predict technological advances that might need planning permission and out of the control of the Article 4 Direction. Works that are out of these controls and considered harmful to the conservation area can be assessed when they arise. Furthermore, the current Article cannot be amended it would need to be remade.	No change.
Resident.	In support.	I have seen the notices posted in the Northwick Circle neighbourhood requesting comments or representations by 18 December. I am writing to express my support for the direction. I	Noted.	No change.

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		<p>am very committed to protecting the environment and heritage of Northwick Circle. Indeed I would like to see more active and effective implementation of the rules relating to the conservation area. In recent years many houses in the area have destroyed their front gardens and replaced these with hard standing for car parking. In a number of cases, this has been done without planning permission or in contravention of the permission granted. I have complained in some instances but it isn't clear to me that Brent Council has the will or intent to seek rectification.</p>		
<p>Brondesbury Residents and Tenants Association (BRAT).</p>	<p>In support.</p>	<p>We have for some time been discussing in committee the issue of painting the front elevation of houses. Our view is that the existing reference to "Red Russet" is open to interpretation, and the attempt to mimic red brickwork results in a less than satisfactory appearance than grey. There may be an advantage in specifying British Standard colours. Reference to Red Russet should be deleted.</p> <p>We propose that schedule 2 part 2 of the order 3 (c) AND the Design Guide be amended to read the application of British Standard (equivalent to Dulux 60YY-74072 420) off white to already painted or rendered brickwork. An alternative acceptable colour to already painted or rendered brickwork is pale grey (equivalent to Dulux 50RB 83/005. We do not support the wholesale painting of front elevations where brickwork has never been painted.</p> <p>We support the restriction on erection of outbuildings at the rear, but recommend that garden sheds should be permitted on a case by case basis.</p> <p>We question para 3.13 of the Cabinet Report of 7/9.2020 "the proposed new directions will not apply to rear elevations of dwellings. Properties will therefore retain permitted development</p>	<p>Red Russet does not appear in the Article 4 Direction. The reference is in the Conservation Area Design Guide. This will be looked at with reference to an amended design guide.</p> <p>The Article 4 Direction makes reference to British Standard white or off-white and this is considered appropriate. It would discriminatory to state one manufacturer. A fuller British standard range may be possible in the revised design guide.</p> <p>Garden sheds would be considered on a case-by-case basis. The Article 4 is purely a means of requiring planning permission.</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p>

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		rights relating to rear extensions.” Brent officers have recently disallowed Juliet balconies and window detail which permits increased overlooking, proposals for dormer windows which do not follow the guidelines, heights of extensions which exceed dimensions set out in the Guide, amongst other issues. Rear views from houses benefit from detailed control of design aspects of properties back to back.	The Article 4 does not apply to single storey rear extensions (from the rear elevation of the house). This is because extensions up to 3 metres in depth are permitted development and Inspectors have decided these are not harmful to the conservation area. Dormers and dormer windows require planning permission in conservation areas and these are considered on a case by case basis. Upper first floor windows will be covered by the Article 4 Direction.	
Canal & River Trust.	No comment.	I can confirm that the Canal & River Trust have no comments to make on the proposals, given that there are no conservation areas affecting the Trust’s waterways or towpaths within LB Brent.	Noted.	No change.
Highways England.	No comment.	Having examined the Brent Council proposed new Article 4 Direction documents, we are satisfied that its policies will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para’s 9 & 10 and MHCLG NPPF para 109). Based on this, Highways England does not offer any comments on the consultation at this time.	Noted.	No change.
Historic England.	In support.	As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the planning process. Historic England supports the proposed Directions which will enable suitable assessment of development affecting the historic environment. The control of this change will enable the Council to ensure continued, sustainable development in areas of the borough where this is an integral and positive element of character.	Noted.	No change.

