
REPORT FOR: Planning Committee

Date of Meeting: 13th June, 2018

Subject: Request to introduce an Article 4 (1) direction for the demolition of front boundary treatments within 14 of Harrow's conservation areas

Responsible Officer: Paul Nichols, Divisional Director - Regeneration and Planning

Portfolio Holder: To be confirmed at Council on 24.5.2018

Exempt: No

Wards affected: Harrow on the Hill, Pinner, Hatch End, Stanmore Park, Canons, Harrow Weald

Enclosures: **Appendix 1:** Table of proposed Article 4 Directions restricting permitted development rights for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in the following 14 conservation areas: Harrow on the Hill Village, Mount Park Estate, South Hill Avenue, Roxborough Park, East End Farm, Pinner High Street, Pinnerwood Park, Pinner Hill, Little Common, Stanmore Hill, Kerry Avenue, Canons Park, Brookshill Drive and Grimsdyke Estate and Harrow Weald Park.

Section 1 – Summary and Recommendations

An Article 4 Direction is a direction under the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”) which enables the Council to withdraw specified permitted development rights across a defined area; the effect of this is to require planning permission for the specified works where normally such works would not require planning permission. In Harrow, the Council has proactively made Article 4 Directions for the majority of its Conservation Areas in order to protect the special architectural or historic interest and character / amenity of the areas.

This report addresses an anomaly recently identified during the assessment of a retrospective planning application in the Harrow on the Hill Village Conservation Area for the removal of a front boundary treatment. Officers noted that despite planning permission being sought for the removal of the front boundary treatment to the property, planning permission was not currently required. This was because despite there being an Article 4 direction in place since 2007 that requires planning permission be obtained for the construction or alteration of a gate, fence, wall or other means of enclosure (subject to certain conditions relating to height) where facing a highway, waterway or open space, the Direction did not specifically cover the demolition of all or any part of any gate, fence, wall or other means of enclosure, meaning that such demolition could be done without planning permission. The same is true of the 13 other conservation areas in the borough where permitted development rights have similarly been withdrawn for the alteration of a gate, fence, wall or other means of enclosure, but permitted development rights remain in place for the demolition of all or part of a boundary treatment in instances where these face a highway, waterway or open space.

Such a situation is clearly erroneous as the demolition of a boundary treatment is likely to have similar (if not greater) impact upon the character of a conservation area as the construction or alteration of a gate, fence, wall or other means of enclosure.

The report therefore proposes a further Article 4 Direction that removes the permitted development right relating to the demolition of all or any part of any gate, fence, wall or other means of enclosure (Part 11 Class C of Schedule 2 of the GPDO). The geographic extent of the proposed direction reflects that of the existing Article 4 Directions where rights have been withdrawn for the alteration of a gate, fence, wall or other means of enclosure.

Recommendations:

Planning Committee is requested to:

- a) Agree to officers’ recommendation to introduce an Article 4(1) Direction of the Town and Country Planning (General Permitted Development) (England) Order 2015 to require planning permission for the demolition of the all or any part of any gate, fence, wall or other means of enclosure in existing conservation areas (Part 11, Class C of Schedule 2 of the GPDO), where an existing Article 4 direction exists in relation

to the construction or alteration of a boundary treatment. The new additional Article 4 direction is to apply only where facing a highway, waterway or open space where this is the case already for the existing Article 4 Direction, and otherwise for the entire boundary treatment, in accordance with the existing Direction.

- b) Delegate authority to officers to undertake the necessary statutory processes to serve the proposed Article 4 Direction, noting that any representations received during the statutory consultation period will be reported back to the Planning Committee along with a recommendation as to whether or not to confirm the Direction.

Reason: (For recommendations)

To ensure that the special character of the conservation areas affected is preserved or enhanced. Since 1967 local authorities have been required to protect areas which are valued for their special architectural or historic interest – the character and appearance of which it is desirable to preserve and enhance - through the designation of Conservation Areas under the provisions of Sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990. They are required to carry out reviews ‘from time to time’ to ensure areas are adequately covered. This proposal stems from a review that a recent planning application instigated as it revealed an anomaly in protection for conservation areas. Where boundary treatments are sensitive to change in the borough’s conservation areas an existing Article 4 direction has been introduced requiring planning permission for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, yet in every case currently permitted development rights still exist for the demolition of all or part of boundary treatments, meaning the existing article 4 direction can be ineffective.

