

CULLOMPTON ARTICLE 4 DIRECTION REVIEW

Cabinet Member Cllr Richard Chesterton
Responsible Officer Head of Planning and Regeneration

Reason for Report: To report on the outcome of the public consultation on the review of the existing Cullompton Article 4(2). To seek approval for the making of a new Article 4(1) Direction with immediate effect for 6 categories of permitted development currently restricted by an existing article 4(2) Direction made and confirmed in 2009. To seek approval for the making of a new Article 4(1) Direction covering an additional category of permitted development namely the installation of solar and photovoltaic panels subject to the relevant periods for representations to be made. To seek approval for the removal of the existing Cullompton Article 4(2) Direction upon the Article 4 (1) Direction coming into force.

RECOMMENDATIONS:

That Cabinet recommend to Council:

1. **To approve the making of an 4(1) Direction with immediate effect in respect of the following categories of permitted development:**
 - **To control insertion of roof lights to front roof slopes for almost the whole conservation area as indicated in Map 1 (within the area outlined in orange).**
 - **To protect chimneys from demolition as indicated in Map 2.**
 - **To control the addition of porches to 5 terraces of houses as indicated in Map 3.**
 - **To control the demolition of boundary walls within discrete areas as indicated in Map 4 (within the area outlined in green).**
 - **To control the replacement of doors in discrete areas as indicated in Map 5 (within the area outlined in green).**
 - **To control the replacement of windows in discrete areas as indicated in Map 6 (within the area outlined in green).**
2. **To approve the making of an Article 4(1) Direction without immediate effect in respect of installation of solar and photovoltaic panels to front roof slopes for almost the whole conservation area as indicated in Map 1 (within the area outlined in orange).**
3. **To approve the removal of the current Article (2) Direction subsequent to the new Article 4(1) Direction coming into force.**
4. **That the Design Guide Windows and Doors be approved for publication.**
5. **That the Design Guide Roofs and Chimneys be approved for publication.**

Relationship to the Corporate Plan: To assist in improvement of market towns and caring for the environment.

Financial Implications: None. Cullompton Conservation Area currently has an Article 4 Direction covering it.

Legal Implications: Article 4 Directions remove specific permitted development rights from residential properties within the conservation area. The proposals will reduce the number of properties affected and focus control on the properties / areas where most benefit to the retention of the character and appearance of the conservation area can be gained. The existing Article 4(2) Direction will be removed upon the new Directions coming into effect.

Risk Assessment: The introduction of such legal controls requires review / monitoring and enforcement where warranted in order to be effective. The geographical reduction in control proposed will reduce the resources needed to undertake future review / monitoring and reduce the potential for a large number of breaches of the Article 4 Direction and therefore associated enforcement. This reduction in control in certain parts of the conservation area has been carefully considered in order to ensure that the conservation area's character and appearance is still safeguarded from the cumulative impact of incremental and unsympathetic changes that would otherwise be allowable under permitted development rights.

1.0 Introduction

- 1.1 In 2009 as part of the Cullompton Conservation Area Management Plan, an Article 4(2) Direction was introduced. This Direction covered dwellinghouses in the whole conservation area and removed certain categories of permitted development meaning that householders were required to obtain planning permission for those particular property alterations. The categories of permitted development removed were insertion of rooflights to front roof slopes, removal of chimneys, demolition of walls, the addition of porches and replacement of windows and doors to elevations fronting highways, waterways and open spaces. The Article 4 Direction covers only dwelling houses. Flats, commercial premises and listed buildings do not have these permitted development rights.
- 1.2 The Article 4 Direction was intended protect and enhance the character and appearance of the conservation area by controlling the loss of important features and securing better quality new or replacement features on unlisted dwelling houses.
- 1.3 On 8 May 2014 Cabinet received a report on issues arising from the application of the Article 4(2) Direction. It was decided to commission a review of the Article 4 Direction by private consultants.
- 1.4 The brief required the consultant to carry out a survey of the conservation area to assess which parts or properties, if any, should continue to be included in an Article 4 Direction.
- 1.5 The consultant's review was required to produce a dated photographic survey, maps and a written report based on the survey. The report was required to set out which categories of permitted development should be covered for areas or properties proposed for inclusion within an Article 4 Direction if any.

