

EXETER CITY COUNCIL

**EXECUTIVE
03 JULY 2007**

**DRAFT NEW CONSERVATION AREA DESIGNATION AT
TADDYFORDE WITH APPRAISAL
AND MANAGEMENT PLAN**

1 PURPOSE OF REPORT

- 1.1 To consider draft proposals for designation of the area of Taddyforde (as shown on the Plan in Appendix 3) as a Conservation Area and the principle of the application of an Article 4(2) Direction.

2 BACKGROUND

- 2.1 Exeter has seventeen Conservation Areas that have been designated because of their special architectural or historic interest. The Council has a duty to preserve and enhance the character of these areas. Fourteen Conservation Areas in Exeter currently have adopted appraisals.
- 2.2 The Government and English Heritage recommend the preparation of appraisals and management plans to identify what contributes to the character of Conservation Areas. The documents assist development control and facilitate a programme of environmental enhancements.
- 2.3 There is a national performance indicator to measure the percentage of Conservation Areas that have adopted appraisals.
- 2.4 The proposal to designate this area as a Conservation Area came about through the consideration of plans to develop Wembury, New North Road, and the effect that would have on this important historical area.

3 CONSULTATION

- 3.1 Executive is asked to agree the draft document as a basis for consultation on the proposed conservation area. There will be a period of about six weeks for public comment and due to the small scale of the proposed area and lack of suitable venue, all residents will receive a copy of the draft appraisal. The consultation will enable the appraisal of the character of the area to be finalised and any additional ideas for the enhancement of the area to be identified and formulated into the management plan. Residents have shown an interest in similar exercises conducted elsewhere.
- 3.2 The results of the consultation will be reported to back to Planning Member Working Group for comment and then to Executive for adoption.

- 3.3 Whilst concurrent consultation may be carried out on the intention to place an Article 4(2) Direction, a further period of 21 days consultation on this aspect will be required after formal adoption of the conservation area because the Direction may only be placed on designated conservation areas.

4.0 KEY CONSIDERATIONS

4.1 Conservation Area Designation.

As defined by the Planning (Listed Buildings and Conservation Areas) Act 1990, a Conservation Area is “an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance, to ensure its value is retained for future generations to enjoy.” Local planning authorities have a duty under the Act to designate such areas.

- 4.2 Within Conservation Areas, it is not so much the individual buildings that are important, but rather the character of the area as a whole and, unlike listed buildings where the decision to list lies with the Secretary of State, judgement is made by the Local Planning Authority on the basis of local and not national criteria. In setting these criteria, it is essential that the “specialness”, in the local or regional context, is recognised and local authorities should seek to establish a consistent and responsible approach when considering the extent of designation and its adequacy across the whole of the city. Failure to do so can seriously devalue the status of Conservation Areas and whilst designation can be a legitimate response to a real or perceived threat to the character or appearance of an area, it is still essential to consider first whether an area is of sufficient architectural or historical interest to warrant designation.

4.3 Application of Article 4 Direction

Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 allows local authorities to restrict permitted development rights on groups of buildings or areas for particular proposals such as replacement windows and doors, chimneys, demolitions etc. There are two types of Article 4 Directions; the most common type employed in Conservation Areas being Article 4 (2), which restricts the stated development only if fronting a “relevant location” (a highway, waterway or open space) and which can be designated by the Council rather than necessitating a report to the Secretary of State for approval, as do Article 4(1) Directions, which are more stringent in their restrictions.

- 4.4 The procedure for making Article 4(2) Directions involves advertising it both locally and nationally and serving a notice on the affected residents.

- 4.5 The Direction comes into effect on the day the notice is served, however the authority must then confirm the Direction within six months, during which time it must have had a public consultation period of not less than 21 days and comments from this must be taken into account in the final Direction wording.

- 4.6 Any planning applications made in respect of works the Article 4(2) Direction restrict do not attract a fee.
- 4.7 Section 108 of the Town and Country Planning Act 1990 makes provision for compensation to be paid by the local planning authority only if an application for development is refused which would normally have been permitted development before the Article 4(2) Direction was introduced. However, Section 107 sets out the method for assessing such compensation, which is strictly limited to the abortive costs associated with the planning application and any other loss that is directly attributable to the Article 4(2) Direction being made. It should be noted that no claim of compensation has ever been made on those properties where the Council's Article 4 Directions apply. The claim period is restricted to twelve months from when the Direction was made and is intended to ensure that the right to compensation does not exist in perpetuity.
- 4.8 The benefits of introducing such a Direction are:
- Retention of original or replica features helps maintain the appearance of both the buildings and the area overall.
 - The use of natural materials in place of man made alternatives has significant aesthetic and environmental advantages and helps keep traditional crafts alive.
 - The preservation of historic features is encouraged, along with the replacement of those that have been lost.

It is essential to produce guidance notes for residents to make them aware of why the Direction is being considered, how they will be affected and what procedures they may then need to follow if the Direction is confirmed. In accordance with best practice recommendation, the City Council would prepare and distribute a leaflet to all residents in the area, which would outline the alterations that can be made without the need for planning permission and provides guidance on appropriate design, materials and features that would be considered sympathetic to the area, a draft of the contents of this leaflet can be found at Appendix 2.

5.0 FINANCIAL IMPLICATIONS

- 5.1 Should the area be designated as a Conservation Area, it is anticipated that there would be no increase in applications to the City Council to approve Conservation Area Consents, as major demolitions would be no more likely. There would be a small increase in notifications of works affecting trees in the area and the cost of publicising these applications.
- 5.2 If the Article 4(2) Direction were approved, there may be a small increase in planning applications, which do not attract a fee, although it is expected that through negotiation with owners most of these potential applications would be avoided.

