

FAREHAM

BOROUGH COUNCIL

Report to the Executive Member for Planning and Development for Decision

Portfolio:	Planning and Development
Subject:	Article 4 Direction: Titchfield Conservation Area
Report of:	Director of Planning and Regulation
Strategy/Policy:	Fareham Borough Local Plan/ Core Strategy
Corporate Objective:	Protecting and Enhancing our Environment

Purpose:

This report sets out the case for an article 4 Direction to be made within Titchfield Conservation Area in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (As Amended).

Executive summary:

This report seeks authorisation for an Article 4 Direction to be made for the Titchfield Conservation Area in accordance with The Town and Country Planning (General Permitted Development) Order 2015 (As Amended).

The use of an Article 4 Direction in the conservation area was recommended in the conservation area character appraisal and management strategy that was adopted on 7th January 2013. At that meeting the Council's Executive resolved that the making of an Article 4 Direction in the above conservation area should be supported. This report recommends the use of an Article 4 Direction to conserve the character and appearance of the conservation area; it specifies which permitted development rights are to be removed and which buildings it is proposed that it applies to. The report recommends the use of the non-immediate procedure which includes a period of public consultation prior to the Article 4 Direction being confirmed by the Council and coming into force. Any representations received will be reported back to the Executive Member for Planning and Development to be taken into account in deciding if the Article 4 Direction should be confirmed.

Recommendation:

That authorisation is given for an Article 4 Direction to be made in accordance with the non-immediate procedure set out in The Town and Country Planning (General Permitted Development) Order 2015 (as amended) at Titchfield Conservation Area and as set out in this report.

Reason:

To preserve the character and appearance of the Titchfield Conservation Area.

Cost of Proposals:

These can be met from within existing budgets.

Risk Assessment: There are no significant risks.

Appendix A: Map showing the properties proposed to be included in the article 4 direction.

Appendix B: Proposed Article 4 Direction - Titchfield Conservation Area.

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Executive Briefing Paper

Date: 13 February 2017

Subject: Article 4 Direction: Titchfield Conservation Area

Briefing by: Director of Planning and Regulation

Portfolio: Planning and Development

BACKGROUND

1. This report seeks authority to make Article 4 Directions in the Titchfield Conservation Area resulting from conservation area character appraisal.
2. The Council's Executive adopted a revised conservation area character appraisal and management strategy document for Titchfield Conservation Area on 7th January 2013. The management strategy document recommended that, because the appraisal highlighted the potential for further erosion of character and appearance through the continued exercise of permitted development rights, an article 4 direction should be used to restrict certain types of development from selected buildings making a planning application necessary. The Council's Executive also resolved at the meeting of the 7th January 2013 to support the making of an Article 4 Direction in the conservation area. Leading on from that decision this report seeks approval to serve an Article 4 Direction in accordance with the non-immediate procedure set out in The Town and Country Planning (General Permitted Development) Order 1995 (As Amended).

PERMITTED DEVELOPMENT AND ARTICLE 4 DIRECTIONS

3. Permitted development rights contained in the General Permitted Development Order are a national grant of planning permission that allow certain building works and alterations to be carried out without having to make a planning application to the council. For example; the replacement of doors and windows, changes to roof materials and chimneys, the fitting of roof lights and solar panels or the alteration and demolition of boundary walls can all be undertaken, within certain limits, without making a formal planning application.
4. The council has no control over how development that is permitted by the General Permitted Development Order is undertaken and its impact on the character and appearance of the conservation area cannot be considered or influenced. Permitted development rights therefore have the potential to undermine the character and appearance of a conservation area by allowing insensitive change. Harm can often be incremental resulting from many small changes to different buildings over time. By using an article 4 direction the council

can restrict 'permitted development rights' and make a planning application necessary for types of development in places that might cause harm; in this way the impact of proposals on the character and appearance of the conservation area can be properly considered through the planning process. A direction does not necessarily prevent development occurring, although sometimes this might be the case, but it allows the impact of a proposed change to be looked at carefully, for amendments to be discussed to secure a more appropriate design, or maybe for an application to be approved but subject to planning conditions.