Section 2 – Report

1. Introduction

- 1.1 The report incorporates the corporate priority concerning:
- Making a difference for communities
- 1.2 The improved protection of areas of special architectural or historic interest will help maintain the unique historical local character of areas or neighbourhoods within Harrow which residents cherish and value.

2. Options considered

- 2.1 The option of not introducing the new Article 4(1) Direction for boundary treatments was considered but this would be contrary to the Council's obligations under the Planning (Listed Buildings and Conservation Areas) Act 1990, under which local planning authorities are required to carry out reviews 'from time to time' to ensure areas are adequately protected to ensure the areas preservation or enhancement. The recommended option pro-actively responds to an issue that has become apparent (see paragraphs 3.3 – 3.5 below). The option of doing nothing to address the issue would risk harm being done to the character of Conservation Areas within the borough.

3. Background

- 3.1 Harrow has 29 conservation areas, each having special character and appearance derived from its architectural, townscape or landscape qualities. The Council has a duty to preserve and enhance these, and does so by preparing and following area specific guidance along with introducing Article 4 directions. Article 4 directions require planning permission to be obtained for certain works that would not usually require planning permission (even in a conservation area). This is to ensure change is sensitively managed to preserve the special character and appearance of conservation areas. The nature of the proposals that are required to obtain planning permission through an Article 4 direction are tailored to reflect the special character of each conservation area, based on the Conservation Area Appraisal and Management Strategy (CAAMS) for each area.
- 3.2 To date, 14 of Harrow's 29 Conservation Areas have had Article 4 directions introduced to remove Part 2, Class A of the General Permitted Development Order 1995 (as amended in 2015). This class refers to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. Such permitted development rights have been removed either where facing a highway, waterway or open space or for the entire boundary treatment. Works under this class of the Order therefore require planning permission in these cases / conservation areas, unless permitted under another class of the Order.

- 3.3 Parts of Harrow on the Hill Village Conservation Area have had such an Article 4 direction in place since 2007. A retrospective planning application (reference P/4502/17) was submitted to the Council which included the proposal for the removal of the front boundary treatment to 14 Wellington Terrace in Harrow on the Hill Village Conservation Area in September 2017. This building has been subject to an Article 4 Direction (under Part 2, Class A of the General Permitted Development Order since 2007) that requires planning permission for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure where fronting a highway, waterway or open space.
- 3.4 This Article 4 Direction was introduced because the front boundary treatments represent part of the area's special character and appearance as identified by the Council's adopted Harrow on the Hill Village Conservation Area Appraisal (2005). This states 'Harrow on the Hill Village Conservation Area forms the historic core of the Hill, scattered with the area's earliest buildings' with 'rapid growth [in the mid-19th century which] saw the layout of a number of streets including Trafalgar Terrace, Nelson Terrace and Victoria Terrace, many cottages of which were to become occupied by school employees'. Wellington Terrace is one example of the mid-19th century terrace that typifies much of the Hill. All are of a small cottage style and character complemented by a small amount of front garden greenery behind a low timber picket fence or low brick wall (see 18a-14 Wellington Terrace) where they do not directly front the street. This complements the quaint, village character of the conservation area and the cottage character of the houses.
- 3.5 However, whilst processing this planning application it was noted that since permitted development rights under the General Permitted Development Order 1995 (as amended in 2015) Part 31, Class B (now known as Part 11, Class C of Schedule 2 of the 2015 Order) of the same Order are still in place and these allow 'Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure', the proposal would be permitted development. Essentially this means that whilst the current Article 4 directions seek to control the erection of new boundary treatments or the alteration of existing boundary treatments, it omits to control the actual demolition of such boundary treatments (as this remains permitted development under a different section of the General Permitted Development Order). Therefore, it was noted that an anomaly currently exists in relation to the protection of the special character and appearance of 14 of the borough's conservation areas where the alteration of a boundary treatment would impact on the special character and appearance of the conservation areas.

4. Proposed Article 4 Direction

- 4.1 It is recommended that where an Article 4 Direction is already in place in the borough restricting Part 2, Class A of the General Permitted

Development Order 1995 (as amended in 2015) requiring planning permission for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, another Article 4 Direction should be introduced requiring planning permission under Part 11, Class B of the GPDO 2015 (previously known as Part 31, Class B of the 1995 Order). This would mean that planning permission would now also be needed for any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure. In this way, alterations or demolition work to a boundary treatment should be required whereas at present despite the Article 4 directions relating to the alteration of boundary treatments alterations consisting of demolition do not need planning permission.