6.0 CONCLUSIONS

- 6.1 Through the appraisal, it has been recognised that this area is a distinctive estate development, centred around the imposing Taddyforde House, but with many properties of their own special architectural character forming the infill development of the grounds, as well as some development that continues along New North Road of similar styles. It has an identified special character and is considered to be worthy of designation as a Conservation Area.
- 6.2 The application of an Article 4(2) Direction will strengthen existing Conservation Area legislation and protect the character of the properties therein.

7.0 PLANNING MEMBER WORKING GROUP

- 7.1 On 12 June, Planning Member Working Group discussed and agreed the proposed designation, draft appraisal and proposed Article 4(2) Direction.

8.0 RECOMMENDED

- 8.1 Members are recommended to agree the proposed conservation area designation, the application of an Article 4(2) Direction and the draft Conservation Area Appraisal and Management Plan as a basis for public consultation.

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ECONOMY AND DEVELOPMENT DIRECTORATE

Local Government (Access to information) Act 1985 (as amended)

Background Papers used in compiling the report:-

None

APPENDIX I

CONSERVATION AREA APPRAISALS CRITERIA FOR PROPOSED BOUNDARY AMENDMENTS

The starting point should be a presumption against altering boundaries unless there is a strong case based upon the appraisal.

1	Conservation Area boundaries should be drawn to include relevant building groups that have coherence and similarities in either materials, periods or styles and open spaces surrounding these that form an integral part of the building groups (with regard to the fact that CA's are primarily about buildings and their related land not open spaces).
2	Boundaries should still exist on the ground and make sense.
3	The setting of important features should be adequately protected.
4	Changes in attitude to architecture and history should be addressed.
5	The impact of any changes in legislation should be addressed.
6	There must be a compelling case for deleting areas that were previously designated.
7	Areas that lack character (holes) lying within the proposed Conservation Area may be included where there is a reasonable probability that a substantial part of the area will be redeveloped within 5-10 years and the designation can therefore influence the quality of development. (It is assumed that CA's will have a life of 5-10 years between reviews). Where a substantial redevelopment scheme has already been approved and is likely to proceed, the decision should rest on whether there is a clear case that the approved scheme will enhance the character of the area.
8	Holes characterised by substantial areas of relatively modern or mundane development where redevelopment is unlikely should be excluded.
9	Where existing areas of a Conservation Area are considered in the appraisal to have more in common with an adjoining Conservation Area, it should generally be removed from the area being appraised and appended to the adjoining area in order to be fully appraised when that area undergoes its next appraisal.
10	Existing Conservation Areas should only be amalgamated or subdivided if there is a clear case that the proposed amendment more accurately reflects the appraised character.

APPENDIX 2

ARTICLE 4(2) DIRECTIONS - GUIDANCE FOR RESIDENTS

The Value of Historic Detail in Conservation Areas

In most cases, it is relatively easy to identify the elements that make up the character of a Conservation Area. The listed buildings, open spaces, large trees or squares are all obvious contributors. However, the details of the buildings, whether listed or not, make a subtle but important contribution. The survival of original doors, windows, walls, railings, chimneys and chimney pots collectively reinforce the historic character of the area. In some cases, particularly where the housing is terraced, for example, the repetition of these features from house to house is the very essence of the character.

The historic interest and character of many conservation areas has sadly already been partly eroded by small changes resulting in the loss of traditional building details, such alterations include the replacement of traditional doors and windows, removal of chimneystacks, painting of brickwork, removing boundary walls. Although individually minor, cumulatively these alterations significantly detract from the quality of the conservation area. Normal conservation area legislation currently make it impossible for this to be adequately controlled and according to current law, the only way that such harmful effects can be controlled is for the Council to serve what is known as an Article 4(2) Direction.

What it means.

Normally a householder can make modest changes to their property without first having to apply for planning permission. This is known as “Permitted Development Rights”.

The purpose of an Article 4(2) Direction is to restrict these permitted development rights to ensure that traditional details, which contribute greatly to the character of a Conservation Area, are not removed or altered without prior reference to the Council as the Local Planning Authority.

Such a Direction only affects houses in single occupation. Flats, houses of multiple occupation, shops, offices and other commercial buildings do not have the benefit of permitted development rights and so are already required to apply for planning permission for works such as those listed below.

With an Article 4(2) Direction in place, Planning Permission will be required for:

- Extensions including porches
- Alterations to roofs including alterations to chimneys
- Construction of hard standing
- Alterations to windows and doors
- Demolitions, including boundary walls

All of the above apply ONLY where the alteration is to the face of the building fronting a highway, waterway or open space (normally the front of the building, but not always).

As a general guide, planning permission will not normally be given to replace traditional features with modern replicas in alternative materials, such as aluminium or plastic windows, or artificial roof slates or to demolish or removed original items, such as chimneys, porches and boundary walls.

No planning fees are payable when you submit a planning application which is required as a result of an Article 4(2) Direction.

When the Direction is made, you will be notified and precise details of the permitted development rights that are to be removed will be fully outlined, however if you wish to consult this information at any time, is available from the Planning Office, details below.

Further information and contacts:

Further information and advice may be obtained from Development Control or via the Council's website (www.exeter.gov.uk, follow the links to Conservation Areas)

Telephone: 01392 265223

Email: planning@exeter.gov.uk