



Leicester
City Council

**WARD AFFECTED:
Stoneygate**

CABINET

2 SEPTEMBER 2002

Evington Footpath Conservation Area - Article 4(1) Direction

Report of the Service Director, Planning & Sustainable Development

1. Purpose of Report

To seek approval to prepare an Article 4(1) Direction on properties within the Evington Footpath Conservation Area and authority for the Town Clerk to forward the Direction to the Secretary of State for confirmation.

2. Summary

On 21st May 2001, Cabinet approved the Evington Footpath Conservation Area Character Statement as supplementary planning guidance. In the Statement, reference was made to the need for an Article 4 Direction to give the Council control over alterations to houses which would otherwise lead to the loss of the area's special character.

This report seeks authorisation to prepare such a Direction.

3. Recommendation

CABINET is recommended to authorise the Town Clerk to make and advertise an Article 4(1) Direction within the Evington Footpath Conservation Area as specified in the 'Supporting Information' and to delegate authority to the Town Clerk to forward the Direction and any representations received to the Secretary of State for confirmation.

4. Financial and Legal Implications

The requirement to replace items such as windows and doors on a like-for-like basis in timber rather than uPVC that is likely to follow from the declaration of an Article 4(1) Direction is likely to have financial implication on properties owned by the City Council. The Article 4(1) Direction is also likely to increase the number of planning applications submitted to the City Council, although no fee is payable for such applications.

5. Report Author/Officer to contact:

David Trubshaw,
Building Conservation Officer,
Urban Design Group, Extension 7217

DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



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SUPPORTING INFORMATION

1 Report

The Evington Footpath Conservation Area, covering an area bounded by London Road, Mayfield Road and Evington Road was declared in 1981. The designation of a conservation area introduces certain controls aimed at safeguarding the character and appearance of the area. However, a lot of development is permitted under planning law without the need for a planning application. This includes alterations to individual houses, whereby original details such as windows, doors, porches and roofing materials can be changed without the need for planning permission. Similarly, front gardens can be hard surfaced to create parking areas without needing consent.

An Article 4(1) Direction takes away 'permitted development' rights and requires that a planning application be submitted for such alterations. It does not necessarily imply that no alterations can be made, but it does give the Council the opportunity to negotiate for a better scheme or, failing that, to refuse consent. No planning fee is required for a householder to submit an application.

The Council has already declared Article 4 Directions in the South Highfields, Spinney Hill Park, Holy Trinity part of New Walk, Ashleigh Road, Daneshill and Westcotes Drive Conservation Areas and these have been successful in helping to preserve the character of these areas.

Support for an Article 4 Direction in the Evington Footpath Conservation Area was expressed by residents during public consultation undertaken as part of the adoption procedure for the character statement. In addition, a questionnaire has been sent to all residents in the conservation area to seek their views on the area; approximately 80 per cent of respondents, the majority of whom are individual house-owners, support the declaration of an Article 4 Direction in the area.

Reason why an Article 4 Direction is needed

An Article 4(1) Direction is required since development that can be undertaken under householder's permitted development rights would constitute a threat to the amenities of the area.

The classes of permitted development rights that would be removed

The Article 4(1) Direction would cover the whole of the Conservation Area shown on the attached plan and would remove permitted development rights for the following classes of development as specified in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995:

Part 1: Development within the curtilage of a dwellinghouse

- Class A The enlargement, improvement or other alteration of a dwellinghouse.
- Class B The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C Any other alteration to the roof of a dwellinghouse.
- Class D The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such or the maintenance, improvement or other alteration of such a building or enclosure.
- Class F The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of a dwellinghouse as such.
- Class G The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating.
- Class H The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Part 2 Minor Operations

- Class A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road.
- Class C The painting of the exterior of any building or work.

Procedure for adopting an Article 4(1) Direction

If Cabinet approves the Direction proposed in this report, then a notice would be served on owners and occupiers of the properties affected and published in a local newspaper, specifying a period of at least 21 days within which representations may be made. After this period, the Direction and any representations received would be sent to the Secretary of State for confirmation. The Direction takes effect on the date that it is made and can last for up to 6 months after which time it will lapse if not approved by the Secretary of State.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial Implications

The requirement to replace items such as windows and doors on a like-for-like basis in timber rather than uPVC that is likely to follow from the declaration of an Article 4 Direction, is likely to have financial implications for properties owned by the City Council. The Article 4 Direction is also likely to increase the number of planning applications submitted to the City Council, although no fee is payable for such an application.

2 Legal Implications

None

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	Yes	6
Policy	No	
Sustainable and Environmental	Yes	7
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

4 Background Papers - Local Government Act 1972

Report to Cabinet 21st May 2001: *Supplementary Planning Guidance: Evington Footpath Conservation Area - Character Statement*

5 Consultations

The Head of Legal Services has no objection.

The Director of Housing comments that the City Council owns a number of properties in the area, many of which have window frames that are in a severe state of disrepair. The Housing Department has opted for uPVC replacements as a 7-year programme throughout its properties.

In response, I would advise members that the Article 4 Direction would affect only those properties that are in use as single houses. Properties which have been converted to flats or are in use as Houses in Multiple Occupation do not enjoy permitted development rights and would therefore not be adversely affected by the proposal. I would also point out that the use of uPVC at the rear of properties where they are not visible from the street is usually acceptable.

6 Equal Opportunities

Reinforcing the special character of the area is intended for the benefit of all residents and users of the area.

7 Sustainability and environmental implications

The proposed Direction will reinforce the character of the Evington Footpath Conservation Area which has been defined in the Character Statement recently adopted as supplementary planning guidance. It will give the Council greater control over the retention of original features of houses such as timber doors and windows or their replacement with materials from sustainable sources. Maintaining the special character of the area will also improve its attractiveness as one in which to live and work, thereby encouraging the re-use of buildings.

8 Report Author

David Trubshaw, Building Conservation Officer, Urban Design Group,
Extension 7217