

Meeting: Strategic Planning Advisory Panel
Date: July 2005
Subject: Harrow on the Hill Village Conservation Area: Proposed Revised Article 4 Direction
Responsible Officer: Group Manager, Planning and Development
Contact Officer: Tom Wooldridge
Portfolio Holder: Planning, Development, Housing
Key Decision: No

Section 1: Summary

Decision Required

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| (i) | Agree the proposed new Article 4 Direction for Harrow on the Hill Village Conservation Area, to include the properties and classes of permitted development described and denoted in Appendix 1 and Maps A and B, to this report; |
| (ii) | Authorise the Director of Legal Services to carry out the necessary publicity and notification in relation to (i) prescribed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995, in that respect. |

Reason for report

This report discusses the revision of two existing Article 4(1) Directions that apply to Harrow on the Hill Village Conservation Area into one Article 4(2) Direction to make them easier to understand and operate, and proposes the introduction of new controls on a number of buildings.

Benefits

- The revised Article 4(2) Direction will result in the following benefits:
- Better clarity for residents and council officers with regards to what forms of development require planning permission.
 - Additional forms of development will be controlled, such as the replacement of roof tiles or the erection of satellite dishes.
 - Additional properties, including locally listed buildings that were missed off

the original Article 4 Directions, will be covered by the revised Direction.

Cost of Proposals

- Staff costs to be covered by existing budgets.
- Minor costs involved in consultation, mainly printing and postage, to be covered by existing budgets.
- Potential compensation claims relating to Article 4 Direction, to be covered by existing budgets.

Risks

The revised Article 4(2) Direction would result in the following risks (addressed in the main body of the report):

- Less control on less publicly visible elevations
- Less control on certain forms of development, such as outbuildings.

Implications if recommendations rejected

- Continued confusion over the existing Article 4(1) Directions, which could result in misinterpretation on what forms of development are controlled
- No control over certain forms of development, such as the replacement of roof tiles, which could be harmful to the character and appearance of the conservation area.

Section 2: Report

2.1 Brief History

Two Article 4 Directions exist within the Harrow on the Hill Village Conservation Area. The first, confirmed by the Department of the Environment in August 1983 (made under Article 4(1) of the General Development Order 1977) covers many of the simple Victorian cottages to protect them from small-scale alterations. The second Direction was confirmed by the Department of Environment in June 1988 (made under Article 3(b) of the General Permitted Development Order 1977) to cover new, sympathetic development built after the first Direction. Both Directions were subject to wide public consultation at the time. The first Direction from 1983 means that residents must apply for planning permission for the following works;

- (a) Enlargement, improvement or alteration of a house, i.e. extensions, replacement windows and doors (this does not cover windows and doors on the rear walls of some properties)
- (b) The erection of a porch (this did not cover rear walls on some properties)
- (c) The erection or construction of gates, fences and walls (only relating to front boundary or where boundary abuts a public highway)
- (d) The external painting of buildings, excepting doors and windows,

The second 1988 Direction covers all those above, but also includes satellite dishes, which were becoming more widespread by the late 1980s, and the provision and/or alteration of any outbuilding or enclosure within the curtilage of a dwelling house.

These restrictions are considered commensurate with the preservation of the character of the conservation area. However, the two old Directions are difficult to understand and because the General Development Order has changed from its 1977 form, the classes of development controlled no longer relate to the current Order, which causes confusion. In addition, the 1983 Direction did not make provision for the control of satellite dishes fronting the highway, although the 1988 Direction does, so there is a lack of consistency between the two.

2.2 Options Considered

In order to address the problems with the existing Article 4(1) Directions, a revised Article 4(2) Direction has been drafted and is attached in Appendix 1. There are two Schedules included within the new Direction and the properties affected are shown in Appendix 1 and on Maps A and B. Article 4(2) Directions cover development on elevations fronting highways (including public footpaths), waterways and open space. Most forms of development covered by the existing Directions have been included in the new Direction. The principal changes between the existing and new Directions are as follows:

- (a) There would be less control on development to some rear and side elevations, but only ones that do not front a highway, waterway or open space. It is felt that these elevations are more private and have less impact on the character and appearance of the conservation area. The new Direction would control alterations to more publicly visible rear and side elevations, such as those along Nelson Road or Trafalgar Terrace where they front onto Church Fields for instance.
- (b) The new Direction would remove control over outbuildings that was introduced to some properties in the 1988 Direction. This has been removed because it is largely irrelevant, given that it is difficult to construct an outbuilding that would not be considered as an extension due to the small plots of most properties.

