

Report for Resolution

Report to Cabinet
13 July 2011

Report of Director - Regeneration and Development

Subject Reconfirmation of Article 4 Directions within Bracondale,
Heigham Grove and City Centre Conservation Areas.

Item
16

Purpose

Article 4 Directions are used to restrict permitted development rights within designated Conservation areas. The serving of various Article 4 Directions within parts of three Conservation areas was approved by Cabinet on March 16 2011. The Article 4 Directions were subsequently served on 6 June 2011 and came into force on that date. Following a 28 day period within which homeowners affected by the Article 4s have been able to make representations, it is requested that Cabinet confirms the Article 4 Directions covering specified properties within the following areas:

- City Centre Conservation Area
- Bracondale Conservation Area
- Heigham Grove Conservation Area

Recommendations

- (1) To reconfirm the Article 4 Directions that have been served in Bracondale, City Centre and Heigham Grove conservation areas in order to remove permitted development rights to properties identified in appendix 1.
- (2) To approve the serving of a further Article 4 Direction on properties 27 and 29 West Parade omitted in error from the served Article 4 Direction; and
- (3) To delegate authority to the Director Regeneration and Development (in consultation with the portfolio holder) to confirm this further proposed after having considered any representations received during the consultation period.

Financial Consequences

The financial consequences of introducing the Article 4 Directions were fully considered by Cabinet in March before they were introduced. The serving of article 4 directions has meant that planning permission is required for various works to dwellings which would otherwise be permitted development (appendix 1). Under current regulations these planning applications will not incur a fee and could increase the workload on planning services. However, a guidance note has been issued to householders (along with guidance on the Council's website) to inform them of what work will require planning permission, and highlight the nature of improvements that can be made without the need for a application.

There is a risk that in imposing Article 4 directions without giving notice for a year in advance of its implementation, compensation claims for additional costs incurred as a

result of the Direction could result. However, experience from elsewhere suggests that the chances of such a claim being submitted are remote and officers are confident that any claim could be successfully rebutted. In view of the reputational and physical impact of ensuring proper preservation of the historic character of the conservation area officers consider that this limited risk should be run.

Strategic Objective/Service Plan Priority

The report helps to achieve the strategic objectives to ensure the City has a clean and healthy environment. The confirmation of the Article 4 Directions fulfils the objectives of the 2010/2011 Planning Strategic Priority Plan.

Contact Officers

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Background Documents

Conservation Area Appraisals for Bracondale, Heigham Grove and the City centre can be found at: www.norwich.gov.uk/conservationareas.

Report

Background

1. Article 4 directions remove certain permitted development rights for specified properties. A list of all properties affected by the article 4 directions, maps of the areas and a list of the permitted development rights removed is enclosed at appendix 1.
2. The principle of serving Article 4 directions has recently been promoted as good practice by English Heritage and policy HE4 of Planning Policy Statement 5: Planning for the Historic Environment also encourages local authorities to serve Article 4 Directions where appropriate. The Article 4 Directions will control alterations to ensure that the character and uniformity of properties that contribute to the appearance of the conservation areas is retained. It will not prevent change (including those changes relating to energy efficiency measures) but effectively manage it.
3. The Article 4 directions were approved by Cabinet on March 16 2011 and subsequently served on residents on June 6 2011. The article directions came into force on this date. The Secretary of State has been notified and has approved the Article 4 Directions. It is a statutory requirement to allow a period of 28 days for representations to be made. Notices have been sent to residents, advertised in the press and on site and are also available on the website at: www.norwich.gov.uk/article4directions.
4. The period for representations closed on 4th July. 2 representations on the directions were received and the issues raised are listed in appendix 2. One of these representations pointed out an error in one of the notices served insofar as two properties (27 and 29 West Parade) intended for inclusion in the Heigham Grove Direction (and shown on the accompanying map as being in the area) had been omitted from the notice served. In order not to require the withdrawal and reserving of the entire Article 4 Direction for Heigham Grove it is proposed to deal with this by serving an additional notice on the two specific properties omitted in error. Cabinet is recommended to approve the serving of this notice on the two properties and for authority to deal with any representations made on it to be delegated to officers to avoid the need for further reports to Cabinet on this matter. Any representations received after 4th July will be reported verbally to Cabinet.
5. Although not directly related to the confirmation of the article 4 direction a further representation has been received from a local resident related to the installation of replacement windows following the serving of the notice. These windows now require planning permission. This breach of planning control is a regulatory matter which may come before Planning Applications Committee in due course.

6. The case for serving the Article 4 Directions was fully considered on 16th March. It is based on evidence contained in the three Conservation Area Appraisals. Full consultation was carried out with residents affected by both the proposed Article 4 Directions and the Conservation Area Appraisals prior to 16th March. The responses to consultation were generally supportive of the introduction of Article 4 Directions.

APPENDIX 1: List of properties to be covered by Article 4 Direction

The following buildings are to be covered by an Article 4 Direction:

A. Bracondale Conservation Area Appraisal

(i) Article 4 direction covering 19th century terraces

Winkles Row	6-10 (consec)
Dunstan Terrace	1-4 (consec)
King Street	274-280 (even), 292
Carrow Hill	3-5, 6, 9-29 (odd),
Ice House Lane	2-8 (consec)
Woodside Cottages	1-3 (consec)

The Article 4 Directions will remove permitted rights for:

- The enlargement, improvement or alteration to a house where it fronts the highway (for example an extension such as a porch, or extensions to the front or the sides of a property on street corners).
- The erection, construction, improvement or alteration (including demolition) of a fence, gate, wall or other means of enclosure which front the highway.
- The painting of the exterior of a house where it fronts the highway if the building has not already been painted.
- The demolition of a chimney stack visible from the highway.
- The replacement of windows and doors on front and side elevations where they front the highway.
- Altering the existing roof covering of a house where visible from highway
- Insertion of rooflights on to a roof slope where it is visible from the highway.