4.2 Paragraph 200 of the National Planning Policy Framework (NPPF) states ‘The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area’. In all cases in the borough where an article 4 direction is in place relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in the borough, the demolition (partial or whole) of any gate, fence, wall or other means of enclosure would have a similar impact on character and appearance as it would in effect be an alteration to those boundary treatments. It is the presence of the boundary treatments in their particular form which is significant. The following table illustrates this as it explains the importance of boundary treatments to properties covered by Article 4 directions to conservation areas in the borough for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. The Article 4 Directions that are already in place have been implemented as a result of the Conservation Area Appraisal and Management Strategy for each area. These clearly assess the character of the area and identifies the type of development that would harm this character / local amenity and recommended Article 4 Directions to address this potential harm and the Article 4 Directions have been implemented on this basis.

Name of conservation area	Reason for current Article 4 Direction relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in the borough
Harrow on the Hill Group	
Harrow on the Hill Village	Harrow on the Hill Village Conservation Area Appraisal and Management Strategy states: 'Harrow on the Hill Village Conservation Area forms the historic core of the Hill, scattered with the area's earliest buildings' with 'rapid growth [in the mid-19th century which] saw the layout of a number of streets including Trafalgar Terrace, Nelson Terrace and Victoria Terrace, many cottages of which were to become occupied by school employees'. Wellington Terrace is one example of the mid-19th century terrace that typifies much of the Hill. All are of a small cottage style and character complemented by a

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	small amount of front garden greenery behind a low timber picket fence or low brick wall (see 18a-14 Wellington Terrace) where they do not directly front the street. This complements the quaint, village character of the conservation area and the cottage character of the houses.
Mount Park Estate	The Mount Park Estate Conservation Area Appraisal states the special character and appearance of the conservation area relates to the: 'almost semi-rural character in what are otherwise urban environs' as well as the presence of secluded spaces. It notes that 'a rich variety of domestic species of hedges and high quality brick built walls would be preferable, rather than railings or close-boarded fencing, which are much more urban in character and should therefore be avoided' Gated entrances and high brick boundaries also 'add to the private spaces and contribute to the overall sense of seclusion'.
South Hill Avenue	The South Hill Avenue Conservation Area Appraisal notes that it is the 'Garden Suburb' ideal which is the main basis for the conservation area designation which is the association with openness and semi-rural character. As such its boundary treatments are important in maintaining this soft, informal character. It notes that 'The verges and boundary treatment create continuity within the streetscape, which is strengthened by similar building materials and techniques' and 'Although many properties are not striking architecturally, their contribution to the streetscene is very important, particularly in terms of their group value, setting and boundary treatment'. It notes that 'the area's boundary treatment tends to be informal with either hedgerows or wooden fencing'. A main asset of the area is named as the area's soft, informal boundary treatments.
Roxborough Park	The Roxborough Park Conservation Area Appraisal notes that the special character and appearance of the area relates to the high quality of architecture and open spaces which emphasize the distinction from surrounding urban sprawl. It notes 'The combination of the height and the type of boundary treatments creates a soft, informal feel. The use of only these three general types of boundary treatment creates a general sense of unity to the area. Likewise though, their gentle variety also creates a sense of informality and gentle heterogeneity. The boundary treatments help mark a formal edge to the curtilage of the properties that they serve. They therefore delineate the open space in front of the property and so help form an important part of their setting'. It notes 'The conservation area contains many original features [including] original boundary treatments ...which contribute to the special character of the conservation area and their loss would be detrimental to the area'.
Pinner Group	

