

ESSENTIAL REFERENCE PAPER B

Features in Conservation Areas that are important to retain commonly include varied roof lines in traditional materials with prominent chimneys, traditional windows and doors, walls, railings and boundaries and other architectural detailing. Whilst such features on non-listed commercial properties such as shops are protected by existing controls there is an extensive range of PD rights relating to dwelling houses that can be undertaken without obtaining permission.

Illustrations showing potential harm of permitted development rights in conservation areas.



Picture 1. Before



Picture 2. Potentially after

Pictures 1 and 2. Stylised illustration showing the impact that the exercise of PD rights can have in a conservation area. These can only be controlled by the introduction of an Article 4 Direction. (Reproduced from Planning Jungle website - being number 8 (excessive front alterations) on their selected 10 worst PD loopholes in Part 1 of the General Permitted Development Order).

Types of permitted development allowed within conservation areas for consideration under an Article 4 Direction with a brief commentary.

1.1 Picture 3 below illustrates a typical residential urban street scene in the District and shows those features on late 19th/early 20th century non-listed dwelling houses that make a positive visual contribution and which are worthy of protection. These include roofing materials and chimneys, windows and porches and architectural detailing which could be removed, altered or added under householder PD rights.



Picture 3. This photograph illustrates the various and generally unspoilt architectural detailing to the front elevations of dwelling houses within a street in the Bishop's Stortford Conservation Area.

1.2 Part 1 of Schedule 2 Class A. The enlargement, improvement or other alteration of a dwelling house.

The most damaging visual effects noted have been the alteration of historic windows and doors. This is most destructive when different modern types are installed on individual terrace houses. Protection of other selected architectural features such as historic decorative barge boarding is also justified. Picture 4 illustrates a non-listed terrace where different window and door types lack co-ordination. Compare this with Picture 5. The latter is of similar age but not local to EHDC area and is listed. Nevertheless it illustrates the visual benefits of a co-ordinated solution where original features are retained. Picture 6 shows another terrace in the District where the impact of modern replacement windows has been reduced by application of a common design solution. Article 4 Direction controls are likely to be enacted in respect of these PD rights.



Picture 4. Various window and door types are uncoordinated on this terrace in the District.



Picture 5. Co-ordination and visual integrity achieved by retaining original detailing. The successful character of historic terraces in part depends on simple repetitive detailing, including doors. Individual expression of ownership can be provided by painting doors different colours. (Not located in EHDC area).



Picture 6. Windows, whilst being modern replacements, achieve a degree of architectural rhythm and unity because they are of similar design.

1.3 Part 1 of Schedule 2 Class C. Any other alterations to the roof of a dwelling house. This includes works such as re-roofing or the installation of roof lights.

Roof extensions such as dormer windows already require planning permission. However re-roofing does not and the retention of traditional tile or slate materials is highly important in the District's Conservation Areas. The insertion of roof lights is generally Permitted Development, but they can detract from the character and appearance of a conservation area. Picture 7 illustrates an example of a pair of semi detached houses with different roofing materials that appear uncoordinated. Article 4 Direction controls are likely to be enacted in respect of these PD rights.



Picture 7. Different roof materials and roof lights that constitute Permitted Development and which harm the conservation area's special interest.

1.4 Part 1 of Schedule 2 Class D. Erection of a porch.

Officers have noted a number of examples where the erection of new porches have resulted in visually disruptive elevations, most apparent when different designs, shapes, and sizes have been erected together on a single terrace. Picture 8 shows, inter alia, several different porch types. Article 4 Direction controls are likely to be enacted in respect of this PD right.



Picture 8. This picture illustrates several elements of inappropriate development on a street in the District. (a) Satellite dishes on a chimney or roof on the front elevation should be controlled by grant of permission; (b) various window types (frequently permitted development); (c) various porch types (permitted development subject to size); (d) chimneys with numbers of pots missing and (e) off-street parking - visually intrusive and, as illustrated here, no crossovers, and a danger in forcing pedestrians, the disabled and pushchairs into the road.

1.5 Part 1 of Schedule 2 Class E. Provision of buildings and other development on land within the curtilage of a house.

This allows for the provision within the curtilage of a dwelling house any building or enclosure, swimming or other pools incidental to the enjoyment of the house and oil and petroleum gas storage tanks. This PD right does not extend to the front or sides of dwellings, but can cause harm where the dwelling forms a corner plot or its rear garden is visible from the public realm. It may, therefore, in specific circumstances, be appropriate to include it within an Article 4 Direction.