(ii) Article 4 direction covering 1960s-1970s properties

Conesford Drive	4-22 (consec)
Churston Close	1, 2, 3-6 (consec)

The Article 4 Directions will remove permitted rights for:

- The enlargement, improvement or alteration to a house where it fronts the highway (for example an extension such as a porch, or extensions to the front or the sides of a property on street corners).
- The erection, construction, improvement or alteration (including demolition) of a fence, gate, wall or other means of enclosure which front the highway.
- The painting of the exterior of a house where it fronts the highway if the

building has not already been painted.

- The replacement of windows and doors on front and side elevations where they front the highway.
- Altering the existing roof covering of a house where visible from the highway
- Insertion of rooflights on to a roof slope where it is visible from the highway.

B. City Centre Conservation Area

20-48 (even) Bishopgate will have permitted development rights removed for the following changes:

- The enlargement, improvement or alteration to a house where it fronts the highway (for example an extension such as a porch, or extensions to the front or the sides of a property on street corners).
- The erection, construction, improvement or alteration (including demolition) of a fence, gate, wall or other means of enclosure which front the highway.
- The painting of the exterior of a house where it fronts the highway if the building has not already been painted.
- The demolition of a chimney stack visible from the highway.
- The replacement of windows and doors on front and side elevations where they front the highway.
- Altering the existing roof covering of a house where visible from the Highway
- Insertion of rooflights on to a roof slope where it is visible from the highway.

13-25 (odd) Calvert Street will have permitted development rights removed for the following changes:

- The painting of the exterior of a house where it fronts the highway if the building has not already been painted.
- The demolition of a chimney stack visible from the highway.
- The replacement of windows and doors on front and side elevations where they front the highway.
- Altering the existing roof covering of a house where visible from the highway
- Insertion of rooflights on to a roof slope where it is visible from the highway.

C. Heigham Grove Conservation Area

Amphill Street 3-13, 17-31 (odd), 4, 6, 8, 12-30 (even)

Bathurst Road 1-15 (odd), 4-10, 24-34 (even)

Cambridge Street 1-37, 41-45, 49-75 (odd), 26-46, 46A, 48-52, 62-76, 76a, 76b, 78, 78a (even)

Clarendon Road	3-49 (odd), 2-22, 46-74 (even).
Doris Road	2
Earlham Road	43-51, 61-71, 77-87, 91-127 (odd) 58-62, 66-124 (even)
Essex Street	1-59 (odd), 2-40 (even)
Grosvenor Road	5-45 (odd) 14-40 (even),
Heigham Road	1-13 (odd)
Kimberley Street	3-15 (odd)
Mill Hill Road	1-13, 53-91 (odd), 2-10, 10a, 10b, 10c, 12, 14, 28-32, 36-96 (even)
Neville Street	2-46 (even), 15-21 (odd), 23-43 (even)
Oxford Street	2-28 (even)
Parker Road	1, 2-14 (even)
Park Lane	1-35, 35a, 35b, 37-79 (odd), 2-36, 60, 62, 62A, 66-92 (odd)
Rupert Street	74-86 (odd), 92-98 (odd)
Trinity Street	1-36, 98-114
Troy Street	11-17, 21-35 (odd), 32, 32A
Unthank Road	25, 25b, 27-35, 37a (odd), 44-48, 52-62, 62A, 64, 64a 72-82 (even)
West Parade	1-25 (odd), 6-28, 28A, 30, 30A(even)
Woburn Street	1-11 (odd), 10
West Pottergate	130-136

(N.B. Because of the nature of the area the list contains a number of former houses since converted to the flats or commercial uses, but still retaining the appearance of a house. These uses already do not have permitted development rights. The list also contains a number of C20 houses where allowing for existing permitted development may lead to a loss in character of conservation area.)

The Article 4 Directions will remove permitted rights for:

- The enlargement, improvement or alteration to a house where it fronts the highway (for example an extension such as a porch, or extensions to the front or the sides of a property on street corners).
- The erection, construction, improvement or alteration (including demolition) of a fence, gate, wall or other means of enclosure which front the highway.
- The painting of the exterior of a house where it fronts the highway if the building has not already been painted.
- The demolition of a chimney stack visible from the highway.
- The replacement of windows and doors on front and side elevations where they front the highway.

APPENDIX 2: Representations received during the Article 4 consultation period ending 4 July 2011.

Name	Organisation	Representation	City Council Comment
Edward Chapman	Planning Officer on behalf of the Secretary of State, c/o National Planning Casework Unit	The Secretary of State has no comments to make in respect of the Directions. Reminded of the requirement of the regulations to advise the Secretary of State whether or not the directions are confirmed.	Comments noted
Mr. R. A. Hufton	Chairman, West Parade Association	The Heigham Grove Article 4 Direction should cover nos. 27 & 29 West Parade, as the properties are very similar to adjoining properties that are covered by the Article 4.	Due to an addressing error the two properties were mistakenly left off the schedule of properties in the Article 4 Direction. A further Article 4 Direction will be made in respect of these two properties.