5. Summary

Following a resolution from the Cabinet member that

“That the proposal to initiate proceedings to introduce Article 4 (2) Direction for the domestic properties on Clifton Bank, nos. 2 - 28 (consecutive), and nos. 81 & 81A Wellgate, and nos. 1- 6 Wellgate Terrace be supported.”

the Article 4 (2) Direction was issued and came into force on 29th October, 2009.

Approval is now sought for the confirmation of the Article 4 (2) Direction by the Cabinet Member.

6. Recommendation

That the Article 4 (2) Direction issued on 29th October 2009 and currently in force be confirmed for the domestic properties on Clifton Bank, nos. 2 – 28 (consec.), and nos. 1- 6 Wellgate Terrace, and nos. 81 & 81A Wellgate.
7. Proposals and Details

The Chief Executive’s Office received a petition from a local resident with an accompanying letter/petition (acknowledged on 23rd July 2009) that had 51 signatures in support of the introduction of Article 4 Direction to their properties on Clifton Bank, Wellgate Terrace and nos. 81 & 81A Wellgate at the bottom of both terraces fronting the main road; this was more fully detailed in the earlier report submitted to the Cabinet Member on 2nd September, 2009.

The catalyst for the petition was the demolition by a local resident of part of the front boundary wall to his dwelling on Clifton Bank, so as to permit off-street parking; as the wall was less than 1 metre in height it fell outside of the normal control for the demolition of walls in a conservation area. Under Class 3 of the GPDO (General Permitted Development Order) a range of works are allowed to be carried out to unlisted buildings in a conservation area without the need to apply for planning permission. The majority of residents were extremely unhappy with the situation deploring the deterioration of their local street scene by this action and wished for the Council to take the necessary action to prevent this from happening in the future. There is wide support both from local residents so affected and Rotherham’s local amenity organisations for the introduction of restrictive measures to remove residents’ permitted development rights on these specific streets in the Rotherham Town Centre Conservation Area. It should be remembered that the present conservation area is formed from 3 smaller conservation areas, and that Clifton Bank originally formed a separate conservation area; it only became part of a single enlarged Town Centre Conservation Area in the 1990s, shortly after a review of the Borough’s conservation areas held in 1992.

Background Information:

The previous report of 2nd September 2009 concerning the Petition provided conclusive evidence of the special character of this part of the conservation area and its vulnerability to justify the imposition of an Article 4 (2) Direction; this gained the support of the Cabinet Member. A revised Conservation Area Appraisal and new Conservation Area Management Plan were formerly adopted by the Council in 2005. In Section 3 on Planning Measures reference is made to the use of Article 4 (2) Directions, where it points out that:

“3.9 This is a discretionary power given to the LPA to restrict specific permitted development rights in relation to dwellings in Conservation Areas, where the permitted development would front a public area. Although there are few residential properties within the Conservation Area it may be appropriate to consider the use of Article 4 (2) directions in the future as there is considerable residential development planned. Nevertheless, most planned residential development is new build and the principle use of Article 4 (2) directions would be to ward against inappropriate changes to historic buildings.”

Article 4 directions: Article directions are used to bring under planning control a range of works authorised under article 3 of the Town & country Planning (General Permitted Development) Order 1995 as amended by the Town & Country Planning (General Permitted Development) (Amendment) Order 2008, which came into force
from 1st October 2008. Many of these small scale “permitted development” works such as the replacement of traditional timber or metal windows with plastic windows in modern styles, natural roofing materials such as slate and clay tiles with concrete and plastic tiles, and front gardens with hard standings for vehicles, can significantly harm the character and appearance of historic buildings and streets in conservation areas.

