



Leicester  
City Council

**WARD AFFECTED:  
BELGRAVE**

**CABINET**

**27 January 2003**

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**LOUGHBOROUGH ROAD CONSERVATION AREA (SHAFTESBURY AVENUE)  
ARTICLE 4(2) DIRECTION**

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**Report of the Service Director, Planning & Sustainable Development**

**SUPPORTING INFORMATION**

**1 Report**

- 1.1 The Loughborough Road Conservation Area, covering the southern part of Loughborough Road and Shaftesbury Avenue, was declared in March 1983. 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 still permitted without the need for planning permission. This includes alterations to individual houses, whereby original details such as windows, doors, porches and roofing materials can be changed without the need for permission. Similarly, front gardens can be hard surfaced to create parking areas without needing consent. Relatively minor changes such as these not only result in the loss of original features but, cumulatively, can diminish the character and appearance of the conservation area.
- 1.2 The properties on Shaftesbury Avenue (numbers 4-30 (evens) and 1-27 (odds)) were constructed in the 1880s and have their own particular identity with a distinctive and coherent appearance. Apart from the replacement of some front boundary walls, most of the original features (such as decorated chimneys, roof tiles, timber sash windows and front doors) remain intact in all but three of the properties. In order to preserve these features for the benefit of the conservation area as a whole, it is considered expedient to serve an Article 4 (2) direction on these properties.
- 1.3 An Article 4 (2) Direction removes householders' 'permitted development' rights and means that planning permission is required to make alterations, such as replacing windows and doors, where they would affect the appearance of the property when viewed from the street. No planning fee is required in connection with an application. It does not necessarily imply that no alterations can be made, but a Direction gives the Council the

opportunity to negotiate for a better scheme or, failing that, to refuse consent where it is necessary to protect the character and appearance of the conservation area. The Council has already declared Article 4 Directions in a number of conservation areas (namely Evington Footpath, South Highfields, Spinney Hill Park, Holy Trinity (part of New Walk), Ashleigh Road, Daneshill and Westcotes Drive) and these have been successful in helping to preserve the character of these areas.

- 1.4 The residents of the properties on Shaftesbury Avenue that would be affected have not yet been consulted on the Article 4 (2) Direction. However, the procedure for declaring such a Direction requires consultation once the Direction has been served. If Cabinet approves the Direction proposed in this report, 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, any representations received would need to be considered by Cabinet before the Direction can be confirmed. If no representations are received, then the notice could be confirmed by the Town Clerk. Under planning legislation, the Council is able to make Article 4 (2) Directions (effectively covering residential properties fronting a road within a conservation area) without reference to the Secretary of State.
- 1.5 To support the Article 4 (2) Direction it is proposed to produce a character statement for the whole of the Loughborough Road Conservation Area and to hold public consultations on this in parallel with the formal notification procedures on the Article 4 (2) Direction.
- 1.6 The Article 4 (2) Direction would cover numbers 4-30 (evens) and 1-27 (odds) Shaftesbury Avenue (defined as the relevant location), as shown on the attached plan, and would remove the permitted development rights for the following classes of development:

**Schedule 2 Part 1: Development within the curtilage of a dwellinghouse**

- (a) Class A consisting of the enlargement, improvement or other alteration of a dwellinghouse where any part of the enlargement, improvement or alteration would front a relevant location.
- (b) Class C where the alteration would be to a roof slope which fronts a relevant location.
- (c) Class D the erection or construction of a porch where the external door in question fronts a relevant location.

- (d) Class E where the provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool would front a relevant location, or where the part of the building or enclosure to be maintained, improved or altered would front a relevant location.
- (e) Class F where the provision within the curtilage of a dwellinghouse of a hard surface would front a relevant location.
- (f) Class H antenna is to be installed, altered or replaced fronts a relevant location. where the part of the building or other structure on which the satellite.
- (g) Part 1 of the Schedule consisting of the erection, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse.

#### **Schedule 2 Part 2 Minor Operations**

- (h) Class A where the gate, fence, wall or other means of enclosure to be erected, constructed, maintained, improved or altered would be within the curtilage of a dwellinghouse and would front a relevant location.
- (i) Class C consisting of the painting of the exterior of any part of a dwellinghouse or any building or enclosure within the curtilage of a dwellinghouse which front a relevant location.

#### **Schedule 2 Part 31 Demolition of Buildings**

- (j) Class B where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location.

**FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

**1. Financial Implications**

Implementation of the Article 4 Direction is likely to require householders to maintain or replace items in traditional materials, such as retaining or replacing front windows and doors in timber rather than replacing them with upvc. This may have minor financial implications for any properties owned by the City Council as the repair or replacement of architectural features in traditional materials may be more expensive than using modern, mass produced materials. The Article 4 Direction may also have implications for the Development Control service, by potentially increasing the number of planning applications submitted to the City Council (no fee is payable for such applications), or requiring additional resources for the monitoring and investigation of any contraventions.

**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	Yes	The implementation of the Article 4 Direction is likely to require householders to maintain or replace items in traditional materials, such as retaining or replacing front windows and doors in timber rather than replacing with upvc. This is may have minor financial implications as the repair or replacement using traditional materials may be more expensive than using modern, mass produced materials.

#### **4 Background Papers - Local Government Act 1972**

Town & Country Planning (General Permitted Development) Order 1995.

#### **5 Consultations**

Internal Consultations only – no objections received.

#### **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 Loughborough Road Conservation Area, which is to be defined in a character statement for the area. 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**

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