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1. Executive Summary

The Cullompton Article 4 Direction was made in 2009, following adoption of the Conservation Area Management Plan

A review of the Direction was requested by the Planning Committee in 2013, due to the amount of harmful change that had already occurred. Recent appeal decisions have supported the need for change.

A photographic survey of each of the properties in the Article 4 Schedule was carried out in July 2014; the type of windows and doors, and presence of boundary walls, chimneys and rooflights were recorded at the same time. The potential harm caused by changes to each of these categories was also noted.

The survey found a very high level of window and door replacement had occurred in the conservation area. Seventy per cent of properties had uPVC or aluminium windows and, in some streets, that figure was nearly 90%.

Most historic chimneys are still standing throughout the conservation area and there is a general absence of rooflights – the roofscape is therefore well-preserved.

Due to the predominance of terraced houses built up to the street, boundary walls and porches are not common.

The conservation area was divided into character areas to see if some parts were more vulnerable or worse affected than others. Although there were clear differences between them, it was concluded that all these areas could benefit from the additional planning controls conferred by an Article 4 Direction.

The possibility of removing the Article 4 Direction altogether was considered; however, it is considered to be clearly beneficial to the historic built environment and it would be a mistake to do so.

The possibility of taking the peripheral streets out of the Article 4 Direction area and to retain it only in the core of the conservation area was considered; however, this would lead to two classes of protection and allow decline to continue in these outer parts – which are simpler, yet still of architectural and historic importance .

The preferred option is to have a series of revised Article 4 Schedules, targeted to individual properties according to the potential harm caused by each category of development controlled.

The possibility of revising the conservation area boundary was considered; however, in order to do so in an informed and consistent way, a revised conservation area appraisal would be needed. At this stage they should be left as they are.

Following submission of this report, officers of the Council recommended that the additional controls should be applied in areas based on the findings of the survey. Following approval of this approach by the Cabinet, public consultation took place at the end of 2014.

The report has been amended to take account of these changes.

2. Background

The Cullompton Conservation Area Management Plan was adopted in 2009. This document included a proposal that an Article 4 Direction should be made, affecting all those properties in the conservation area that had permitted development rights (domestic dwelling houses). The Article 4 Direction was made and confirmed later that year.

An Article 4 Direction is a tool used by Local Planning Authorities to remove permitted development rights. This means that for certain properties (identified in a schedule) planning permission would be needed to carry out a range of identified works that otherwise would not have needed it.

In the case of Cullompton, all of the properties in the conservation area that would normally enjoy permitted development rights were included in the Article 4 Direction Schedule; for them, the following works now required planning permission:

- Replacement of windows and doors fronting a highway, waterway or open space.
- Insertion of rooflights on slopes fronting a highway, waterway or open space
- Removal or lowering of boundary walls in whole or in part.

- Erection or construction of a porch outside any external door of a dwelling where this fronts a highway, waterway or open space.
- Removal or lowering of boundary walls in whole or in part.
- Removal of chimney stacks.

In a subsequent survey, carried out in 2012, breaches were identified at 17 properties, where one or more of the above works had been carried out without planning permission.

These cases were discussed by the Mid Devon District Council Planning Committee in November 2013. While it was resolved to take enforcement action in two of these cases, it was decided that no further action should be taken in the remainder.

At the same meeting, it was resolved that this review of the Cullompton Article 4 Direction be commissioned by the Council.

Subsequently, the owners of the two properties where enforcement action was agreed successfully appealed against the Enforcement Notices served.

3. Brief

In May 2014, Nils White Conservation was commissioned to carry out a review of the Article 4 Direction in Cullompton. The brief was as follows:

'To survey the Cullompton conservation area to assess which parts or properties, if any, should continue to be included in an article 4.2 Direction. The current Article 4 Direction has blanket coverage of all dwelling houses in the conservation area. (Flats and commercial premises were excluded from the 2009 Direction).'

It went on to state that the review should comprise a photographic survey of the relevant dwelling house frontages, chimneys and boundary walls, maps showing the various categories of properties and a written report. If appropriate, it could be proposed that the conservation area boundary should be redrawn to exclude the worst affected parts.