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Natural England.	No comments.	Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England have no comments to make on this consultation	Noted.	No change.
Queen's Park Area Residents Association (QPARA).	In support.	The proposals were discussed at our regular meeting on 10 December. There was unanimous support for the changes proposed and for continuing the process of scrutiny of any developments in the QP Conservation Area as part of the national planning reforms. While the planning rules apply to the built environment the context of the streetscene is an essential part of the CA environment and we hope that other departments within Brent will co-ordinate their plans in conjunction with planning. We include street trees, pavements, traffic calming measures, air quality and street furniture in this aspect. In addition QPARA requested that the Queen's Park Conservation Area Design Guide be updated and the conservation area be extended.	Noted. The matters relating to the conservation area design guide being updated, conservation areas extensions and cross department working is not part of the Article 4 Direction consultation.	No change.
Transport for London.	No comments.	Thank you for consulting Transport for London (TfL). I can confirm that we have no comments to make on the proposed new Article 4 Directions for residential conservation areas	Noted.	No change.
Sudbury Town Residents' Association Neighbourhood Forum (STRA).	In Support.	In the documents 'Direction Made Under Article 4 dated 2005, First Schedule, the document wording includes the term a 'relevant location'. The use of the term 'relevant location' takes into consideration all significant perspectives of a dwellinghouse. STRA supports the original wording 'relevant locations' to be included in the revised Directions Under Article 4, First Schedules. STRA supports the use of the original wording as this provides protection. STRA suggests the wording 'Minor Operations' be removed as it may be misinterpreted to mean the matter is not significant. In addition, the wording of Directions under Article 4, 2005 to be used as it is clear and includes the curtilage.	STRA is concerned that there is a loss of protection by the omitting the words 'relevant location'. But this is not the case. The words relevant location leads to ambiguity particularly where a house does not quite face a relevant location. The new wording means it is for any alteration to the front of the house. The heading 'minor operations' is explicitly described in the current legislation.	No change. The Sudbury Court Conservation Area is not part of its remit.

**Article 4 Direction Consultation – replacement Article 4 Directions for Brent’s residential conservation areas.
19 November – 18 December 2020 for the Sudbury Court Conservation Area**

Summary of representations received and officer comment

59 representations received, four in support, 54 Object (41 standard email), one neither for nor against.

Respondent	Comment		Officer response	Change to Article 4
Resident.	In support.	<p>There are few properties countrywide that have the privilege of being in a conservation area and many house owners have value this area because of the strength and uniformity of the estate design.</p> <p>Heritage once lost cannot be reinstated. If the rules do not suit residents then perhaps they should consider a different location where they would feel less restricted.</p>	Noted	No change
Resident.	In support.	<p>My household fully support the new Article 4 directions so that the unique character and appeal of the Sudbury Court Conservation Area can be preserved.</p>	Noted.	No change.
Resident.	In support	<p>I am writing to say I am in favour of the new Article 4 direction. I would like to see more control and planning permission needed for the alterations which it describes, in order to preserve the wonderful visual character of the Sudbury Court estate, which otherwise is being eroded.</p> <p>Especially with regard to the fact that outbuildings in gardens will now need planning permission (if I have understood this correctly). I do feel that too many large buildings in gardens have appeared. In addition, these garden buildings can contribute to light and noise pollution, for example there is one a few doors down from me - that has hideous blue lights installed on the front of it which seem to be on most evenings.</p> <p>Thank you to the staff who participated in the Sudbury Court residents' meeting on zoom last week to discuss and explain and answer peoples' questions, I found this was very informative.</p>	Noted.	No change.

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Resident.	In support.	I support the new Article 4 directions so that the character of the conservation area can be preserved. My family has lived at the above address since 1971 and are keen for the look and feel to be preserved. Under PD the area would lose its appeal and attractive character.	Noted.	No change.
41 Residents.	Objection.	<p>I have only just been made aware of your consultation on the planned Article 4 Direction for Brent's residential conservation areas. While I understand the need to update such directions from time to time to keep them in line with current legislation, there are some ways in which the proposed Direction would further tighten restrictions on Permitted Development.</p> <p>As a homeowner in own of the affected conservation areas (Sudbury Court) I hereby raise a number of concerns and objections on the proposals:</p> <ol style="list-style-type: none"> 1. There is no need for additional restrictions on side extensions. Current restrictions on extensions and alternations, particularly to the front of the property are adequate to protect the character and appearance of the conservation area. 2. There does not need to be any further restriction to the size of any outbuildings. The sizes mentioned in the Permitted Development Rules are adequate. Adding further restrictions prevents home owners to lawfully build on their land which would not in any way negatively impact a Conservation Area given that the outbuildings are to the back of the property. 3. I object to further changes being made to the replacement of walls and further limitations to the front of properties. In particular, potentially having to apply for Planning Permission for minor renovation and maintenance works to walls (which is the effect of the proposed Direction) imposes a significant cost and inconvenience to homeowners. The current rules do not need to be extended. They adequately cover restrictions and have worked 	<p>There are no further restrictions on side extensions. There are not additional restrictions to the front of the property.</p> <p>This is a new provision to prevent large outbuildings being constructed that would otherwise harm the conservation area.</p> <p>There are no further restrictions imposed by the new Article 4 Directions on the construction of front walls. They are included in the existing Article 4 Directions.</p>	<p>No change</p> <p>Possible change</p> <p>No change</p>

