

Item 10

DEVELOPMENT CONTROL COMMITTEE

6TH FEBRUARY 2009

Report of the Director of Neighbourhood Services

**Town and Country Planning Act 1990
Town and Country Planning (General Permitted Development) Order 1995
Article 4(2) Direction – 2009
Cornforth Conservation Area**

Purpose of Report

This report seeks the Committee's approval to the introduction of an Article 4(2) Direction covering part of the Cornforth Conservation Area, thus controlling potentially damaging alterations to dwelling houses fronting on to a highway or open spaces.

Introduction

The Cornforth Conservation Area has been and is the subject of considerable enhancement works under a Conservation Area Partnership Scheme jointly funded by English Heritage, Durham County Council, Cornforth Parish Council and Sedgfield Borough Council. It is a three year programme terminating at the end of 2009/10 financial year.

The enhancement works have comprised environmental improvements to The Green surrounded by predominantly residential properties and restoration and repairs to many of these properties by way of reinstatement of architectural features that have been lost over the years.

Article 4(2) Direction

The legislation contained in the Planning Acts does not seek to prevent development in Conservation Areas, but rather to ensure proposals do not detract from their wider character. It is, however, recognised that even minor works of alteration that are not classified as "development" within the terms of the Planning Acts, can have an effect on the wider character if they result in the erosion or loss of features that contribute to a strong feeling of local identity. This identity can be the result of architectural detailing, materials, street layout and surface treatment.

A rolling programme of Conservation Area Character Appraisals within the Borough is currently being undertaken, the Appraisal for Cornforth Conservation Area having just been completed awaiting Council endorsement. When undertaking these Appraisals various considerations are taken into account, including the appropriateness of the existing planning controls. Where deemed appropriate the mechanism for tightening planning controls over changes that are likely to directly impact on public views-usually the front of the house facing the street or The Green, is termed an Article 4(2) Direction, which Direction can be served by an appropriate local planning authority under provisions in the Town and Country Planning (General Permitted Development) Order 1995.

Once served the Direction takes immediate effect and lasts for up to six months pending a decision to confirm, modify or revoke taking into account any representations received during the 21 days consultation period offered to all those owner and occupiers of every dwelling house within the relevant part of the Conservation Area to which the Direction relates.

The need for an Article 4(2) Direction within Cornforth Conservation Area has also arisen from a condition of the English Heritage grant aid being provided as part of the Conservation Area Partnership Scheme referred to above. It is expected by English Heritage that this Direction is in place before the end of the current financial year in order that the public investment committed towards enhancement of the Conservation Area is not lost in the future by uncontrolled alterations and development of the very features made possible by public grant aid.