4. Methodology

In line with the requirements set out in the brief, a photographic survey of all properties in the conservation area was carried out and, for each of them a series of categories was recorded. These were:

- a. Type of Property (dwelling house, flat, commercial property, institution, etc)
- b. Age and Material of windows (historic timber, modern timber, aluminium, uPVC, steel and combinations thereof).
- c. Potential Harm caused by replacement of windows (assessment based on b and what is in surrounding properties).
- d. Age and Material of Doors (same categories as for windows)
- e. Potential Harm caused by replacement of Doors (as c.)
- f. Presence of significant chimney (small, modern chimneys, that do not enhance the conservation area were excluded).
- g. Potential Harm caused by removal of Chimney (as c.)
- h. Presence of significant Boundary enclosure. (some modern, low walls were excluded)
- i. Potential Harm caused by removal of boundary (as c.)
- j. Presence of a porch (traditional pediments over front doors were not included)

- k. Potential harm caused by erection of a porch.
- l. Presence of rooflights
- m. Potential harm caused by insertion of rooflights (assessment based on prominence of roof slope, surroundings and presence of existing rooflights).

Definition of Harm

Potential harm was identified where changes to that element (normally permitted) could be detrimental to building character. For example, replacement of timber windows or doors with UPVC would normally be considered harm, as would demolition of a chimney or significant boundary wall.

While potential harm was mainly based on impact on the individual house, the conservation area was also taken into account. In some areas, where the windows of all neighbouring properties had already been replaced for example, the harm caused by replacement of timber units might be much less than in an area where this had not happened.

Potential harm was recorded where ownership of land at the front of a house would allow the construction of a porch, where there was a prominent roof slope uninterrupted by rooflights or where there was a significant, chimney or boundary wall that could be vulnerable to removal.

Potential harm is not the same as a *threat*, which is a measure of the likelihood of harmful works taking place.

5. Summary of Findings

Below, is an overview of the results of the survey for the entire conservation area.

Type of Property

The Article 4 Direction is intended to affect only unlisted houses with permitted development rights. This excludes commercial premises, flats, institutions, clinics etc., as well as listed buildings.

The survey found that the Schedule of properties covered in the Article 4 Direction included 10 listed properties and 79 others that, due to their use (being flats, commercial or institutional premises), do not appear to benefit from permitted development rights.

Windows



The replacement of windows is normally permitted development in dwelling houses in conservation areas. Where this involves removal of historic windows and their substitution with uPVC or aluminium units, it can have a devastating impact on the character and appearance of the conservation area and tends to be the most common reason why Article 4 Directions are made. The 2009 Cullompton Conservation Area Management Plan placed special emphasis on the harm caused by introduction of inappropriate windows.

In the 2014 survey about 70% of the properties in the schedule had already had inappropriate uPVC or aluminium windows installed and, in 65% of them, all the visible windows in the property had been replaced with uPVC.



In certain streets, the percentage of properties with uPVC or aluminium replacement windows was still higher; for example, 87% in the Higher Street area; 85% in Middle Mill Lane and 87% in New Street. In areas like this it was less likely that replacement of windows would be judged to cause harm (even, in some case, where the existing ones were timber). By contrast, historic windows survive in less than 10% of the properties surveyed.

It was considered that replacement of the existing windows could result in potential harm in 27% of the properties surveyed.

Doors

The use of plastic and aluminium for doors, was not as prevalent as for windows but still very common; 48% were found to be uPVC or aluminium in the survey, while the historic front door survived in only 13% of properties.

It was judged that door replacements could cause harm in 45% of properties surveyed.



Chimneys



Chimneys play an important part in defining and providing verticality to an historic roofscape and their removal can harm the character and appearance of a conservation area.

In the survey, 63% of properties had a surviving chimney (simple flues and small, modern stacks were not included) and in most of these cases, it was judged that to remove it would cause harm to the character and appearance of the conservation area. In many cases a single chimney stack is shared between 2 properties. Where this was the case, it was counted as belonging to both of them.

