

WANDSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE – 19TH OCTOBER 2000

Report by the Borough Planner on Article 4 Directions in the Putney Lower Common Conservation Area, SW15 (Thamesfield) and the Wandsworth Common Conservation Area, SW18 (Earlsfield).

SUMMARY

This report recommends the confirmation of two Article 4 Directions.

Recommendations:

1. The Committee are recommended:
 - (a) to confirm the London Borough of Wandsworth (Putney Lower Common Conservation Area) Article 4(2) Direction 2000 without modification; and
 - (b) to confirm the London Borough of Wandsworth (Wandsworth Common Conservation Area) Article 4(2) Direction 2000 without modification.

Putney Lower Common Conservation Area

2. The London Borough of Wandsworth (Putney Lower Common Conservation Area) Article 4(2) Direction covers 15-36 (consecutive) Commondale, SW15, and brings under planning control the following categories of development where visible from a public highway:
 - The enlargement, improvement or other alteration of a dwellinghouse;
 - Alterations to roofs;
 - Construction of porches;
 - The provision of hard surfaces;
 - The erection of gates, fences, walls or other means of enclosure;
 - The painting of the exterior of any building; and
 - The demolition of gates, fences, walls or other means of enclosure.
3. The Direction, under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995, was approved by the Committee on 9th May 2000 (Paper No. 00/352), following consultation with residents, to protect the distinctive character of this terrace from insensitive changes.
4. Notice was served individually on each property affected by the Direction on 31st May 2000. Notice was also given in the local press. The period allowed for representations expired on 21st June 2000. There have been no objections to the Direction.

Article 4 Directions

Wandsworth Common Conservation Area

5. The London Borough of Wandsworth (Wandsworth Common Conservation Area) Article 4(2) Direction covers 23-67 (odd inclusive) Westover Road, SW18, and brings under planning control the following categories of development in the front of the houses:
 - The provision of hardstandings;
 - The erection of gates, fences, walls or other means of enclosure; and
 - The demolition of gates, fences, walls or other means of enclosure.
6. The Direction, under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995, was approved by the Committee on 20th July 2000 (Paper No. 00/574), following consultation with residents, to protect the distinctive front boundary features and gardens of these properties.
7. Notice was served individually on each property affected by the Direction on 7th August 2000; notice was also given in the local press. The period allowed for representations expired on 13th September 2000. There have been no objections to the Direction.

Conclusion

8. Under Article 6 (7) of the Town and Country Planning (General Permitted Development) Order 1995, these Directions expire after six months unless they are confirmed by the Council. The Council has to take into account any representations received within the periods allowed.
9. In both cases the consultation carried out before the Directions were made revealed a high level of support among residents, and no objections have been made during the respective periods for representations.

The Town Hall
Wandsworth
SW18 2PU

I Thompson
Borough Planner

13th October 2000

Background Papers

The following background papers were used in the preparation of this report:

1. Report to Planning Committee 9th May 2000 (Paper No. 00/352)
2. Report to Planning Committee 20th July 2000 (Paper No. 00/574)

If you wish to inspect any of these documents, please contact initially the Committee Secretary on 020 8871 6006.

STANDING ORDER NO.83

WANDSWORTH

PLANNING COMMITTEE

NO. P.330

Wandsworth Borough Council
Administration Department
The Town Hall, Wandsworth High Street
London SW18 2PU

Subject: Article 4 Direction - 11/21 Westover Road
(odd-inclusive), SW18 (Earlsfield)

Action: To make, as a matter of urgency, a Direction under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to control the demolition/replacement of front boundary walls at 11/21 Westover Road (odd-inclusive), SW18.

At their meeting on 4th September 1997, the Planning Committee deferred making a decision on applications proposing the removal of a brick gatepost at 15 Westover Road, SW18 in connection with the formation of an off-street parking space, and the erection of a new brick gatepost

(see back)

Reference to any accompanying papers:
which must be initialled by the Chairman

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Report to Planning Committee

Officer acting under
delegated authority
(Chief Executive, Director or appointed officer):

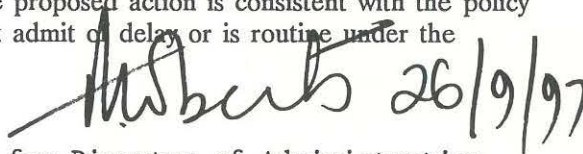
Name: Mr. W. Myers

Designation: Director of Technical
Services

Certificate of the Director of Finance that the expenditure involved (if any) can be met from approved estimates or from adjustment within approved estimates.

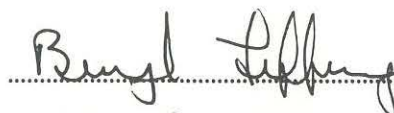

Director of Finance

Certificate of the Director of Administration that the proposed action is consistent with the policy of the Council and is a matter which either does not admit of delay or is routine under the provisions of Standing Order No.83.


for Director of Administration

Certificate that the Chairman has been consulted upon the action proposed:

(Chairman)
(Deputy-Chairman)
(Vice-Chairman)

 Signature
29.9.97 Date

Initials of
Committee Secretary:



Received from
Chairman:

30.9.97

Sent to Opposition
representative and
Members Room on

30.9.97

Copies sent to:

DPP

CLA. L.

D.L.B

BP

DF

next to the boundary with No. 13, in order to consider a further report by the Borough Planner on the implications of Government guidance - Circular 14/97 - which had been published on 29th August 1997 in relation to the demolition of unlisted buildings in conservation areas.