- (c) The new Direction would introduce controls over all types of alterations to the roof of a dwelling house where it fronts a highway, waterway or open space. This would include the insertion of rooflights and the replacement of roof materials like slates or tiles. Previously, only roof extensions such as dormer windows have been controlled.
- (d) The new Direction would extend the control over the installation of satellite dishes on all elevations that front a highway, waterway or open space.
- (e) The new Direction would ensure that the provision of hard surfacing to the front gardens of a number of properties is controlled. This is shown under Schedule 2 of the new Article 4 Direction. The majority of dwellings in the area do not have front gardens, but where they do exist they add to the greenery and interest in the street scene. To lose this soft landscaping would be detrimental to the character of the conservation area.
- (f) There are a small number of properties which were missed in the earlier Directions which are proposed to be included in the new Direction. The earlier Directions sought to control all the humble Victorian cottages, but neglected the larger Victorian villas and Arts and Crafts buildings, even where many of them were considered of enough architectural quality to merit local listing. In addition, there have also been a few new developments, in matching style and form to the original buildings, which are not controlled under the present system. The additional properties are listed in Appendix 2.
- (g) A few properties that are covered by the existing Directions would no longer be covered by the new Direction. These properties are listed in Appendix 2.

2.3 Consultation

Once the Direction has been served, affected owners and occupiers are given a period to comment. Any objections will be taken into account before reporting back to SPAP and Cabinet for final confirmation of the Direction. There already is published guidance on the existing Article 4 Direction for this conservation area, but this has been updated to reflect the proposed revision and will be sent to residents in due course.

2.4 Financial Implications

The costs of the revised Article 4 Direction will be covered by existing staff budgets. The increased number of planning applications required as a result of

the revised Direction will be relatively small. There will be minor costs involved in printing and postage for consulting residents on the revised Direction that would be covered within existing planning budgets.

Following a refusal of planning permission required as a result of an Article 4 Direction, it is possible to claim compensation from the authority, under Section 108 of the Town and Country Planning Act 1990. To justify such a claim the owner would have to clearly demonstrate that the value of the property had been affected as a result of proposed development subject to the Article 4 Direction having been refused. Successful claims would be covered within existing budgets. To date this authority has not received any such claim in the operation of planning control under the existing Article 4 Directions in the Borough in operation since 1982.

2.5 Legal Implications

It is possible to claim compensation from the authority if planning permission is refused, or is granted subject to onerous conditions, following a planning application that was only required as a result of the Article 4 direction

Compensation is quantified as the difference between the value of the land if the development were to have been carried out (less the costs of the development works) and its existing value. This would require specialist valuation advice.

2.6 Equalities Impact

None

Section 3: Supporting Information/ Background Documents

None

Appendix 1 – The revised Article 4(2) Direction

Schedule 1

Classes of development controlled, where such development fronts a highway, waterway or open space:

Class A of Part 1 of Schedule 2: The enlargement, improvement or other alteration of a dwellinghouse.

Class C of Part 1 of Schedule 2: Any other alteration to the roof of a dwellinghouse.

Class D of Part 1 of Schedule 2: The erection or construction of a porch outside any external door of a dwellinghouse.

Class H of Part 1 of Schedule 2: The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Class A of Part 2 of Schedule 2: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class C of Part 2 of Schedule 2: The painting of the exterior of any building (excluding windows and doors).

Properties included under Schedule 1 are:

Byron Hill Road:	4, 12, 14, 16, 18, 20
Crown Street:	1, 3, 5, 13, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 37a, 39 2, 2A, 2B, 4, 4A, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 28, 30, 32, 34, 36, 38, 40, 48, 50, 52, 54
High Street:	66
Nelson Road:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 16a, 16b, 17, 18, 19, 19a, 20, 20a, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 1 and 2 Suckley Villas
Victoria Terrace:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
Short Hill:	5
Trafalgar Terrace:	1, 2, 3, 4, 5, 6, 7, 8, 9
Waldron Road:	7, 9, 11, 13, 15, 17, 19, 21 2, 4, 6, 8, 10, 12, 14
Wellington Terrace:	1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 18A, 19, 20, 21, 22, 23, 24, 25

West Street:	11, 15, 17, 19, 39, 41, 43, 45, 47, 49, 51, 53, 55, 55B, 57, 59, 61, 63, 71, 73, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109 2, 4, 30a, 32, 34, 38, 40, 42, 44, 64, 66, 68, 70, 72, 72A, 74
Yew Walk:	13, 14, 15, 16, 17

Schedule 2:

Classes of development controlled, where such development fronts a highway, waterway or open space:

Class A of Part 1 of Schedule 2: The enlargement, improvement or other alteration of a dwellinghouse.