In areas where the roofscape is less prominent, the loss of a chimney would be less likely to be judged as harmful to the character and appearance of the conservation area.

Rooflights

Where the roofscape is prominent, a profusion of rooflights can have a disruptive effect on historic and architectural character. Only 6% of the properties in the schedule were identified as having rooflights on principal elevations and the potential harm caused by their insertion was judged to be significant in more than 50% the properties surveyed because of the prominence of the principal roof slopes.

Interestingly, only two of the properties on the Schedule had had solar panels installed.

Boundary Walls

In many conservation areas walls play an important part in defining the space and their removal, often to create car parking spaces, is detrimental to the character and appearance. In Cullompton, most houses are terraced and have no front yard space or prominent boundary walls. However, in the 20% of properties where they do exist, their removal was generally judged to be potentially harmful.

Porches

As with boundary wall removal, porch construction does not represent a significant threat in most of the conservation area. Potential harm was identified on off-street terraces such as Belle Vue or Wishcroft Terrace (Area 2 in Section 5, below), where introduction of porches (or alteration of the existing open porches) is possible as land at the front falls within the property. It was judged that this could harm the rhythm of the terrace as a whole.

6. Level of Threat by Character Area

For the purposes of further analysis, the conservation area was divided into 8 rough character areas comprising streets or courts with certain characteristics in common. For each area, the percentage of properties to which works controlled by the article 4 Direction could cause harm is shown below.

Area 1. Higher Street; Station Road; Tiverton Road; Exeter Road; Exeter Hill.



These streets are all located on the principal approach routes to the town. Most of the properties are small cottages with doors opening directly on to the pavement.

• Properties where window replacement could cause harm	18%
• Properties where door replacement could cause harm	28%
• Properties where chimney removal could cause harm	63%
• Properties where boundary removal could cause harm	16%
• Properties where rooflight insertion could cause harm	77%
• Properties where erection of a porch could cause harm	11%

Within this sub area, the existence of unsympathetic modern windows varies between 50% in Tiverton Road and 86% in Exeter Hill. In many cases, this has resulted in such a significant change to the character and appearance of these streets that further replacement would not cause additional harm. The rate of survival of the original, historic windows and doors, whose loss would be most unfortunate, is very small.

Where chimneys survive, their removal would generally harm the character of the streets, which due to their width, have a fairly prominent roofscape. As elsewhere in the conservation area, there are very few rooflights and, while widespread insertion could be harmful, this is perhaps less likely due to the limitations in roof space. With a few exceptions, porches do not present a major threat in these streets, as the front doors generally open directly on to the street.

Exeter Hill is notable for ornate, 19th century shopfronts at numbers 7, 9 and 4. Sadly, the shops themselves have gone, but the majestic shopfronts are an important survival.

Area 2. Pen-y-Dre Terrace; Wishcroft Terrace; Belle Vue Terrace; Garden Terrace



The first three of these terraces date from the 1900s, while Garden Terrace is slightly later and plainer. All are brick-built and are set off the main road.

- Properties where window replacement could cause harm 14%
- Properties where door replacement could cause harm 14%
- Properties where chimney removal could cause harm 97%
- Properties where boundary removal could cause harm 34%
- Properties where rooflight insertion could cause harm 72%
- Properties where erection of a porch could cause harm 86%

These terraces are fundamentally different in form and situation from the more traditional houses in the conservation area, but are affected by similar issues. As with other terraces, attempting to preserve a sense of

unity and rhythm is fundamental. As such, further chimney removal, the addition of porches, or sporadic rooflight insertion all have the potential to cause harm where these works have not already occurred. As elsewhere, however, most windows and doors have already been renewed and the potential for replacement to cause harm is low.

Area 3. Middle Mill Lane; Higher Mill Lane.



Many of the houses in these lanes are set back from the pavement and sit within their own garden. Where this is the case, the impact of changes to them on the overall character and appearance of the conservation area was therefore judged to be less significant than elsewhere.