National Planning Guidance

5. Government guidance concerning the use of article 4 directions can be found in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). The NPPF advises that the use of Article 4 directions should be limited to situations where it is necessary to protect local amenity or the wellbeing of an area. The NPPG advises that provided there is justification for both its purpose and extent, an article 4 direction can cover an area of any geographic size, remove specified permitted development rights in relation to operational development or change of use and remove permitted development rights with temporary or permanent effect. It expects the potential harm that the direction is intended to address to be clearly identified and there to be a particularly strong justification for the withdrawal of permitted development rights for the installation of micro-generation equipment.

Historic England Guidance

6. Historic England is the the Government's statutory adviser on the historic environment. Advice concerning the use of article 4 directions is contained in 'Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1 (*Feb 2016*)'. It advises that a conservation area appraisal should provide the evidence base on which to assess the need for and scope of an Article 4 direction by identifying areas where removal of 'permitted development rights' is necessary to prevent the loss of characteristic architectural detailing or gradual erosion of the character and appearance of the conservation area through inappropriate development. It also advises that it is only appropriate to remove permitted development rights where there is a real and specific threat and that properties where there is no need for a direction to apply should be excluded.

TITCHFIELD CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT STRATEGY

7. Titchfield Conservation Area was designated in 1969 to protect the character and appearance of the village of Titchfield, the boundary was subsequently amended to include a larger area in 1994.
8. The council adopted a conservation area character appraisal for Titchfield in 2013 which included a management strategy. The appraisal identified the inappropriate alteration and loss of traditional architectural detail on a number of unlisted buildings within the conservation area which has had a detrimental impact on its character and appearance in part due to the exercise of permitted development rights. Surviving historic architectural detail, the use of traditional building materials and techniques, such as handmade red clay tile, surviving

chimneys, brick boundary walls and outbuildings, are all identified as key features to preserve and enhance in the appraisal.

9. The Management Strategy recommended that an article 4 be used to restrict certain types of permitted development from selected buildings.

Domestic

10. The General Permitted Development Order grants permitted development rights for various alterations, extensions and outbuildings to dwellinghouses and in the case of microwave antenna also for flats and other buildings. Permitted development rights are also granted for the installation of Solar Panels (PV and thermal) on dwellinghouses flats and outbuildings in a conservation area (with the exception of front walls but including front roof slopes). The provision of these on roofslopes and walls in a historic area could be harmful to the character and appearance of the conservation area.
11. It is recommended that the rights in the following parts should be restricted as set out below so that proper consideration of the impact of the restricted elements may be given through the submission of a planning application;

ALTERATIONS AND EXTENSIONS	
Development within the curtilage of a dwellinghouse	
PD Right	Restriction
Part 1	
Class A. The enlargement/ improvement or other alteration of a dwellinghouse.	The insertion or replacement of doors and windows on an elevation of a dwellinghouse that fronts, or is visible from, a highway or open space.
Class C. Any other alteration to the roof.	Any change of roof material or the insertion of roof windows on a dwellinghouse, on an elevation that fronts, or is visible from, a highway or open space.
Class D. The erection or construction of a porch.	that fronts a highway or open space.
Class E. Outbuildings or enclosures	on land to the rear of a dwellinghouse, where visible from a highway
Class F. Provision of a hard surface	on land forward of a wall of a dwellinghouse which fronts a highway or open space
Class G. Installation, alteration/ replacement of a chimney or flue.	Where the chimney or flue is visible from a highway or open space.
Class H. Installation, alteration/ replacement of a microwave antenna.	On a dwellinghouse where visible from a highway or open space.