A copy of the further report to be considered by the Committee at their meeting on 2nd October 1997 is attached. This report details the background to the case and provides the Committee with the opportunity to make an Article 4 (2) Direction.

It is understood that the owner of 15 Westover Road, SW18 has taken legal advice which may lead him to the early removal of part of the wall, thereby pre-empting the Committee's consideration of the matter. In the event that a Direction is served prior to the meeting on 2nd October, the Committee would be requested to either endorse the action taken under the Standing Order No. 83 procedure or to withdraw the Direction.

BP.

Ref.	Address	Proposal
C/97/0252	15 Westover Road, SW18	(A) New brick gatepost next to the boundary with 13 Westover Road.
22.04.97		
C/97/0251	-ditto-	(B) Removal of brick gatepost, in connection with formation of an off-street parking space.
22.04.97	Earlsfield	

INTRODUCTION: At their meeting on 4th September 1997, the Committee deferred consideration of this case in order for the implications of Circular 14/97, which had been published on 29th August 1997, to be considered.

SITE: Two-storey semi-detached house with rooms within the roof space, on the south-east side of Westover Road. Similar properties adjoin. Within Wandsworth Common Conservation Area.

DETAILS: (A) The construction of a gate pier approximately 2.5m high adjacent to the boundary with 13 Westover Road, in connection with the formation of a vehicular access and hardstanding in the front garden. Only the construction of the gate pier requires planning permission.

(B) Conservation area consent for the removal of the existing pier to allow the formation of the vehicular access.

CONSULTATION: 3 neighbours: 1 objection; the proposal would affect the aesthetic appearance of row of houses, will damage the property of the street and potentially adversely affect the value of the property.

EH: Does not wish to make representations.

WCAAC: Objects: unfortunate precedent which would fail to preserve or enhance the character of the conservation area. Coherent streetscape required in areas such as Westover Road. Article 4 Direction for the group of houses which includes no. 15 would be a sensible first step.

POLICY: Proposals for development or demolition in conservation areas should preserve or enhance the character or appearance of the area. Hardstandings which dominate front gardens or detract from the character or appearance of conservation areas will not be acceptable.

COMMENT: The front boundary of this property currently comprises a wall approx. 0.7m high, topped by a high hedge. To either side of the pedestrian gate are ornamental gate piers approximately 2.5m high. Behind this boundary is a front garden of some 8.5m depth. While there are some variations, this is the general pattern of front gardens of houses in this

stretch of Westover Road. Unlike the properties on the other side of the road there are very few vehicular hardstandings/crossovers to interrupt the continuity of the boundary walls. No. 15 is one of a group of 6 similar houses (11-21)(in three pairs), of which only no. 21 has vehicular access, albeit longstanding. The breach of this wall to create a hardstanding must therefore be a matter of regret. In the past the Council has resisted such undesirable development through the control over demolition in conservation areas. A recent House of Lords decision, however, has effectively confined the control over demolition of non-listed buildings in conservation areas to either total or substantial removal of the entire building, anything less being treated as alterations over which there are no specific conservation area controls other than those requiring planning permissions. In the light of this decision, Circular 14/97 revises existing Government guidance on conservation matters (PPG15) accordingly. The Government has indicated that it is considering the implications of the ruling for future heritage legislation, while stating that existing planning controls will continue to apply. In this case planning permission to demolish the wall (as opposed to conservation area consent), and to replace it (up to 1m high) (as well as to create a hardstanding) are conferred by the General Permitted Development Order.

Therefore, while the removal of the gate pier (but not the wall) would have required conservation area consent, it seems clear that this is no longer the case since the demolition of the gate pier could hardly be described as "substantial" in the context of the total boundary walls/piers. There seems little choice in this case therefore but to determine that conservation area consent is not required.

A degree of control could be regained through an Article 4 Direction whereby the Council could take back control over work that is otherwise permitted development. PPG15 indicates that permitted development rights should not be withdrawn without clear justification, but that Article 4 Directions may have a role to play in protecting features that are key elements in particular conservation areas. Under Article 4 (2), the Secretary of State's consent is not required, but the Direction must be confirmed within 6 months, taking into consideration any representations received. If a planning application submitted as a result of an Article 4 Direction is refused, or if planning permission is granted subject to conditions other than those specified in the Order, the Council may be required to compensate the applicant for abortive expenditure or other financial loss or damage directly attributable to the withdrawal of permitted development rights. In any event, planning permission is required for the new gate pier since it would be over 1m in height. If a new wider opening is to be formed then the gate pier proposed would be preferable to having no gate pier at all.

CONCLUSION: The Committee are recommended to agree on (B) that conservation area consent is not required.

RF

PLANNING COMMITTEE - 2ND OCTOBER 1997

C/97/0252 & 0251

15 Westover Road, SW18

If the Committee considers, however, that the loss of part or all of the existing front boundary wall to create a parking space in the front garden would cause harm to the character or appearance of the Wandsworth Common Conservation Area, then it would appear expedient to authorise the making of a Direction under Article 4 (2) of the Town and Country Planning (General Permitted Development) Order 1995 to control that development. A Direction could cover the demolition of the wall and erection of any replacement. It would be appropriate for such a Direction to cover the group of properties (nos.11-21 odd) of which no.15 is part. In that event a decision on (A) would be premature.

If, on the other hand, the Committee does not consider that such harm would be caused and that the proposal is otherwise unobjectionable in planning terms, it would not then appear expedient to make such a Direction, and p.p. could be granted to (A) subject to the following conditions:-

01. Standard 01 Full permission.
02. Standard 14 Materials to match those of the existing wall.