- | | |
|---|-----|
| • Properties where window replacement could cause harm | 17% |
| • Properties where door replacement could cause harm | 13% |
| • Properties where chimney removal could cause harm | 30% |
| • Properties where boundary removal could cause harm | 25% |
| • Properties where rooflight insertion could cause harm | 13% |
| • Properties where erection of a porch could cause harm | 0% |

Area 4. Church Street; Gravel Walk; Queen Square

These streets, arranged around St Andrews Church, might be seen as the historic heart of the conservation area, with high quality spaces and some larger dwellings. Due to the quality of this space and the prominence of the buildings, it is considered to be especially sensitive.

- | | |
|---|-----|
| • Properties where window replacement could cause harm | 56% |
| • Properties where door replacement could cause harm | 61% |
| • Properties where chimney removal could cause harm | 61% |
| • Properties where boundary removal could cause harm | 56% |
| • Properties where rooflight insertion could cause harm | 72% |
| • Properties where erection of a porch could cause harm | 28% |



Area 5. Cockpit Hill; Pound Square; Duke Street; Ways Lane



This area is again largely composed of terraced cottages, their building line following the pavement. Most windows and doors have been replaced, boundary walls are few and there is usually no potential to add a porch. Once again, chimney survival is quite high and their removal would often be detrimental.

- Properties where window replacement could cause harm 10%
- Properties where door replacement could cause harm 20%
- Properties where chimney removal could cause harm 59%
- Properties where boundary removal could cause harm 16%
- Properties where rooflight insertion could cause harm 61%
- Properties where erection of a porch could cause harm 15%

Area 6. Crow Green; New Street

These two streets are again made up of terraced cottages and have the highest level of window and door replacement in the conservation area. New Street is fairly narrow, level and straight and for that reason, roofs are not prominent. Rooflight insertion would therefore often not result in significant harm.

- Properties where window replacement could cause harm 5%
- Properties where door replacement could cause harm 10%
- Properties where chimney removal could cause harm 80%
- Properties where boundary removal could cause harm 21%
- Properties where rooflight insertion could cause harm 29%
- Properties where erection of a porch could cause harm 11%



Area 7. High Street and Fore Street



Together, these streets comprise the commercial centre of the town. Buildings here are grander and taller than elsewhere and typically have commercial premises on the ground floor with flats above them. Fifty four of the 80 properties on the Article 4 Schedule with High or Fore Street addresses do not appear to have permitted development rights, as they are flats – window and door replacement, rooflight insertion and porch erection for these properties would all therefore need planning permission even in the absence of an Article 4 Direction.

Due to the width of the street and the prominence of the roofs, many properties would be sensitive to rooflight insertion or chimney removal.

- Properties where chimney removal could cause harm 46%
- Properties where boundary removal could cause harm 12%
- Properties where rooflight insertion could cause harm 57%
- Properties where erection of a porch could cause harm 3%

- Properties where window replacement could cause harm 62%
- Properties where door replacement could cause harm 69%

Area 8. The Courts



These historic alleys off the main street have suffered as much as the rest of the conservation area from inappropriate changes. Chimneys here have often already been removed and again, there is a general absence of boundary walls. The high level of harm predicted from timber and door replacement reflects a significant number of new dwellings with modern timber joinery.

• Properties where window replacement could cause harm	37%
• Properties where door replacement could cause harm	58%
• Properties where chimney removal could cause harm	23%
• Properties where boundary removal could cause harm	11%
• Properties where rooflight insertion could cause harm	18%
• Properties where erection of a porch could cause harm	10%

It is clear that there are significant differences between these sub-areas; for example, while window replacement would cause harm in 64% of properties in Fore Street and High Street, the figure for New Street and Crow Green is only 5%; or while chimney removal could cause harm in 80% of New Street properties, the figure for Middle and Higher Mill Lanes is 30%.

More than anything, these figures demonstrate that while different parts of the conservation area have varying characteristics and threats, all are vulnerable in some way. There is not considered to be an overriding case to remove the Article 4 Direction from any one of these areas.