1.6 Part 1 of Schedule 2 Class F. The provision within the curtilage of a house of a hard standing.

Bishop's Stortford Town Council has drawn attention to the destruction of gardens. Where such front gardens make an important contribution to the character and appearance of the conservation area, their loss should be controlled. Their contribution tends to be most obvious in urban or suburban areas, where they contrast attractively with the hard metaled surrounds. There are many examples in Newtown where off-street parking has been appropriated in an uncontrolled and visually disruptive manner. Sometimes the distance between the house and boundary is insufficient to provide sufficient parking (see Picture 8 above). A once attractive array of front gardens can become, instead, a row of transverse cars, parked on poor quality hard-standings.

Notwithstanding the difficulties encountered by owners of parking on streets laid out long before the motor car, this is a harmful development. It may, therefore, in specific circumstances, be appropriate to include it within an Article 4 Direction. (This control can also be indirectly available through the requirement to obtain planning permission for the demolition of boundary walls).

1.7 Part 1 of Schedule 2 Class G. Installation, alteration, or replacement of a chimney.

Chimney stacks and pots are a key component in the roofscapes of nearly all conservation areas and their retention is highly important. Fortunately most remain and to ensure this continues selective A4 control is likely to be enacted in respect of these PD rights.

1.8 Part 1 of Schedule 2 Class H. Installation, alteration, or replacement of satellite dishes and other antennae.

In conservation areas satellite dishes need permission to be installed on a chimney, wall or roof slope facing onto and visible from a highway. Thus a key control relating to the most important locations in conservation areas is already available but there is a question mark as to compliance with the legislation. This PD right has recently been extended to include other types of antenna and consideration will be given to the addition of this class in any future Article 4 directions.



Picture 9. A typical grouping of 19th century 2 storey dwellings with decorative and highly visible chimneys. Chimneys are a most important component of the high quality of many of the district's conservation areas.

1.9 Part 11 of Schedule 2 Class B and Part 2 of Schedule 2 Class A. Respectively (a) the demolition of gates, fences and walls and railings or (b) their erection or construction and (importantly) their alteration. There are many such features that contribute to the character and appearance of conservation areas which the character appraisals have identified. Such walls and boundaries vary in character and function and most are in good condition. Some are subject to Listed Building control whose demolition and alteration is already controlled by this legislation. Most of the remainder which are not listed exceed the prescribed heights relevant to their locations (being 1m to frontages and 2m elsewhere) where total or substantial demolition is controlled by the need to obtain planning permission in a conservation area. However, a few lie below these prescribed heights have thus been identified as candidates for Article 4 protection. Following case law, partial demolition is considered to be alteration and could only be controlled by a Direction withdrawing PD rights relating to alteration. Thus introduction of such an A4 control is likely to be enacted in this regard.



Picture 10. The demolition of a wall less than 1 m in height abutting a highway in a conservation area is not protected. Several such walls have been identified as candidates for Article 4 protection. Such walls below prescribed heights are in a minority.



Picture 11. Walls and railings vary in type and function. Most in conservation areas exceed prescribed heights set out in legislation and are thus protected from total or substantial demolition.



Picture 12. Good quality unlisted boundary wall and railings. Substantial demolition would require planning permission but alteration or partial demolition such as the removal of gates could only be controlled via the introduction of an Article 4 Direction restricting alteration.



Picture 13. One example of a fine unlisted wall which is now included within an extended conservation area which protects it from total or substantial demolition. Partial demolition however is generally held to be alteration, which can only be controlled by Article 4 Direction.

1.10 Part 14 of Schedule 2. Renewable Energy. The installation of domestic solar panels etc.

Subject to conditions these can be installed on roofs in a conservation area but not on walls. Their impact could result in significant visual damage. Government advice is that there should be particularly strong justification for the withdrawal of PD rights for such equipment although it is noted that other nearby authorities, mindful of the potential harm to the character and appearance of its conservation areas, have introduced such controls. The importance of using traditional clay tiles and slate for roofs is noted above under 2.3, and it would negate that effort if they were then to be covered with PV or solar panels. Nevertheless, officers would seek to negotiate reasonable and practical solutions that also avoided harm to the conservation area. Modern equipment can function efficiently on non-south facing slopes and it would be appropriate for such equipment to be installed on rear or slopes not visible from the public realm. This would ensure a balance between the desire for renewable energy and that of protecting conservation areas from harm.

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Picture 14. The impact of solar panels. This example is not in EHDC area where, to date, the impact of such equipment is limited. Controlling such installations so that where permitted they are at the rear of dwellings would protect the District's conservation areas.