Name of conservation area	Reason for current Article 4 Direction relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in the borough
East End Farm	The East End Farm Conservation Area Appraisal notes that the special character and appearance of the area relates to it being a remarkable survival of a hamlet with medieval origins. It notes that 'Built boundary treatments generally consist of simple timber fences supplemented by planting, which appropriately complement the former agricultural feel'. It notes that there are a few interesting walls.
Pinner High Street	Pinner High Street Conservation Area's special character and appearance is identified by the Pinner High Street Conservation Area Appraisal as 'a remarkable survival of a medieval village. It is noteworthy for its fine array of timber-framed buildings'. Soft informal boundary treatments contribute to the village character of the area with some harder, more elegant boundary treatments relating to the architecture of the house that they accompany.
Pinnerwood Park	Pinnerwood Park Conservation Area's special character and appearance is identified by the Pinnerwood Park Conservation Area Appraisal as it notes that it is the basis of the area on the garden suburb ideal which is important with a continuity of character. It notes: 'Where...fences are missing from front gardens the conservation area is let down at this point as it erodes the garden suburb ideal, and as such there is opportunity for enhancement on these sites' and that 'Throughout the estate, gardens are enclosed by five types of fence. Where these vary from the original design, such replacements break the continuity of the frontage and erode the character of the conservation area'.
Pinner Hill	Pinner Hill Conservation Area's special character and appearance is identified by the Pinner Hill Conservation Area Appraisal which notes that it relates to 'the area's low density of development and surrounding open greenery or wooded environs'. It notes that 'The overall character of the estate can be summed up as being semi-rural, with its low density development, set within dense greenery and furnished by soft floorscapes and boundary treatments'. It notes 'The floorscape and boundary treatments add vital elements to the semi-rural townscape qualities' and 'Boundary treatments are important to the conservation area as they add to the informal and soft landscaped character'. It notes it is important to 'Retain visually important boundary treatments which are a characteristic of Pinner's conservation areas'.
Stanmore and Edgware Group	
Little Common	Little Common Conservation Area Appraisal and Management Strategy notes that: 'Little Common CA derives much of its special character from its particular mix of high quality, period properties, a high proportion of which are statutorily and locally listed'. 'Tall walls marking the boundary of historic estates form another overriding

Name of conservation area	Reason for current Article 4 Direction relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in the borough
	attribute' and it notes 'The walls are one of these most important features of Stanmore Hill'.
Stanmore Hill	Stanmore Hill Conservation Area Appraisal and Management Strategy notes that: 'Stanmore Hill CA comprises fine examples of residential houses and some commercial units using high quality traditional materials and detailing'. It notes historic walls are important to the area and 'boundary treatments are either low brick walls or low permeable fences'.
Kerry Avenue	Kerry Avenue Conservation Area Appraisal and Management Strategy notes that the special character and appearance of the area relates to it having an: 'unusual concentration of the Modern or International Style idiom demonstrated in its collection of inter-war and post-war houses' It notes that 'The original low walls that are characteristic of the area are constructed of concrete bricks ('Dunbrik'), which is all part of the special International style of the area, and are stepped in design (see photographs below). This remains intact along the west side of the lower end of Kerry Avenue and so retains the original landscaping concept'.
Canons Park	The Canons Park Conservation Area Appraisal and Management Strategy notes that the special character and appearance of the area relates to 'the area being an outstanding area given its special landscaping, openness, and good architecture'. It notes that the area's 'cottage inspired houses create a rustic and homely character particularly with the soft boundary treatments'. It notes that 'Within the residential area, low brick walls, hedges, trees, and low fences (including picket fences) are the predominant boundary enclosures'.
Harrow Weald Group	
Brookshill Drive and Grimsdyke Estate	The Brookshill Drive and Grimsdyke Estate Conservation Area Appraisal and Management Strategy notes that 'The special interest of the conservation area relates to its high architectural quality and historic interest in a rural setting'. It notes that 'The streetscape is noticeably rural and semi-rural in terms of road surfacing, boundary treatment' and 'Gardens and soft boundary treatments complement the open landscapes and woodland surrounds. The similarity of boundary treatment helps to tie the estate together'.
Harrow Weald Park	The Harrow Weald Park Conservation Area Appraisal and Management Strategy notes that 'The special interest of the conservation area relates to it being a well-defined fragment of the original Harrow Weald Park, a large Victorian country estate, now surviving as a semi-rural enclave'. It notes that 'The front boundary treatment to the coach house is informal and semi-rural in character being timber, permeable and less than a metre in height. Number 57 is an exception with a formal front boundary treatment reflecting the relatively grand status of this house, but still it has a characteristically permeable,

