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## ARTICLE 4(2) DIRECTIONS IN CONSERVATION AREAS

### 1 SUMMARY

- 1.1 Conservation Area Appraisal and Management Plans (hereafter, the Plans) have now been adopted for all of the Council's Conservation Areas. This report seeks Member approval to issue an Article 4(2) direction to each of the Conservation Areas as outlined in the Plans.

### 2 INTRODUCTION

- 2.1 The details of all but two of the Council's Conservation Areas were considered by Members at the Local Development Framework Sub-Committee on 18 September 2007 and adopted by the Council on 30 October 2007. Plans for Rayleigh and Rochford were both adopted in May 2007.
- 2.2 The Plans recommend that the Council issues Article 4(2) directions which withdraw permitted development rights from properties within the Conservation Area in order to prevent unsympathetic changes.
- 2.3 The Plans recommend that Article 4(2) directions be issued for the following Conservation areas: Canewdon High Street, Great Wakering, Paglesham Churchend, Paglesham East End, Rayleigh and Battlesbridge. The Plans did not recommend Article 4(2) directions for the District's other Conservation Areas. The Rochford Plan indicated that an Article 4(2) for Rochford was not an urgent necessity. However, it is considered appropriate to serve a direction for Rochford at the same time as directions for the other listed Conservation Areas.
- 2.4 The Council's Legal Service advises that before an Article 4(2) direction can be issued the Council requires an additional resolution, on top of that adopting the Plans, which explicitly relates to Article 4(2).
- 2.5 Therefore, this report seeks Member approval to issue Article 4(2) directions for the Conservation Areas listed above, and for the requisite public consultation.

### 3 CONTEXT OF ARTICLE 4(2) DIRECTIONS

- 3.1 Article 4(2) of the General Permitted Development Order 1995 states that a direction restricting Permitted Development (the right to develop without the need to obtain planning permission) can be issued if 'the appropriate authority is satisfied that it is expedient that any particular development described in paragraph 5 ....should not be carried out within the whole or any part of the conservation area...'.
- 3.2 The procedure for issuing Article 4(2) directions is relatively simple. Notice of the direction will need to be:-

- Advertised in a local paper. The direction will take effect as soon as this has been done.
  - Served on the owner and occupier of every dwelling house within the area in so far as this is practicable.
- 3.3 A period of at least 21 days is given to those affected by the direction to make representations to the Council and they must be given some consideration before confirmation. If there are no objections then the Council can seek to confirm the direction, but at least 28 days must have lapsed since the notice was given. Confirmation of the direction must be done within 6 months.
- 3.4 It is also recommended that, in addition to formal, legally required consultation, the Council also sends explanatory leaflets and letters to affected households informing them in plain English how the Article 4(2)s affect them and why the Council is issuing them. This leaflet would also be used to explain the enlargement of certain Conservation Areas, informing residents of properties that now fall within the boundary. The leaflet will explain the restrictions but would also point out some of the potential positives. A letter will detail the intrinsic benefit of helping to preserve the character of the area, along with less obvious effects such as the potential positive effect on the value of properties that fall within the enlarged Conservation Area.
- 3.5 It is intended that Article 4(2) directions will relate to the following Conservation Areas:-
- Canewdon High Street;
  - Great Wakering;
  - Paglesham Churchend;
  - Paglesham Eastend;
  - Rochford;
  - Rayleigh; and
  - Battlesbridge.
- 3.6 As a result of the Article 4(2) Directions, it is intended that the following controls will apply to dwellings in these Conservation Areas (in addition to existing restrictions) for works which front a highway or public open space:-
- the enlargement, improvement or alteration, including extensions, removal or changes to architectural features;
  - the alteration, installation or replacement of windows and doors;
  - building a porch;

- the provision of a hard surface;
- the erection, construction, improvement or alteration (including demolition) of a gate, fence, wall or other means of enclosure;
- the installation of satellite dishes or antennae;
- the complete removal of walls, fences, gates or other means of enclosure; and
- the painting of previously unpainted surfaces or changes of external colour schemes, or covering walls with render or similar finishes; and
- the removal or alteration of chimneys (whether or not fronting a highway or open space).

3.7 It is intended that the Article 4(2) Directions will apply to the amended Conservation Area boundaries in Rayleigh and Rochford as set out in a separate report.

#### **4 RISK IMPLICATIONS**

4.1 Under the Listed Buildings and Conservation Areas Act 1990 the Council is required, from time to time, to review the designation of conservation areas and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if so, designate those parts accordingly.

#### **5 ENVIRONMENTAL IMPLICATIONS**

5.1 The preservation and enhancement of conservation areas is a statutory duty for the authority under S.71 of the Planning (List Buildings & Conservation Areas) Act 1990. This document, if implemented and used appropriately, could significantly enhance the conservation area.

#### **6 RESOURCE IMPLICATIONS**

6.1 Public consultation and the adoption of Article 4(2) direction can be carried out using existing in-house resources.

#### **7 LEGAL IMPLICATIONS**

7.1 An Article 4(2) direction can be made by the Local Authority under the Town and Country Planning (General Permitted Development) Order 1995.

#### **8 PARISH IMPLICATIONS**

8.1 Notices for the direction will be sent to the Parish Councils inviting their comments.

**9 RECOMMENDATION**

9.1 It is proposed that Council **RESOLVES**

- (1) To agree to issue and consult on Article 4(2) directions for the Conservation Areas as outlined in the report.
- (2) That, subject to consideration of any representations received, the Portfolio Holder for Planning and Transportation, in consultation with the Head of Planning and Transportation, determines confirmation of the Article 4(2) directions.

Shaun Scrutton

Head of Planning and Transportation

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**Background Papers:-**

Town and Country Planning (General Permitted Development) Order 1995.

- Canewdon High Street Conservation Area Appraisal and Management Plan;
- Great Wakering Conservation Area Appraisal and Management Plan;
- Paglesham Churchend Conservation Area Appraisal and Management Plan;
- Paglesham Eastend Conservation Area Appraisal and Management Plan;
- Rochford Conservation Area Appraisal and Management Plan;
- Rayleigh Conservation Area Appraisal and Management Plan; and
- Battlesbridge Conservation Area Appraisal and Management Plan.

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