Respondent	Comment		Officer response	Change to Article 4
		<p>well for several decades. I do not agree to further restrictions being imposed on my property.</p> <p>4. I also do not agree that Article 4 should be extended so that solar panels (side and rear), heat pumps and wind turbines need planning permission. Given current government policy and its drive towards Net Zero and the broader social consensus about the climate emergency, it seems inconceivable that you are proposing to tighten restrictions on green energy infrastructure rather than relax them.</p> <p>5. You have taken a 'one size fits all' approach across Brent by attempting to streamline Article 4 restrictions for all conservation areas across the borough. While I appreciate that this may provide some simplicity for Brent and also for planning professionals it does not respect the individual characteristics, history and unique circumstances of each conservation areas which calls for a more tailored approach to Article 4 restrictions that balances local needs with the additional time, cost and inconvenience imposed on homeowners.</p> <p>6. No evidence or explanation to my knowledge has been provided in relation to the proposed change or the rationale behind them. You may be following the minimum process required by statute but in my view Brent could have done a lot more to communicate these proposed changes to residents and at a minimum writing a letter to affected residents. I only became aware of your consultation by chance because someone sent me a photo of a small notice on a lamppost. I would urge you to extend the consultation period and write to affected residents to allow them to properly consider and respond on what is really a rather technical subject for lay people. There is no pressing need to push this through so it should be done properly.</p>	<p>The current Article 4 Directions cover these technologies already where they are attached to the front or side façade or within the front garden. In most cases the existing Article 4 Direction also covers solar panels to the front roof slope.</p> <p>The existing Article 4 Directions all cover the same type of alterations. The new Article 4 Directions have been drafted to follow the existing arrangements with exception of outbuildings. Mapesbury and Roe Green Village both already have an Article 4 Direction in place.</p> <p>It is good practice to update such directions from time to time to keep them in line with current legislation. A clear objective identified within the Strategy (at Section 13) is to update the Article 4 Directions. Given the number of properties in the areas, it was not considered proportionate to serve an individual notice on each owner and occupier. Sudbury Court</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Respondent	Comment		Officer response	Change to Article 4
			Residents' were given a meeting and extra time to comment.	
Resident.	Objection.	<p>I am writing to object under a number of grounds to the changes being made under the consultation application (new non-immediate article 4 directions to replace the existing article 4 directions for Brent's residential conservation areas). As this affects my property (I am in the Sudbury Court Conservation Area), I disagree that further controls need to be put in place. I object on the following grounds:</p> <p>1. There does not need to be any further restriction to the size of any outbuildings. The sizes mentioned in the Permitted Development Rules are adequate. Adding further restrictions prevents home owners to lawfully build on their land which would not in any way negatively impact a Conservation Area given that the outbuildings are to the back of the property. Government strategy is to allow house buildings and these restrictions severely impact a homeowners right to develop.</p> <p>2. I also object to further changes being made to the replacement of walls and further limitations to the front of properties. The current rules do not need to be extended. They adequately cover restrictions. I do not agree to further restrictions being imposed on my property.</p> <p>3. I also do not agree that Article 4 should be extended so that solar panels (side and rear), heat pumps and wind turbines need planning permission. As someone who works in the Energy sector and with the growth of green technologies, there should be no restriction to these from the rear or the side. The current direction serves this purpose suitably.</p> <p>On a separate point, the consultation should have included illustrations and explanations to the changes. Local councillors</p>	<p>Noted.</p> <p>This is a new provision to prevent large outbuildings being constructed that would otherwise harm the conservation area.</p> <p>There are no further restrictions imposed by the new Article 4 on the construction of front walls. They are included in the existing Article 4 Direction.</p> <p>The current Article 4 Directions cover these technology already where they are attached to the front façade or side of the house. In most cases the existing Article 4 Direction also covers solar panels to the front roof slope.</p>	<p>Possible change</p> <p>No change</p> <p>No change</p>

