



AGENDA ITEM: 5(e)

**PLANNING COMMITTEE:
26 February 2015**

CABINET: 17 March 2015

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

Contact for further information: Ian Bond (Extn. 5167)
(e-mail: ian.bond@westlancs.gov.uk)

**SUBJECT: ARTICLE 4(2) DIRECTIONS - FULWOOD AND DOUGLAS AVENUE
CONSERVATION AREA, TARLETON AND JUNCTION LANE
CONSERVATION AREA, BURSCOUGH.**

Wards affected: Burscough East and Tarleton

1.0 PURPOSE OF THE REPORT

1.1 To authorise the making of new Article 4(2) Directions in Fulwood and Douglas Avenue Conservation Area, Tarleton and Junction Lane Conservation Area, Burscough.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

2.1 That support is given to the Article 4 (2) Directions in both Fulwood and Douglas Avenue Conservation Area and Junction Lane Conservation as identified in Appendices A, B and C appended to this report.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the Article 4(2) Directions in Fulwood and Douglas Avenue Conservation Area and Junction Lane Conservation, as identified in Appendices A, B and C appended to this report, are approved.

3.2 That the Assistant Director Planning issue the Article 4(2) Directions, carry out the notification and relevant consultations referred to in paragraph 6.1 and report back to a future Cabinet to confirm the Directions.

4.0 BACKGROUND

- 4.1 The Borough Council has a duty under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review, from time to time, its Conservation Area designations, and under Section 71 of this Act to formulate and publish proposals for the preservation and enhancement of these areas. Conservation area appraisals aim to identify and re-affirm the special architectural or historic interest of conservation areas, clarify any issues relating to boundaries and identify ways to strengthen their commitment to manage the historic environment.
- 4.2 Under existing planning legislation householders in Conservation Areas are able to undertake alterations to properties without requiring planning permission. These 'permitted development' alterations including changing doors and windows, making changes to roofs, erecting a porch, laying down new areas of hardstanding and the erection/demolition of certain fences and walls would not normally come under planning controls. It is recognised that poorly designed and unsympathetic minor alterations can have a cumulative negative effect in Conservation Areas, ultimately undermining their character and appearance and putting their designation at risk.
- 4.3 English Heritage in its good practice guidance (Understanding Place: Conservation Area Designation, Appraisal and Management 2011), identify that Article 4 (2) Directions, where justified, are an important tool in preserving the character and appearance of conservation areas. Article 4(2) Directions, in this respect, can be an effective tool in the management of Conservation Areas, especially in those areas that still have a high degree of intact historic features.

5.0 CURRENT POSITION - PROPOSALS

- 5.1 Conservation area character appraisals for both Fulwood and Douglas Avenue Conservation Area and Junction lane Conservation Area were approved by Cabinet on the 11th November 2014. In both areas the boundary of the conservation area was amended to include new areas/properties. These newly designated areas currently fall outside the coverage of the existing Article 4(2) Directions. The appraisals and their recommendations were open to public consultation with the residents of both the Conservation Areas.
- 5.2 Conservation areas which are largely composed of unlisted dwellings are particularly vulnerable to change through work carried out under 'permitted development rights'. Whilst this in most cases will be well meaning renovation or home improvements the incremental and cumulative nature of the changes can harm an areas character and appearance. Both Fulwood and Douglas Avenue Conservation Area and the Junction Lane Conservation Area are predominantly residential in use.