**Directions under Article 4(2) affecting dwelling houses in conservation areas**

that front onto highways cover the following orders:

- The enlargement, improvement or other alteration of a dwelling house (Part 1 – Class A)
- Any addition or alteration to its roof (Part 1 – class B & C)
- The construction of a porch (Part 1 – Class D)
- The provision within its curtilage of any ancillary building (Part 1 – Class E)
- The provision of a hard surface (Part 1 – Class F)
- The installation of a chimney, flue or soil vent pipe (Part 1 – Class G)
- The installation of a microwave antenna (Part 1 – Class H)
- The construction or alteration of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling house (Part 2 – Class C)
- The demolition of all or part of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling house (Part 31 – Class B)

**The Process:** The Article 4(2) Direction is currently in force; the LPA were required to formally serve notice upon owners/occupiers affected and seek representations. Press notices were also advertised as detailed above and the Direction and map of the area affected made available for public inspection. After a period of 21 days elapsed the Local Authority was/is then in a position to consider, any representations received and whether to confirm the Direction. The Direction lapses 6 months after it is made if it is not confirmed. If the Direction is confirmed, the Local Authority has to give notice of the confirmation in the same way that it notified the making of the Direction, by publicising this in a local newspaper by inserting a notice to that effect, and by serving a confirmation notice on the owner and occupier of every dwelling house so affected by the Direction.

**Consultation Event:** An invitation was issued to every householder so affected by the article direction to attend a public consultation event; this was widely advertised in the press and on posters for the benefit of the general public being displayed throughout the town and in the Library. This event was held in the Council Chamber of Rotherham Town Hall on the evening of November 17th 2009, and was chaired by the Council’s Heritage Champion, Cllr Georgina Boyes; the Chair of the Planning Board was also in attendance with some 20+ local residents and representatives of local organisations. During the event the Authority’s Conservation and Urban Design Officer gave a power point presentation that was well received with an appreciative message received from the Secretary of the Rotherham Archaeological Society. The development of these streets in the mid-18th century and 19th century had been carefully researched and the 19th century occupiers of the dwellings, via the information provided in the census returns, proved of great interest to those attending; this information is contained in a Design Guide in support of this initiative.
National support for the introduction of Article 4(2) Directions:

PPS 5 is the latest government guidance on the Historic Environment (published in March 2010). Policy HE4 considers Permitted Development & Article 4 Directions. Paragraph HE4.1 states: “Local Planning Authorities (LPAs) should consider whether the exercise of permitted development rights would undermine the aims for the historic environment. If it would, LPAs should consider the use of an article 4 direction to ensure any development is given due consideration.”

Local Support for the introduction of Article 4 Directions:

Following the public consultation event some 13 letters of support were received from local residents in “support of the introduction and enforcement of Article 4(2) Directions to the above area”. In addition 2 letters of support also came from the secretaries of Rotherham’s principal local amenity societies, Rotherham Archaeological Society, and Rotherham District Civic Society; these will be tabled at the meeting.

One local resident who acts as a spokesperson for the local residents provided a detailed and thoughtful response suggesting that the introduction of “this directive demonstrates that the Council sees this area as one of the (if not THE) most important residential areas in the Borough – as it’s the first Article 4(2) directive I believe – then the Council needs to demonstrate its own commitment to this special area”. A number of suggested initiatives were listed including the need for:

- An advice document for residents(currently under preparation)
- Enhanced public realm and street maintenance

8. Finance

As previously stated, in the initial report in support of the introduction of these directions, there are no financial implications regarding the adoption of the recommendation.

Currently there is no funding identified to initiate public realm improvements on Clifton Bank.

9. Risks and Uncertainties

If the Article 4(2) Direction is not confirmed the area will once again be vulnerable to unsympathetic change and alteration. Its confirmation as detailed above helps to remove risks and uncertainties concerning the future of these important residential streets, which are identified as such in the Town Centre Conservation Area Appraisal and Management Plan.

10. Policy and Performance Agenda Implications

The introduction of Article 4 Directions supports both the Council’s and Government’s initiatives for regeneration and sustainability through the retention of original windows and boundary walls to properties; these affect both the setting of the residential properties and the character of the conservation area. The first policy
of the new PPS5 guidance document, Policy HE1, focuses on “Heritage Assets and Climate Change” and the long term sustainability of retained buildings.

11. Background Papers and Consultation

The letters of support received during the consultation period will be tabled at the meeting. The Design Guide prepared by the Conservation Section will also be made available for inspection at the meeting; this will be issued with the confirmation notice to each property on the schedule.

12. Contact Name:

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