Class C of Part 1 of Schedule 2: Any other alteration to the roof of a dwellinghouse.

Class D of Part 1 of Schedule 2: The erection or construction of a porch outside any external door of a dwellinghouse.

Class F of Part 1 of Schedule 2: The provision within the curtilage of a dwellinghouse of a hard surface.

Class H of Part 1 of Schedule 2: The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Class A of Part 2 of Schedule 2: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class C of Part 2 of Schedule 2: The painting of the exterior of any building (excluding windows and doors).

Properties included in Schedule 2 are:

Byron Hill Road:	8, 10, 22
Crown Street:	43
High Street:	17, 19, 53, 55
Victoria Terrace:	16, 17, 18
Waldron Road:	3, 5, Glasfryn, Aboyne, Derrylands, Waldron Cottage
West Street:	6, 6a, 26, 28, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 46, 48, 50, 52, 54, 56, 58, 60, 62

Appendix 2 – Properties to be included/removed from the new Direction

The properties which have not been subject to Article 4 control before, and which are proposed for inclusion now, are listed below with the justification for their inclusion.

<u>Address:</u>	<u>Reason for inclusion:</u>
4, 8, 10 Byron Hill Road	Locally listed mid 19 th century buildings of some architectural quality to which small changes in fenestration etc could harm their special character. 8 and 10 have front gardens with thick hedges that turn the corner of Byron Hill Road, and to hard surface these areas would have a substantial impact on the character and appearance of the conservation area.
43 Crown Street	Locally listed mid 19 th century villa, with substantial front garden that adds to the street scene. Features an unusual copper roof which could be altered unless controlled by Article 4 Direction.
66 High Street	A former commercial building now in residential use, it retains a fine, robust projecting shop front, the loss or alteration of which would detract from the appearance of the conservation area and be a further step in effacing evidence of its past uses. It forms a pair with number 68 High Street which also retains its shop front, although being in use as boarding accommodation for Harrow School it has no permitted development rights.
17-19 High Street	Two semi-detached dwelling houses adjoining the core shopping area, with small front garden areas and original timber windows and doors. Alterations to these features would have an impact on the streetscape.
53-55 High Street	Two dwelling houses facing the southern end of the green, and important in views along the High Street. Number 53 has already had UPVC windows installed to upper levels, and it is important to protect the property from any further detrimental alterations, such as the loss of the projecting bay windows. Both properties have small front gardens, and the boundary treatment of these will have an impact on the streetscape.
5 Short Hill	Unusual property at the foot of Short Hill steps, with some unfortunate window replacement.
Waldron Cottage, Waldron Road	Locally listed Arts and Crafts house, with good quality brickwork and window detailing. It has substantial front and rear gardens which are side on to the road.
Derrylands, Waldron Road	Locally listed large Victorian villa, imposing position at the bend on Waldron Road and retains original windows and detailing.

Glasfryn and Aboyne, Waldron Road	Pair of semi-detached substantial Victorian villas, where it is important to protect original features such as doors and windows and the symmetry of the pair.
3 and 5 Waldron Road	Modern semi-detached property in an attractive neo-Georgian style. It is important to protect the windows and doors from unsympathetic replacements, and the front lawn area from hard surfacing.
43 Nelson Road	New development not controlled by earlier Article 4, but deliberately in the style of all the other properties in Nelson Road. Therefore, protecting it from changes that would make it less like its neighbours is considered important for the street scene.
11, 15, 17, West Street	Early Victorian properties which are prominent on the street, surrounded by other listed properties and which are an important in the street scene.
13, 14, 15, 16, 17 Yew Walk	Please note that these five properties were formerly known as 1-5 Nora Place, and were covered by the original 1983 Article 4 Direction.

The properties which have been subject to Article 4 control, and which are proposed for exclusion now, are listed below with the justification for their exclusion:

<u>Address:</u>	<u>Reason for exclusion:</u>
19 Victoria Terrace	Property is a modern bungalow that bears little resemblance to the rest of the street, so it is felt that controls are not needed.
1 West Street	Property is in retail use and does not therefore have any permitted development rights
26, 26a and 56 Crown Street	These properties are listed, so would be protected from unsympathetic alterations by listed building legislation.
1, 2, 3, 4, 5, 6 Yew Walk	These properties were demolished in the early 1990s to make way for a new housing development.