Part 2	
Class C. The painting of the exterior of any part of a dwellinghouse or building or enclosure within its curtilage.	Painting of unpainted surfaces on the exterior of a building where visible from a highway or open space.
Part 14	
CLASS A. The installation or replacement or alteration of Solar PV or Solar Thermal equipment	On a building where the solar PV or solar thermal equipment is on a side wall or a roof slope and is visible from a highway

Non-Domestic Buildings

12. The General Permitted Development Order grants permitted development rights for various alterations and additions to non-domestic buildings. Principal concerns are with painting, microwave antennae and micro-generation equipment. It is recommended that the rights in the following parts are restricted as set out below;

Development relating to Non-Domestic Buildings	
PD Right	Restriction
Part 2	
Class C. The painting of the exterior of any part of a building or other building or enclosure within its curtilage.	On the exterior of any building, where visible from a highway or open space.
Part 16	
Class C. The installation, alteration or replacement of a microwave antenna	On any building or other structure of a height of less than 15 metres on a side elevation where visible from a highway
Part 14	
Class J. The installation or replacement or alteration of Solar PV or Solar Thermal equipment	On a side wall or a roof slope, where visible from a highway

Gates/Walls/Fences

13. Permitted development rights are granted by the GPDO to construct, alter or demolish boundary walls, gates, fences and other means of enclosure. These rights are not all limited to dwellings. It is permitted development to put up an enclosure less than 1m high adjacent to a highway or under 2m elsewhere. It is also permitted development to alter an enclosure provided it does not exceed its former height.

14. Enclosures under 1m in height abutting a highway or under 2m high in any other case can be demolished without requiring an application.
15. The character appraisal identified the contribution made to character and appearance of the existing older enclosures and also the continuous enclosure of the street provided by the many walls, railings and fences at the back of the pavement that contribute to overall character. It is considered that their loss has the potential to be harmful to the character and appearance of the conservation area.
16. It is recommended that permitted development rights to alter and demolish enclosures should be removed to make a planning applications necessary as set out below;

MEANS OF ENCLOSURE	
PD Right	Restriction
Part 2	
Class A - The erection, construction, maintenance, improvement, or alteration of a gate, fence wall or other means of enclosure.	Where it fronts or is visible from a highway or open space
Part 11	
Class C - The demolition of the whole or any part of a gate fence wall or other means of enclosure.	Where it fronts or is visible from a highway or open space.

PROPERTIES TO BE INCLUDED

17. The following categories of buildings are considered appropriate and are recommended for inclusion in the article 4 direction where alterations have potential to affect the character and appearance of the conservation area and the setting of listed buildings.
 - (a) Buildings of traditional design, construction and material.
 - (b) Modern buildings where their design and materials make a positive contribution to character and appearance and / or where, owing to their prominence, alterations would have the potential to be harmful.
 - (c) Buildings that have a boundary wall, railing or enclosure that fronts or is visible from a highway or open space.

Listed Buildings

18. Buildings that are included on the Statutory List of buildings of Special Architectural or Historic Interest are not included in the article 4 recommendations as control over alteration and demolition exists using a separate listed building consent procedure.

Properties Affected

19. The properties that are to be included in the article 4 direction are shown in the table below and on the map attached at appendix A. The table shows which permitted development rights are to be removed from each property or group of properties using a tick.

Property Address	Domestic	Enclosures	Non-Domestic
Schedule 1			
2 Protea Gardens	✓		
4 Protea Gardens	✓		
8 Mill Street	✓		
10 Mill Street	✓		
5 Church Path	✓		
7 Church Path	✓		
9 Church Path	✓		
11 Church Path	✓		
13 Church Path	✓		
15 Church Path	✓		
12 East Street	✓		
14 East Street	✓		
16 East Street	✓		
20 East Street	✓		
22 East Street	✓		
24 East Street	✓		
26 East Street	✓		
28 East Street	✓		
2 Shakespeare Mews	✓		
3 Shakespeare Mews	✓		
4 Shakespeare Mews	✓		
7 Shakespeare Mews	✓		
8 Shakespeare Mews	✓		
25 High Street	✓		
6 Church Street	✓		
8 Church Street	✓		
1 Dowley Court	✓		