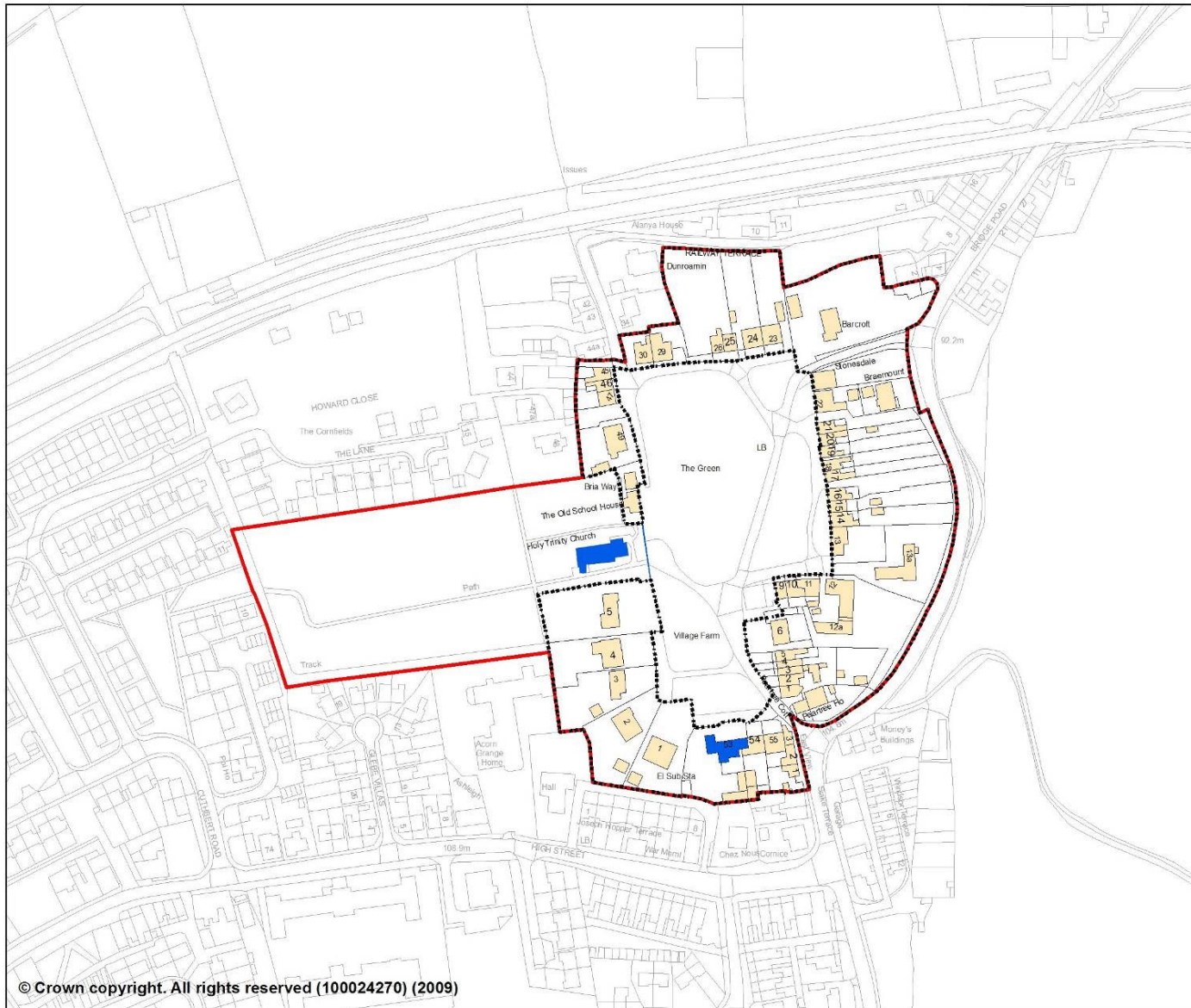
A copy of the draft Direction and accompanying plan is attached to this report.

CONCLUSION

It can be seen from the above that the making of an Article 4(2) Direction is essential not only in order to comply with the condition of English Heritage grant but to serve as an important Development Control tool that will ensure that the enhancements achieved through public grant aid are secured for the future and that the special character of the Cornforth Conservation Area can continue to be preserved and enhanced for the next generation.


RECOMMENDATION

That the Committee approves the introduction of an Article 4(2) Direction covering the dwelling houses within Cornforth Conservation Area (as identified on the map attached to the draft Direction) and that a subsequent report be brought to full Council by March 2009 to allow Members to confirm the Direction (with modifications if necessary) following a period of consultation.