This review also considered additional categories of permitted development introduced since the current Article 4 Direction was made.

- 1.6 The brief also enabled the consultant to consider the possibility of excluding some parts of the conservation area from any Article 4 Direction or deleting them from the conservation area boundary if considered no longer worthy of inclusion.
- 1.7 The consultancy Nils White Conservation was appointed and following survey work the review was completed at the end of August 2014.
- 1.8 The consultant looked at three options namely to remove the Article 4 direction entirely, to apply it only to the central area or to target it by means of a series of schedules covering different classes of permitted development applied to individual properties.
- 1.9 The consultant's report analysed the existing doors, windows, boundary walls, porches, chimneys and rooflights. The conservation area was considered by character areas. It was concluded that the roofscape with its historic chimneys and general absence of rooflights or solar panels on front roof slopes was generally well preserved; that due to the predominance of terraced houses built up to the street that porches and boundary walls were not common; that the area had a high level of window and door replacement.
- 1.10 With regard to the character areas these were looked at to see if some parts of the conservation area were more vulnerable or worse affected than others. Whilst there were differences between the character areas it was concluded that the additional planning controls of an Article 4 Direction were beneficial.
- 1.11 The consultant's recommendation was to have a series of revised Article 4 Schedules targeted at individual properties according to the potential for harm from the different categories of permitted development. The consultant's report concluded that the Article 4 Direction is beneficial to the historic built environment and to remove it was not recommended. The option of taking the peripheral areas out of the Article 4 direction retaining it only in the core of the conservation area would result in continuing decline of the outer areas, which though simpler are still of architectural and historic importance was not recommended. The consultant also recommended that permitted development rights to install solar panels on front roof slopes should be removed.
- 1.12 The consultant's review including a recommended option was considered by the Head of Planning, development management staff and conservation staff with the following conclusions:
 - The detailed analysis of current appearance of the conservation area by character area and the detailed recording of the presence of chimneys, rooflights and boundary walls, together with information on the type of windows and doors present was considered useful.
 - The conclusion that the roofscape of the conservation area was largely intact with many chimney stacks surviving and with few rooflights or

solar panels to the front roof slopes was considered to be good justification for restrictions on these particular permitted developments across the most of the conservation area. The exceptions to this are roof lights and solar panels in most of New Street (where front roof slopes are not seen) and Middle Mill Lane (where rooflights and solar panels are already in place on most properties).

- With regard to porches very few properties have any scope to construct a porch so it was proposed that the Article 4 direction be applied to the few terraces where the architectural rhythm could potentially be harmed by the addition of a variety of porches.
- With regard to boundary walls it was proposed that restrictions should apply to small areas with a concentration of boundary walls.
- Similarly with regard to doors and windows it was proposed to apply restrictions to discrete areas where there are distinct concentrations of historic and good quality modern joinery. It was considered that if the Article 4 direction was only applied to parts of the conservation area where there are discernible concentrations of quality features such as groups of properties with historic joinery or good quality modern joinery retention of such features is justified because the loss would impact on the quality of the particular part of the conservation area.

1.13 In proposing the discrete area approach it was acknowledged that there would be some properties covered by the Article 4 direction that have no relevant boundary walls, have existing uPVC or aluminium windows and / or doors which would still need to apply for planning permission under the requirements of the Article 4 Direction.

1.14 The recommended approach was approved for consultation by Cabinet on 30th October 2014. Members also asked that design guidance be prepared to help those who need to make planning applications and also to provide others living in the conservation area with advice on what to consider when replacing windows and doors or when doing work to roofs and chimneys. It was also requested that when the revised Article 4 Direction had been approved that individual letters be written to each affected property to set out for which particular works the owner would need to get planning permission.

