

REPORT FOR: Planning Committee

Date of Meeting: 18 June 2014

Subject: Proposed Article 4(1) Direction – The Lodge, Canons Park, Donnefield Avenue within Canons Park Conservation Area and the grade II listed registered park and garden.

Responsible Officer: Nicky Linihan, Interim Divisional Director of Planning

Exempt: No

Wards affected: Canons

Enclosures: Map showing location of the Lodge, Donnefield Avenue

Section 1 – Summary and Recommendations

1.1 This report seeks to introduce an immediate Article 4(1) Direction to cover The Lodge, Canons Park, Donnefield Avenue within the Canons Park Conservation Area and Registered Park and Garden. The land is also designated Metropolitan Open Land and a site of importance for nature conservation. The Article 4 direction is required to remove permitted development rights relating to permitted development rights under Class A,D,E,F and H of part 1 Schedule 2 and class A and C of part 2 of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

1.2 On the 30th May, 2014 the Local Planning Authority granted prior approval for a change of use of the Lodge from offices to residential use, as a result of the prior approval being granted, a range of additional permitted development rights apply to the Lodge; which if implemented could undermine the character and appearance of these heritage assets and nature conservation and open space designations.

Recommendation

That an Article 4(1) Direction of the Town and Country Planning Act (General Permitted Development) Order 1995 covering The Lodge, Canons Park, Donnefield Avenue in the Canons Park conservation area be introduced to remove permitted development rights where the permitted development would front a highway and open space.

The reason is to ensure that the special interest of the Canons Park Conservation Area and the grade II listed registered park and garden is preserved or enhanced in accordance with the Planning (Listed Buildings and Conservation Areas Act) 1990 and local and national planning policy. It is therefore important that additional planning controls are introduced to relate to The Lodge at a prominent entrance way to the conservation area.

Section 2 – Report

Policy Context

- 2.1 On 4th April 2014 the Local Planning Authority received an application for prior approval of conversion of offices (class B1) to a single family dwelling house (class C3) ie prior approval of transport and highways impacts of the development and of contamination risks and flooding risks on the site. This was approved on 30th May 2014.
- 2.2 The need to have due regard to the desirability of preserving the special interest of conservation areas and registered parks and gardens is outlined within national and local conservation policy and guidance namely the National Planning Policy Framework, London Plan policy 7.8, and Development Management Policies Local Plan DM 7, part E and the Stanmore and Edgware Conservation Areas SPD appendix 6 the Canons Park Conservation Area Appraisal and Management Strategy adopted December 2013.

- 2.3 The National Planning Policy Framework (NPPF) paragraph 131 states: local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets...the desirability of new development making a positive contribution to local character and distinctiveness. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. The Development Management Policies Local Plan policy DM 7, part D for conservation areas when considering proposals within conservation areas, the Council will: a. support the redevelopment of sites that detract from the character or appearance of the conservation area; and b. exploit opportunities to restore lost features or introduce new ones that would enhance the character and appearance of the conservation area.

Background Information and options considered

- 2.4 The Lodge, Donnefield Avenue is sited within the Canons Park Conservation Area and a grade II listed registered park and garden. The site is also designated as a site of importance for nature conservation and Metropolitan Open Land. The special interest of the Canons Park Conservation Area is defined within the Canons Park Conservation Area Appraisal and Management Strategy adopted December 2013 which states it is: 'an outstanding area for its landscaping, openness and high quality architecture'. The special interest of the grade II listed park and garden relate to it being the remaining part of an early C18 landscape park laid out for James Brydges, first Duke of Chandos by Alexander Blackwell, later modified by Humphry Repton.

- 2.5 The Council as local planning authority has powers to seek and confirm Article 4 Directions, without the need of the Secretary of State's approval, for dwellinghouses within conservation areas, within specified classes of permitted development. In order to more fully preserve the character of the conservation area and the registered park and garden, it is proposed to make an Article 4(1) Direction for The Lodge, Canons Park, Donnefield Avenue. This would withdraw 'permitted development' rights that would otherwise apply by virtue of the Town and Country Planning (General Permitted Development) Order 1995 as amended (the 'GPDO'). The direction would mean that small scale changes such as extensions, boundary treatments, replacement roofs and outbuildings, which ordinarily would not require planning permission, would require consent. The reason for this is that whilst changes can be small scale under such permitted development rights, cumulatively they can damage much of what is special about the conservation area and historic park and garden e.g. by taking away soft landscaping via hardsurfacing. Also, given this building's detached corner siting within Canons Park, the potential extensions, driveways, boundary treatments and outbuildings that could arise under existing permitted development rights could significantly undermine the special

openness and semi-rural character of this significant entranceway to the conservation area and the grade II listed Canons Park registered park and garden.