7. Discussion and Recommendations

The survey results give a snapshot of a conservation area whose buildings have suffered a particularly savage ransacking of historic windows and doors in recent decades. The sparkle of hand-blown glass or subtleties of hand-planed mouldings are notoriously difficult to re-create even in the best new timber windows. Sadly, in Cullompton, these are the exception, the more usual replacements being dreary white plastic. Clearly, it would be desirable, in conservation terms, to undo what has been done and start again. However, an Article 4 Direction, by itself, will not achieve this; it can neither apply retrospectively, nor prevent subsequent replacement of uPVC or aluminium units with more of the same.

Other elements of the conservation area are well-preserved. The form of the streets themselves and the characteristic roofscape have apparently changed little in the last centuries and there continue to be significant threats as seen above.

The English Heritage guidance ***Understanding Place – Conservation Area Designation, Appraisal and Management*** (2011) clearly states that Article 4 Directions should only be made where there the works brought under planning control pose a *real and specific threat* to the character and appearance of the conservation area. The same guidance states that stricter planning controls are most effective if combined with grant aid, or other incentives.

While some tightening of planning controls in Cullompton conservation area using an Article 4 Direction is considered to be desirable for the historic environment, it does also generate additional work for the local planning authority, usually attracting no fee, and can make even beneficial alteration to properties an onerous task. It is essential, therefore that it is used in a way that is proportionate to the threat.

Implications of Recent Appeal Decisions

The success of the Article 4 Direction in Cullompton has been mixed. In a few cases, the need for planning permission has directly led to improvements in materials and detailing of replacement windows and doors; while an enforcement notice requiring reinstatement of timber windows in one Fore Street property was upheld at appeal.

However, two more recent appeals against Enforcement Notices have been allowed in the last year, the Inspector reasoning that the overall character of New Street and Queen Square respectively had been transformed to such an extent that replacement of non-original timber doors with uPVC was not considered to cause harm. In the case of the former, he stated that the character and appearance of the conservation area was now defined by uPVC windows.

These latter decisions have challenged the legitimacy of the Article 4 Direction in its current form and underline the need for this review.

Options

To leave the Article 4 Direction unchanged is not considered to be an option. The survey shows that many of the properties covered by its schedule have already undergone so much inappropriate change, that the blanket imposition of additional planning controls is excessively onerous and unnecessary. In these cases, some or all of the works covered by the Article 4 Direction pose no real and specific threat to the character and appearance of the conservation area, as what it is intended to preserve is already lost. This conclusion is reinforced by recent appeal case history, the instruction by the Planning Committee to carry out this review and the findings set out in this report. There are therefore 3 possible ways forward:

A. Do away with the Article 4 Direction entirely

While this option may appear legitimate – most conservation areas do not have an Article 4 Direction in place, and Cullompton’s was the first in Mid Devon – it would be tantamount to an admission of defeat and is therefore not recommended. Cullompton is a significant historic town which still contains much to preserve or enhance in its conservation area. In spite of the large amount of modernisation, the survey revealed numerous surviving historic features that, if planning controls reverted to their pre-Article 4 state, could be removed or altered under permitted development rights and that this would result in harm to the character and appearance of the conservation area. Therefore, in the light of the time and money spent preparing and reviewing the Direction and the clear inadequacy of normal planning controls to address the threats, it is strongly recommended that a modified Article 4 Direction be retained in the conservation area.

B. Retain a blanket Article 4 Direction for a reduced Area where Threat is Greatest.

Section 5 of this report explores the differences between the potential for harm in different parts of the conservation area. Based on these, the possibility of reinstating permitted development rights in the more peripheral areas was considered, applying the Article 4 Direction only in the core of the town. While this approach would have the advantages of clarity and simplicity, it would still be a fairly blunt instrument to help achieve preservation and enhancement.

The figures suggest that all the different parts of the conservation area are vulnerable – albeit to different kinds of development. There is a danger,

therefore that this option would have the effect of relegating much of it to second best when, in fact, each street has a part to play in defining the historic and architectural character of the town yet subject to a threat from inappropriate works. The concentration of planning controls in the town centre while letting surrounding streets go to seed would not be a desirable outcome.