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	<p>informal style timber gate'. It further notes that 'Where boundary treatments exist to fields adjacent the farm track these are hedging or as low, permeable and simple timber design allowing for important through views. Otherwise where boundary walls exist these are usually the historic former masonry boundary walls to the estate. Those that were the walls to the former extensive walled gardens are simple, tall brick walls. These are of historic importance in themselves and of importance for marking the boundaries of the estate. They are mainly in the grounds of the Eagles, but also to the rear of the coach house and stables and in the garden of the gardener's cottage. Also, at the top of the track by the coach house/stables there is a dry stone wall design typical of farm walls'. It notes that 'the presence of informal, low and open boundary treatments otherwise, complement the open landscapes and woodland surrounds'. It notes that the 'approach to boundary treatments in the conservation area preserves its special interest as they either absent or they are very low with an informal, open character and made of timber'.</p>

4.3 For each of the above Conservation Areas, Article 4 Directions are in place to require planning permission for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. However there is not an equivalent Article 4 Direction restricting permitted development rights under Part 11, Class C of the GPDO 2015 for any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure. Therefore one is proposed for each of these conservation areas for each of the buildings currently covered by Article 4 Directions relating to boundary treatments (under Part 2, Class A of the General Permitted Development Order 1995, amended 2015) in order to overcome the anomaly that currently permits alterations consisting of demolition works without the requirement for planning permission. This is shown by the table in Appendix 1. The Article 4 direction is only proposed for elevations fronting a highway, waterway or open space where this is the case for the existing Article 4 directions but otherwise for the whole of the site.

5. Implications of the Introduction of the Article 4 Direction for 14 Conservation Areas.

5.1 The proposal would allow for proposals for all alterations to boundary treatments to buildings in affected conservation areas to now require planning permission, where there is an equivalent article 4 direction relating to other alterations to boundary treatments. This would enable the Local Planning Authority to better manage change affecting the special character and appearance of these conservation areas.

6. Procedure

6.1 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:

- a) by local advertisement in at least one newspaper in the local area (as defined in article 1(1) of the GPDO)
- b) by site display at no fewer than two locations on the site of the Lodge for a period not less than six weeks
- c) individually on every owner and occupier of the site to which the direction relates
- d) 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.

6.2 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.

6.3 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.

6.4 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).

7. Performance Issues

7.1 Local Authorities have a statutory duty to review their areas to ensure adequate coverage of Conservation Areas and to publish proposals for the enhancement of these areas. Additionally, under the National Planning Policy Framework local planning authorities are required to make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible.

8. Environmental Impact

8.1 The existing conservation area appraisals and management strategies for the affected conservation areas which outline the importance of boundary treatments to these conservation areas already include consideration of how energy efficiency and

microgeneration measures can be achieved whilst preserving the special character of the conservation area.

9. Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

There are no significant risks arising from the recommendations.

10. Legal Implications

10.1 The Council are required under section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to carry out reviews 'from time to time' to determine whether any parts or further parts of their area should be designated as conservation areas; and if it so determines, that part(s) shall be so designated.

10.2 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.

11. Financial Implications

11.1 The costs of making the proposed Article 4 Direction would be met from within the existing revenue budgets of the Council's Planning Policy team.

12. Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? No

12.1 EqIA is not considered necessary in respect of the making of an Article 4 Direction. Such a proposal is based on the architectural and historic merit of an area and in this particular instance, seeking to correct a legal anomaly. Furthermore, the higher order Local Plan policy that contains the criteria against which development within Conservation Areas is assessed was subject to an equalities impact assessment prior to its adoption. Any potential equality implications of a specific proposal would be addressed during the assessment of the planning action necessitated by the marking of the proposed Article 4 Direction.

13. Council Priorities

13.1 The decision sought will help the Council meet the priority of a making a difference for communities by helping ensure the attractiveness of the borough as a place to live and demonstrating that the Council seeks and listens to the views of its residents.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the * Chief Financial Officer
Date: 10/05/2018		
Name: Helen Forbes	<input checked="" type="checkbox"/>	on behalf of the * Monitoring Officer
Date: 21/05/2018		

Ward Councillors notified:	YES
EqIA carried out:	NO
EqIA cleared by:	See body of report

Section 4 - Contact Details and Background Papers

Contact: Lucy Haile, Principal Conservation Officer, 0208 736 6101 or lucy.haile@harrow.gov.uk

Background Papers:

Conservation Area Appraisals and Management Strategies for each conservation area in the borough:

http://www.harrow.gov.uk/info/200162/conservation_and_biodiversity/159/conservation_areas_overview