



Haverhill Area Working Party 21 November 2013

Options for the Cancellation of the Article 4 Direction in Haverhill

1. Summary and reasons for recommendations

- 1.1 An Article 4 Direction was made in the two Haverhill conservation areas on 3 June 2003. The Direction typically applies to the Victorian and Edwardian buildings which make up a large proportion of the conservation area and affects approximately 300 properties. Article 4 Directions are used to take away householders permitted development rights to make changes to the appearance of their properties.
- 1.2 Their purpose is to prevent the loss of original features and details which survive and to secure the reinstatement of those which have been removed or replaced in the past. Existing surviving features are used to inform accurate reinstatement work with the aim of restoring an area over time.
- 1.3 When the Article 4 Direction was made in 2003, some of the streets had very few surviving original features. The aim was that the Direction would encourage owners to reinstate original features and details as the opportunities arose, thereby enhancing the character and appearance of the conservation area over time. Due to a combination of factors, however, this has not been achieved.
- 1.4 Following consultation, a report asking Members to support the full cancellation of the Article 4 Direction in Haverhill was presented to the Haverhill Area Working Party (HAWP) at the meeting on 29 August 2013 (Report E82 refers). Members expressed concerns about the alterations which might then be allowed to take place so the report was referred to Cabinet on 10 September 2013 with a recommendation that the Direction was not cancelled (Report E110 refers).
- 1.5 The matter was deferred by Cabinet to allow officers to investigate other options for the removal/amendment of the Article 4 Direction. Following further consideration, a proposal for partial cancellation of the Direction is set out in this paper.

2. Recommendation

- 2.1 It is **RECOMMENDED** that the revised proposals detailed in Section 5.3 of Report E171 be approved for public consultation. This is an amendment to the Article 4 Direction which retains some restrictions to protect key features of the buildings. Maps showing the conservation areas and the properties currently covered by Article 4 Direction are attached to Report E171 as Appendices 1 and 2.

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3. Corporate priorities

- 3.1 The recommendation meets the following, as contained within the Corporate Plan:

Corporate priority 2: '*Working together for prosperous and environmentally-responsible communities*'; and

Corporate priority 3: '*Working together for an efficient council*'.

4. Key issues

- 4.1 Following the approval by HAWP (and subsequently Cabinet) on 15 November 2012 (Report D185 refers), public consultation was carried out on the proposal to cancel of the Article 4 Direction affecting the two Haverhill conservation areas.
- 4.2 Although there was public support for the cancellation, Members were concerned that alterations could then take place which would potentially harm the character of the conservation areas and therefore did not wish to support the cancellation of the Article 4 Direction. Members concerns related in particular to the painting of front elevations and the loss of decorative elements and patterned brickwork which are distinctive features within the conservation areas.
- 4.3 The proposal to cancel the Direction was therefore deferred by Cabinet to allow officers to investigate other options for amending the Article 4 Direction.

5. Options considered

5.1 Remove the Direction from some of the streets.

The Article 4 Direction is specifically aimed at historic and traditional properties. To remove the Direction from some of these, but not all, would be inconsistent and not justifiable.

5.2 Remove some classes of development from the Direction.

The **existing** Direction removes several classes of development, meaning that the following works currently need planning permission:

PART 1

Class A: The enlargement, improvement or other alteration of a dwellinghouse

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Class C: Any other alteration to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

The erection, alteration or removal of any chimney (this additional restriction has now been formalised by Part 1 Class G of the Town and Country Planning (General Permitted Development) Order 1995)

PART 2

Class A: The erection, construction, maintenance, improvement, or alteration of a gate, fence, wall or other means of enclosure

Class B: The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection permitted by any Class in this schedule (other than by Class A of this part)

Class C: The painting of the exterior of any building or work

PART 31

Class B: Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure

- 5.2.1 Part 1 Class A is the part of the Direction which restricts changes to windows and doors. As officers have identified, the majority of original windows and doors had been lost before the Article 4 Direction was made and the reinstatement of these features has not been achieved. The prevailing character and appearance of the two conservation areas therefore continues to be one of replacement windows and doors.
- 5.2.2 The terraces in particular have uninterrupted rooflines and striking chimneys. Part 1 Classes B and C, plus the additional restriction on the removal of any chimney (as the new Class G), could be retained in order to protect these features. If these restrictions are retained, it may also be beneficial to introduce a new Class – Part 40 Class A which permits the installation, alteration or replacement of solar PV or solar thermal equipment on any roof slope of a house within a conservation area – to bring the Direction up-to-date and to be consistent in restricting alterations to the rooflines (this Class did not exist when the original Direction was made in 2003).
- 5.2.3 The retention of Part 2 Class C would restrict painting of the front elevations (and the side elevations of corner properties where the side elevation faces a road or open space).
- 5.2.4 The provision of a porch (Part 1 Class D) and the formation of an access to the highway (Part 2 Class B) only apply in those streets where properties have front gardens which are large enough to accommodate a porch or parked car. If elevations were uninterrupted the restriction of porches could be justified. They are, however, now quite prevalent and part of the established character of the conservation area. The majority of front gardens cannot accommodate a car so retaining this restriction would have little impact on the overall character or appearance of the conservation area.
- 5.2.5 Part 2 Class A and Part 31 Class B relate to the erection or removal of boundary structures which are under one metre high (the erection or removal of structures over one metre requires planning permission because of the conservation area). The existing boundaries already comprise a mixture of forms and heights. Traditional walls and railings are typically over one metre high so their removal or provision would require planning permission even without the Article 4 Direction.