Property Address	Domestic	Enclosures	Non-Domestic
1a West Street	✓		
24 West Street	✓		
The Barn, West Street	✓		
33 West Street	✓		
39/41 West Street	✓		
45/47 West Street	✓		
51/53 West Street	✓		
75a West Street	✓		
2 South Street	✓		
17 South Street	✓		
23 South Street	✓		
24/26 South Street	✓		
53 South Street	✓		
55 South Street	✓		
57 South Street	✓		
59 South Street	✓		
61 South Street	✓		
63 South Street	✓		
4 Frog Lane	✓		
6 Frog Lane	✓		
10 Frog Lane	✓		
12 Frog Lane	✓		
Schedule 2			
6 Mill Street	✓	✓	
1 Church Path	✓	✓	
2 Church Path	✓	✓	
3 Church Path	✓	✓	
4 Church Path	✓	✓	
17 Church Path	✓	✓	
19 Church Path	✓	✓	
26 West Street	✓	✓	
28 West Street	✓	✓	
29 West Street	✓	✓	
31 West Street	✓	✓	
44 West Street	✓	✓	
57 West Street	✓	✓	
73 West Street	✓	✓	
21 South Street	✓	✓	
33 South Street	✓	✓	
37 South Street	✓	✓	

Property Address	Domestic	Enclosures	Non-Domestic
39 South Street	✓	✓	
1 Coach House Mews	✓	✓	
2 Coach House Mews	✓	✓	
3 Coach Hill	✓	✓	
5 Coach Hill	✓	✓	
18 Bridge Street	✓	✓	
20 Bridge Street	✓	✓	
22 Bridge Street	✓	✓	
28 Bridge Street	✓	✓	
30 Bridge Street	✓	✓	
32 Bridge Street	✓	✓	
36 Bridge Street	✓	✓	
2 Frog Lane	✓	✓	
8 Frog Lane	✓	✓	
Schedule 3			
18 East Street			✓
The Church			✓
23 High Street			✓
27 The Square			✓
37 The Square			✓
37a The Square			✓
39 The Square			✓
41 The Square			✓
41a The Square			✓
44 The Square			✓
1 Church Street			✓
1 West Street			✓
75 West Street			✓
3 South Street			✓
12 South Street			✓
15 South Street			✓
Schedule 4			
East Street, The Wheatsheaf		✓	✓
High Street, St Peters Parish Room		✓	✓
High Street, The Old Bakehouse		✓	✓
Schedule 5			
1 Protea Gardens		✓	
5 Bridge Street		✓	
7 Bridge Street		✓	

Property Address	Domestic	Enclosures	Non-Domestic
9 Bridge Street		✓	

20. **ARTICLE 4 DIRECTION PROCEDURES**

21. Article 4 directions can be served by an immediate or non-immediate procedure. Use of the non-immediate procedure is proposed. Using this procedure, the article 4 comes into force on a future date specified by the Local Planning Authority after a period of public consultation has been undertaken and representations received and considered.
22. Public consultation includes a letter to every owner and occupier affected, site notices, a local press advertisement and notification of Hampshire County Council and the Secretary of State. It must include details of the area to which the direction relates, a description of the development affected and name a place where a copy of the direction can be inspected. The consultation period is 21 days.
23. Details will also be included on the Council's website and officers will arrange to be available for a drop-in day at a suitable venue where members of the public will be able to find out about the article 4 direction.
24. There is no fee for a planning application that is required resulting from an article 4 direction.
25. Any representations received will be reported back to the Executive Member for Planning and Development to be taken into account in deciding if the article 4 directions should be come into force. When confirmed a further local notification procedure is required.
26. In some circumstances and subject to a time limit the Council may be liable to pay compensation when a planning application is refused or granted subject to conditions resulting from an article 4 direction. The claim must relate to abortive expenditure or other loss or damage directly attributable to the withdrawal of the permitted development rights. A claim must be made within 12 months of the date on which the application is determined; for certain rights a claim can only be made within 12 months of the direction being made. Historic England guidance advises that compensation claims have been extremely rare.

Conclusion

27. It is considered that the exercise of the permitted development rights the subject of this report have the potential to be prejudicial to the proper planning and constitute a threat to the amenities of the Titchfield Conservation Area. Officers consider that in order to preserve the character and appearance of the Titchfield Conservation Area and to ensure the proper planning of the area it is recommended that a non-immediate Article 4 Direction is made in accordance with the procedures set out in The Town and Country Planning (General Permitted Development) Order 2015 (As Amended).