Respondent	Comment		Officer response	Change to Article 4
		<p>have not been able to communicate that there are changes (I and many other residents in the estate, were told there are no changes which is untrue) so i request that the consultation be put on hold up and until all residents are fully engaged on the proposed changes. I request that the conservation area officer holds talks with each area to guide them through the changes.</p> <p>Finally, I request that the rules be explained in any future changes in layman's terms so that they can be easily understood. I suggest the use of a guide to do this.</p>	<p>A meeting was held with residents following a request and the consultation extended.</p> <p>Noted.</p>	No change
7 Residents.	No comment.	<p>Having taking part in the virtual forum organised for the residents of SCCA, I would like to appeal to your understanding and special consideration for some residents of Abbots Drive, Audrey Gardens and The Fairway. That should be based on the composition of the entire SCCA and how unfairly the Permitted Development Rights of a small number of residents are affected compared to the majority. Loft conversions are the only available option for the minority of owners of properties with shared drive. Therefore, I appeal to your understanding, authority and powers to include in the appraisal the relaxation of restrictions for these few residents who must have the same amount of permitted development rights as the vast majority of residents in the Sudbury Road Conservation Area.</p>	Dormers are not subject to the Article 4 Direction.	No change.
Resident.	Objection.	<p>I would like to protest at any changes on Sudbury court estate, I have lived in a conservation area before in Harrow and moved out as you could do nothing to improve your home. One example was the house had wood windows which were not energy efficient and council would not allow double glazing so people would put plastic sheets up to keep the cold out, how's that for keeping the character of the home! But the wishes of the people who live on the estate will be ignored as always. These consultations are just an excuse for you to say we did ask people their opinion (but then we just ignored them).</p>	Noted.	No change.

Respondent	Comment		Officer response	Change to Article 4
14 Residents.	Object.	<p>I would object to any plans to stop people building out houses at the rear for example gyms and studios and offices. Clearly with lockdown, Covid and the fact that these all come under permitted development anyway mean this should continue to be allowed. The second reason it should be allowed is because it does not affect the fascia of the listed buildings. Basically you cannot see the rear of the houses.</p> <p>I also object to any plans to restrict loft conversions because this is one way in which burgeoning families (for example with teenage children) can stay at home and where this does not cause further impact on the housing crisis. The roofline aesthetic is one thing but impacts on families being able to stay together and housing crisis is another thing which outweighs this.</p>	<p>This is a new provision to prevent large outbuildings being constructed that would otherwise harm the conservation area.</p> <p>Dormers are not subject to the Article 4 Direction.</p>	<p>Possible change.</p> <p>No change.</p>
Sudbury Town Residents' Association Neighbourhood Forum (STRA).	In Support.	<p>In the documents 'Direction Made Under Article 4 dated 2005, First Schedule, the document wording includes the term a 'relevant location'. The use of the term 'relevant location' takes into consideration all significant perspectives of a dwellinghouse. STRA supports the original wording 'relevant locations' to be included in the revised Directions Under Article 4, First Schedules. STRA supports the use of the original wording as this provides protection. STRA suggests the wording 'Minor Operations' be removed as it may be misinterpreted to mean the matter is not significant. In addition, the wording of Directions under Article 4, 2005 to be used as it is clear and includes the curtilage.</p>	<p>STRA is concerned that there is a loss of protection by the omitting the words 'relevant location'. But this is not the case. The words relevant location leads to ambiguity particularly where a house does not quite face a relevant location. The new wording means it is for any alteration to the front of the house. The heading 'minor operations' is explicitly described in the current legislation. Note that the Sudbury Court Conservation Area is not within its remit.</p>	<p>No change.</p>