5.3 **Proposal**

- 5.3.1 In order to retain protection of the roofs and front elevations of the properties and to address Members concerns, officers propose that the Direction be retained for all of the properties currently covered by the existing Article 4 Direction but with the following restrictions:

PART 1

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Class C: Any other alteration to the roof of a dwellinghouse

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse (this class also permits the removal of external chimney stacks as their removal is alteration rather than demolition).

PART 2

Class C: The painting of the exterior of any building or work

PART 40

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment

6. Community impact

6.1 Crime and disorder impact

- 6.1.1 This recommendation has no implications for crime and disorder.

6.2 Diversity and equality

- 6.2.1 This recommendation has no implications for diversity and equality.

6.3 Sustainability impact

- 6.3.1 This recommendation has no implications for sustainability.

6.4 Other impact

- 6.4.1 The amendment of the Article 4 Direction would allow some changes to be made to the external appearance of the properties within the conservation area without planning permission but would not permit changes to the roofs, chimneys, painting of the walls or the provision of solar and photovoltaic panels on the front elevations.

7. Consultation

- 7.1 If approval is given to proceed with the amendment of the Article 4 Direction, public consultation is a requirement of the legal procedure which must be followed. Further consultation is required as the proposal differs to that which residents and the statutory bodies were originally consulted on.

8. Financial and resource implications

- 8.1 The amendments to the Article 4 Direction would be undertaken within existing resources. There would therefore be no financial or resource implications.

9. Risk/opportunity assessment

- 9.1 There are no risks associated with this recommendation.

10. Legal and policy implications

- 10.1 This recommendation has no legal or policy implications.

11. Wards affected

- 11.1 The wards of Haverhill North, Haverhill South and Haverhill East are affected by this recommendation.

12. Background papers

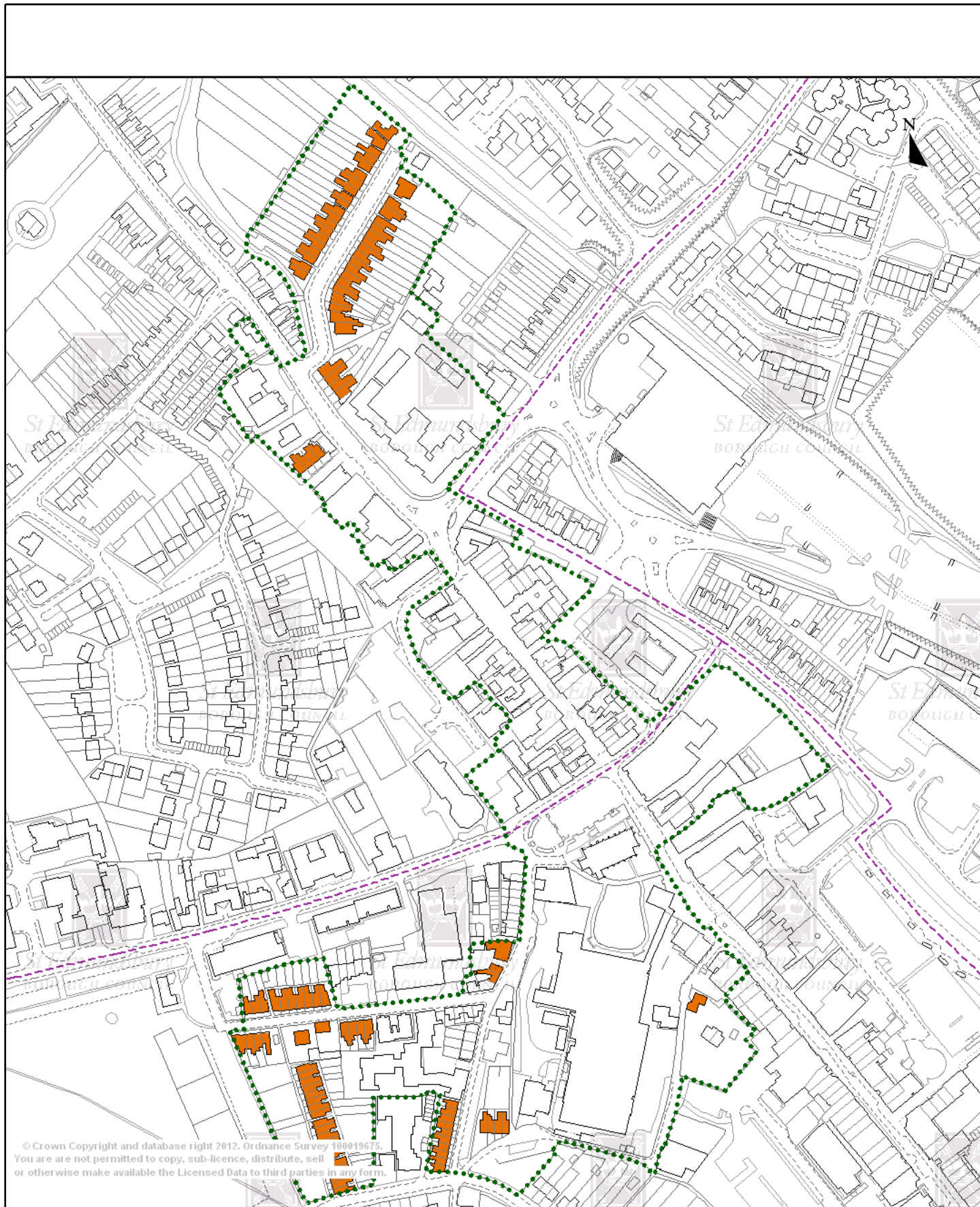
- 12.1 None.

13. Documents attached

- 13.1 The following documents are attached to this report:

Appendix 1: map of the Queen Street Conservation Area showing the properties affected by the Article 4 Direction

Appendix 2: map of the Hamlet Road Conservation Area showing the properties affected by the Article 4 Direction



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