- 2.6 There are therefore two schedules within the proposed Article 4(1) Direction, one which covers most minor works to the house and the second which removes rights in respect of development in the garden of the house. This is to ensure that the direction is targeted and specific to protecting what is special in the area.
- 2.7 It is proposed to remove the following permitted development rights for development, (under the Town and Country Planning (General Permitted Development) Order 1995 as amended);

Part 1 of Schedule 2:

Covers residential, prominent properties of conservation value. The aim being to protect these properties from unsuitable alterations to their fabric and their setting.

Class A of Part 1 of Schedule 2: The enlargement, improvement or other alteration 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 E of part 1 of Schedule 2 The erection or any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;

Class F of Part 1 of Schedule 2:The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or (b) the replacement in whole or in part of such a 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.

Schedule 2:

Buildings which may not be of intrinsic architectural merit or group value in the townscape but their boundary treatments or gardens do form part of the character of the conservation area.

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

2.8 Reason for Immediate Article 4(1) Direction

The reason for seeking an immediate direction is that the building was recently sold and the new owner has submitted an application for prior approval for conversion of offices (class B1) to a single family dwelling house (class C3) (prior approval of transport and highways impacts of the development and of contamination risks and flooding risks on the site). The change in use of the Lodge from offices to residential use would result in a modest dwelling with permitted development rights for a dwelling. It is likely that the without the article 4 (1) Direction the resulting permitted development rights would be implemented in order to maximise the potential volume or development potential of the Lodge. This has the potential to conflict with protecting the unique open and semi-rural qualities of the conservation area and grade II listed registered park and garden. Confirmation of the immediate Direction must be made before six months from the date on which it was made (final date for confirmation would be 24th December 2014), or it will expire.

2.9 Procedure

Immediate directions can only be used to withdraw a small number of permitted development rights. Once the immediate direction has been made by the Local Planning Authority, shall give notice of the immediate article 4 direction:

- by local advertisement in at least one newspaper in the local area (as defined in article 1(2) of the GPDO)
- by site display at no fewer than two locations on the site of the Lodge for a period not less than six weeks
- individually on every owner and occupier of the site to which the direction relates
- on the same day that the notice of an article 4 direction is first published or displayed locally, the local planning authority shall notify the Secretary of State.

A copy of the direction (and a map defining the area/ site to which it relates) as well as a copy of the local consultation notices will be sent to the National Planning Casework Unit:

- 2.10 Any representations received during consultation will be taken into account by the local planning authority in determining whether to confirm a direction. Material changes to the direction resulting from consultation would require re-consultation.

- 2.11 The local planning authority must decide whether to confirm the order within six months of it being made, this direction would expire six months after coming into force, unless confirmed. The local planning authority cannot confirm the direction until after the expiration of either a period of at least 28 days following the latest date on which any notice relating to the direction was served or published, or such longer period as may be specified by the Secretary of State (after having been notified by the local planning authority of making a direction).

Financial Implications

- 2.12 The withdrawal of permitted development rights can lead to claims for compensation where planning permission is refused or granted subject to conditions. To date this authority has not received any such claim in the operation of planning control relating to the existing Article 4 Directions in the Borough, in operation since 1982.

Legal Observations

- 2.13. An article 4(1) direction withdraws the permitted development rights where the local planning authority consider the exercise of permitted development rights would harm the local amenity or the proper planning of the area.

Risk Management Implications

- 2.14 Risk included on Directorate risk register? No
Separate risk register in place? No

Equalities implications

- 2.15 There are no equality issues arising from this report

Corporate Priorities

- 2.16 This report does not relate to a specific priority but will contribute to the objectives of the Harrow Local Plan.

Conclusion

- 2.17 The Lodge Donnefield Avenue is located in a particularly significant part of the Canons Park Conservation Area and grade II listed registered park and garden given its corner plot siting at the entrance to these heritage assets. Small scale and more extensive changes allowed under residential single family dwelling householder permitted development rights could detrimentally affect their special character. Creation and confirmation of the Article 4(1) Direction is one means of ensuring that this does not occur.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 22 nd May 2014		
Name: Sian Webb	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 5 th June, 2014.		

Ward Councillors notified:	YES
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Section 4 - Contact Details and Background Papers

Contact: Lucy Haile, Principal Conservation Officer, 0208 736 6101

Background Papers: Site plan of the Lodge

If appropriate, does the report include the following considerations?

1.	Consultation	YES
2.	Priorities	YES