- 5.3 It is proposed that the Article 4(2) Directions should match the new boundaries of the Conservation Areas in both cases. These changes are set out below in paragraphs 5.5 – 5.6 below and shown on the plans attached to this report in Appendix A and B. New Article 4(2) Directions will be made in respect of the revised boundaries and the existing Article 4(2) Directions will remain in situ.”
- 5.4 Article 4(2) Directions can restrict the permitted development rights of property owners to alter windows, doors or roofs, remove chimneys, erect porches, create new areas of hardstanding, erect or demolish walls and paint the exterior of a building. These restrictions only apply to the parts of dwellings that front onto a “relevant location” i.e. a highway, waterway or open space.
- 5.5 No’s 242 and 244 Hesketh Lane within Fulwood and Douglas Avenue Conservation Area are prominent, traditional properties dating from between 1911-1931. Both properties display many of the same key building characteristics of the properties in Fulwood and Douglas Avenue. The proposed Article 4(2) boundary covering No.242 and 244 Hesketh Lane is shown on the attached plan – see Appendix A. In this instance given the fact that there is a commonality in architectural features it is felt that the Article 4(2) Direction covering the two properties should mirror that already in place in the rest of the Conservation Area. The proposed restrictions in the permitted development rights imposed by the Article 4(2) Direction are detailed in Appendix C appended to this report.
- 5.6 The amended Conservation Area boundary in Junction Lane Conservation Area now includes a section of decorative garden wall which incorporates an attractive terracotta balustrade which lies in front of No 1b Junction Lane and to the side of 1a Junction Lane. The wall sitting behind the road frontage is a remnant from the former larger garden area to the Victorian house at No.1 Junction Lane. The character and/or appearance of the Conservation Area would be threatened by the removal of the wall (or partial removal), the erection of new boundary treatments and the effect from providing new areas of parking or hardstanding. Therefore it is proposed to limit the permitted development rights relating to these aspects only. Details of the restrictions are found in Appendix C.
- 5.7 It is important to stress that the effect of the Directions is not that development cannot be carried out, but that it requires the property owner to apply to the authority for planning permission to do so. This does not necessarily mean that a local planning authority would refuse permission for specified works, but that it retains control over the design and detailing of the works, and the ability to grant permission subject to appropriate conditions.
- 5.9 It is worth noting that planning applications to the authority made only because of the existence of an Article 4(2) Direction have no fee payable.

6.0 NEXT STEPS - PROCEDURE

- 6.1 Subject to approval, the Assistant Director Planning will make the Article 4(2) Directions, publish the relevant notices and notify affected owners and occupiers

together with Lancashire County Council. In both conservation areas the Direction will have immediate effect on the date the notice of the Direction is served on the occupiers, or if there are no occupiers, the owners. If the Council does not confirm the Direction within six months following the date it came into force, the Direction will expire and have no effect.

- 6.2 A further report will be made to Members in due course to consider confirmation of the Directions in light of any representations received.”

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 7.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 There are no significant financial or resource implications arising from this report. However there are circumstances in which local authorities may be liable to pay compensation having made an Article 4 (2) Direction, although the potential liability is limited by time limits that apply.
- 8.2 For most development any claims for compensation can only be made within 12 months following the effective confirmation date of the Direction. Compensation in all cases can only be claimed for abortive expenditure or other loss or damage caused by the removal of the permitted development rights. In this case given the fact that the coverage of the proposed Article 4 (2) Directions in both cases is limited the risks, whilst still present, are very limited.

9.0 RISK ASSESSMENT

- 9.1 Whilst there are not considered to be any significant risks involved in applying the Article 4(2) Directions proposed in this report an assessment of the potential risks involved is attached in Appendix D.
- 9.2 Article 4(2) Directions provide planning controls over the impacts of minor development on the character and appearance of Conservation Areas. Failure to apply the Article 4(2) Directions weakens our management of these historic areas and risks the Authority not fulfilling its duty to preserve the historic character and appearance of both Conservation Areas.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account when undertaking the actions detailed within this article.

Appendices

- Appendix A – Plan of new Article 4(2) Direction relating to Fulwood and Douglas Avenue Conservation Area.
- Appendix B - Plan of new Article 4(2) Direction relating to Junction Lane Conservation Area.
- Appendix C – Article 4(2) Direction controls
- Appendix D - Potential risks or threats report
- Appendix E – Equality Impact Assessment
- Appendix F - Minute of Planning Committee 26 February 2015 (Cabinet only)