C. Have a reduced Article 4 Direction, targeting properties where threat is greatest.

Having gathered the data and made a photographic record, there is an opportunity to have a targeted Article 4 Direction, where the extension of planning controls would vary for each property according to potential harm.

This option would be slightly more complicated – an individual schedule of properties would be needed for each category of works brought into planning control; however, it would enable a more focused and agile response to the threats faced by the historic built environment.

The advantage of this approach is that there would be a clear rationale for having the additional controls in each case and this would support the development management process. The additional work for the planning department would be concentrated where the threat was greatest.

This was the option that was recommended for Cullompton. Accordingly, six draft schedules were prepared, one for each kind of works to be brought under planning control, identifying properties where permitted development rights should be removed. Listed buildings were not included; neither were buildings that do not have permitted development rights for the works in question. The number of addresses on each

schedule ranged between 63 (windows) and 259 (chimney demolition) compared with 466 for all works on the existing Article 4 Schedule.

It was recommended, furthermore, that solar panels (which are permitted development on roofs in conservation areas) should be added to the rooflight Schedule

8 .Conservation Area Boundary

The brief included a suggestion that it may be appropriate to review the conservation area boundary. While carrying out the survey, the author took this possibility into account and various adjustments were considered. However, given that the boundary was changed in 2009, further changes were not thought to be appropriate at this stage. Overall, there is a clear rationale for the existing conservation boundary despite significant levels of degradation.

While there are different approaches to drawing conservation area boundaries, changes should always be justified by carrying out a full appraisal. Levels of inappropriate change or identified threats cannot on their own form the basis of a sound judgement. For these reasons, it is recommended that the conservation area boundary be left as it is.

9. Public Consultation

Following submission of the Draft Article 4 Review report, officers of the Council considered the recommendations above. Their conclusion was that a hybrid approach would be desirable, whereby areas of additional control for each of the operations covered by the Article 4 Direction would be defined based on the greatest concentration of properties identified in the draft report. In this way the revised schedules would be

loosely area-based, rather than targeting individual properties according to their exact characteristics.

This proposal was approved at the Cabinet meeting and public consultation ran from 10th November till 22nd December. Both the Town Council and the Town Team were supportive of the proposals, the latter seeking reassurance that every effort would be made to publicise the controls by notifying owners and tenants of properties affected and ensuring that they clearly appear in local searches. They also suggested that design guidance should be provided for the conservation area.

Otherwise, just 8 responses from the public were received. These were broadly supportive of the relaxation of controls. The issues raised are summarised below.

1. Solar panels should be exempted from the controls due to their importance in combatting climate change.

Response: While every effort should be made to encourage renewable energy developments where appropriate, solar arrays can be unsightly and look particularly out of place in a historic roofscape. The objective of planning controls in a conservation area is to preserve or enhance the character and appearance; therefore this additional control is justified.

2. There should not be relaxation of controls for replacement doors and windows. Where in appropriate units have been installed, restoration of traditional ones should be enforced.

Response: The objective of the Article 4 Review was to identify potential harm and target the controls accordingly. After careful consideration, the chosen approach is considered the best one.

3. Replacement of doors and windows should be permitted throughout in order to make homes weather-tight and energy-efficient.

Response: As identified in the report, window and door replacement has been thorough in Cullompton and the character of the conservation area has deteriorated as a result. Traditional windows can be made energy-efficient with proper draught-proofing and the use of secondary glazing, thermal blinds etc.

4. The controls are still excessive.

Response. This was the criticism of the original Article 4 Direction for Cullompton; consideration of this in the report has led to these revised proposals.

5. There should be some relaxation regarding the use of modern materials for doors and windows due to the difficulty in maintaining timber.

Response: Traditional timber doors and windows made of durable timber require relatively little maintenance and last many times longer than their plastic substitutes.

10. Conclusion

The revised proposals are considered to offer a fair and focussed approach to controlling inappropriate development in the conservation area.