2.0 The Consultation

2.1 The public consultation included both the consultant's original recommendations and the alternative option approved by Cabinet. The consultation ran for a six week period from 10th November 2014 to 22nd December 2014. The consultation included letters to the Cullompton Town Council, the Town Team, residents and businesses in the conservation area, a press release and subsequent press articles. An exhibition in the Hayridge Centre included two days when staff were available to answer questions.

2.2 The consultation drew a total of 10 responses including 8 from the public together with comments from the Town Council and the Town Team. A summary of the responses is contained within the consultant's final report

attached at **Appendix 1**. The responses did not result in any opposition to the proposal for discrete areas in which the individual classes of permitted development are restricted.

2.3 The responses were forwarded to the consultant who considered these before completing a final report including schedules of properties for the individual categories of permitted development being restricted at the end of March 2015.

2.4 The resultant schedules have been cross checked to ensure that the properties shown as affected on Maps 1-6 of the report to Cabinet in October 2014 are all included. The schedules have also been checked and amended so that as far as possible properties known to be flats, including flats over shops, (which have no permitted development rights for these types of works), listed buildings and properties where the property has no frontage on to a highway, waterway or open space have been excluded.

3.0 **Proposed Article 4 Directions**

3.1 Changes to the Town and Country Planning (General Permitted Development) (England) Order came into force on the 15th April 2015 and revised procedures for making Article 4 Directions. Now referred to as Article 4(1) Directions (rather than Article 4(2)), two categories of such directions were introduced: those that can be applied with immediate effect and those without immediate effect.

3.2 The Article 4(1) Direction with immediate effect relates to all the categories of permitted development controlled by the original Article 4(2) Direction: namely the insertion of rooflights to front roof slopes, removal of chimneys, demolition of walls, the addition of porches and replacement of windows and doors to elevations fronting highways, waterways and open spaces. It would come into effect on the date the required notice is first published and or displayed. It must be confirmed by the Local Planning Authority within 6 months of the date it came into effect. If it is not confirmed within this time the Direction will expire.

3.3 The Article 4(1) Direction without immediate effect relates to the installation of solar photovoltaic panels on front roof slopes. This was not controlled by the existing Article 4(2) Direction and is a new, proposed area of control. The required notice in this case must allow for a period of 21 days within which representations about this Direction can be made to the Local Planning Authority. The Direction can be brought into force after a minimum of 28 days from the time the required notice is posted. The Authority must take into account any representations received within the 21 day period before deciding whether to confirm the Direction.

3.4 Once the new Article 4 (1) with immediate effect is approved, the existing Article 4(2) Direction will need to be removed. The areas to be covered by the proposed Article 4 Directions are identified within Maps 1-6 attached at **Appendix 1**.

4.0 Design Guides

- 4.1 Two design guides have been prepared: one covering windows and doors, the other dealing with roofs and chimneys. They have been written so that they can be used by all residents in the district not just for those living in Cullompton conservation area. The design guide on windows and doors is attached at **Appendix 2**. The design guide on roofs and chimneys is attached at **Appendix 3**.
- 4.2 It is intended that the design guides will be made available online with hard copies available at Council offices. Their availability will be referred to in letters sent out to residents. A copy will be sent out to Town and Parish councils for information.

5.0 Consideration by the Planning Policy Advisory Group

- 5.1 The Planning Policy Advisory Group (PPAG) met on 7th October 2015. The meeting was also attended by certain Elected Members for Cullompton. Members considered the report on the consultant's review and the results of the subsequent consultation on the existing Article 4(2) Direction. PPAG recommended the new Article 4(1) Directions to Cabinet for approval together with the subsequent removal of the existing Article 4(2) Direction. This removal would take place upon the new Article 4(1) coming into force.
- 5.2 The two design guides were also considered and received the full support of PPAG.

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Circulation of the Report: Cllr Chesterton, Management Team

List of Background Papers: Cabinet report 30 October 3014