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Scale: 1:2,500 @ A4

- CORNFORTH CONSERVATION AREA BOUNDARY
- LISTED BUILDINGS
- PROPOSED BOUNDARY OF ARTICLE 4 (2) DIRECTION
- ARTICLE 4 (2) DIRECTION BUILDINGS

CHAIRMAN _____

AUTHORISED SIGNATORY _____

DATE _____



THE COUNCIL OF THE BOROUGH OF SEDGFIELD
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPEMNT) ORDER 1995

ARTICLE 4 (2) DIRECTION - 2009
CORNFORTH CONSERVATION AREA

DESIGN AND CONSERVATION, LANDSCAPE & TREES TEAM

G. HALL
DIRECTOR, NEIGHBOURHOOD SERVICES

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THE COUNCIL OF THE BOROUGH OF SEDGEFIELD
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(GENERAL PERMITTED DEVELOPMENT) ORDER 1995

ARTICLE 4 (2) DIRECTION – 2009

CORNFORTH CONSERVATION AREA

**THE COUNCIL OF THE BOROUGH OF SEDGEFIELD
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(GENERAL PERMITTED DEVELOPMENT) ORDER 1995**

THE COUNCIL OF THE BOROUGH OF SEDGEFIELD (hereinafter referred to as “the Council”) being the appropriate Local Planning authority within the meaning of Article 4 (2) of the Town and Country Planning (General Permitted Development) Order 1995 is of the opinion that development of the description set out below should not be carried out within part of the Cornforth Conservation Area unless permission is granted for it on an application made under the Town and Country Planning (General Permitted Development) Order 1995.

AND WHEREAS the Council is further of the opinion that development of the said descriptions would constitute a threat to the amenities of its area and that the provision of paragraphs 2 and 5 of Article 4 should apply to this direction.

NOW THEREFORE the said Council in pursuance of the power conferred upon them by the said Article 4 paragraph (2) and (5) hereby direct that the permission granted by Article 3 of the Town and Country Planning General Development Order 1995 shall not apply to development within Classes A, C, D, E, F and H of Part 1 of Schedule 2 nor Class A and C of Part 2 of Schedule 2 nor Class B of Part 31 of Schedule 2 in respect of the said land and therein described as follows:-

FIRST SCHEDULE

The Town and Country Planning (General Permitted Development) Order 1995

**SCHEDULE 2, PART 1
DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE**

- CLASS A. The enlargement, improvement or other alterations of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location.
- CLASS C. The alteration to the roof of a dwellinghouse, where the alteration would be to a roof slope which fronts a relevant location.
- CLASS D. The erection or construction of a porch outside any external door of a dwellinghouse, enlargement, improvement or other alterations to the external door in question of a dwellinghouse that fronts a relevant location.
- CLASS E. The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool that would front a relevant location, or where the part of the building or enclosure maintained, improved or altered would front a relevant location.
- CLASS F. The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such, where the hard surface would front a relevant location.

CLASS H. The installation, alteration or replacement of a satellite antenna on that part of a building or structure that fronts a relevant location.

SCHEDULE 2, PART 2 MINOR OPERATIONS

CLASS A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a relevant location.

CLASS C. The painting of the exterior of any part, which front a relevant location of –

- (i) a dwellinghouse; or
- (ii) any building or enclosure within the curtilage of a dwellinghouse

SCHEDULE 2, PART 31 DEMOLITION OF BUILDINGS

CLASS B. Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location.

A “relevant location” means a highway, waterway or open space.

And the following whether or not it fronts a highway or open space:-

Removing or altering chimneys

This Direction shall remain in force for six months from the date hereof and shall then expire unless confirmed by the appropriate local planning authority in accordance with paragraph (8) and (9) before the end of that six month period.

SECOND SCHEDULE

Properties within the area of the Cornforth Conservation Area to which the Direction relates:-

- Peartree Cottage
- Peartree House

- The Green - 1,2,3,4,5,6,9,10,11,12,12a,13a,13,14,15,16,17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 45, 46, 47, 49, 53, 54, 55
- East View - 1, 2, 3
- Village Farm - 1, 2, 3, 4, 5
- Braemont
- Stonesdale
- Barcroft
- Bria Way
- The Old School House

and for the purpose of identification only edged by a dotted line on the plan annexed hereto.

Dated this day of 2009

Given under the Common Seal of Sedgefield Borough Council, Green Lane, Spennymoor, Co Durham, DL16 6JQ

Chairman

Authorised Signatory

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