

## REPORT OF BUILDING CONSERVATION OFFICER

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### **SUBJECT: CONSERVATION AREAS REVIEW AND THE CONSIDERATION OF ARTICLE 4 DIRECTIONS TO REDUCE SPECIFIC PERMITTED DEVELOPMENT RIGHTS WHICH IMPACT ON THE QUALITY OF CONSERVATION AREAS**

#### Purpose of Report

This report seeks approval for the making of Directions pursuant to Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 as amended ('the Order') in relation to the Conservation Areas of Tenby and Newport.

#### Background

There are 14 Conservation Areas in the National Park, including Angle, Caerfarchell, Caldey Island, Little Haven, Manorbier, Newport, Newport Parrog, Portclew, Porthgain, Saundersfoot, St Davids, Solva, Tenby and Trevine

In September 2014, it was resolved to make an Article 4(2) Direction for St Davids Conservation Area, this Direction being made in December 2014 and confirmed in February 2015. The report of the Building Conservation Officer prepared for the September meeting stated that four Conservation Areas are considered to be in decline, including Tenby, Newport, Little Haven and Saundersfoot. Of these, Newport and Tenby are considered the most vulnerable.

#### Legal Background

The focus of this report is on Conservation Areas. There are separate powers available in respect of listed buildings under the relevant legislation. Conservation Areas include unlisted buildings which make a major contribution to the historic environment. They represent the settlements of greatest architectural and historic importance within the National Park and are a key and finite resource. Conservation Areas are areas of special architectural or historic interest, their special character reliant on quality of place rather than individual buildings.

The key issues are the erosion of character through the accumulative loss of small detail and the promotion of appropriate materials and techniques, within the context of additional planning control.

Article 4(2) of the Order enables local planning authorities to make a Direction to prevent certain categories of development permitted under the Order from being carried out within the whole or any part of a Conservation Area. This power is limited to certain types of development, and only applies where such development would front a public highway, a waterway, or open space. A Direction can be made in Conservation Areas 'where there is a real and specific threat' of erosion of character

through the exercise of permitted development rights and Planning Policy Wales (July 2014) para 6.5.21 advises that Article 4 Directions may be made ‘in exceptional circumstances’.

Article 4(2) Directions are typically used to control the loss of small but significant detail such as historic windows, garden walls, chimneys on non-listed dwelling-houses and the introduction of new features such as satellite dishes.

To establish the extent of any threat to their character and appearance, baseline surveys of our 14 Conservation Areas were undertaken in 2009, 2011 and 2014 looking both at their general character and the condition of unlisted dwelling houses.

#### Rolling programme review results

The Conservation Areas have been reviewed taking into account the following considerations:-

1. The effectiveness of the current broad-based conservation strategy (awareness-raising, community projects, enhancement, development control and enforcement) along with the broad-based objectives of combining conservation with regeneration and sustainability, and
2. The consideration of whether there is a ‘real and specific threat’ to character and appearance (as per paragraph 6.5.21 of Planning Policy Wales Edition 6 – July 2014) requiring the withdrawal of specific permitted development rights through the use of Article 4(2) Directions.

Over recent years, the more proactive elements of the Authority’s conservation strategy – outlined within each of the Conservation Area Proposals Documents – have been reduced due to the current economic climate. This includes the Conservation Area grants scheme, which has ceased after 25 years of operation. (The CADW/PCNPA grant funding within Conservation Areas for building works ceased in 2013.)

#### *Conservation Areas Survey Review conclusions*

Place	Approx. no. unlisted dwellings	Condition as at 2015
Angle	140	static
Caerfarchell	15	static
Caldey Island	4	static
Manorbier	40	static
Newport Parrog	45	static
Portclew	3	static
Porthgain	30	static
Solva	120	Improving
Trevine	70	static
Newport	150	Slight decline
Saundersfoot	32	Slight decline
Tenby	50	Slight decline
Little Haven	60	Slight decline
St Davids	100	Direction confirmed

## *Tenby*

There are approximately 50 unlisted dwelling houses within the Conservation Area, being around 10% of the total building stock.

Whilst only one property showed a loss of detail since the previous survey (2012), it is considered that there is a threat to the non-listed dwelling houses within the Conservation Area, when analysing trends of change from previous surveys.

Many of the unlisted dwelling houses are distributed in the form of terraced cottages, notably along the Norton, Cresswell Street and Lower Frog Street, where the ongoing loss of historic fenestration and doors comprises the largest threat. The same is true of individual unlisted dwellings across the Conservation Area, e.g. in St Julian's Street and Bridge Street. A minority of these buildings retain their walled or railed forecourts, which are integral to their character (e.g. Avondale Villas).

It is considered that there is a 'real and specific threat' to the character and appearance of the unlisted houses of Tenby through the use of certain permitted development rights including alterations to windows, doors, front boundaries, and the creation of hard standings, and that an Article 4(2) Direction is necessary.

## *Newport*

There are approximately 150 unlisted dwelling houses within the Conservation Area, being around 60% of the total building stock (only 14% of buildings are listed). Whilst only one property showed a loss of detail (windows and doors) since the previous survey (2012), it is considered that there is a threat to the non-listed dwelling houses within the Conservation Area, when analysing trends of change from previous surveys.

The unlisted dwelling houses are widely distributed across the Conservation Area, typically terraced houses within the town centre, many retaining their historic detail to a high degree. In outlying areas, such as College Square and Parrog Road are several smaller groups or detached dwellings, similarly preserved. The quality of the joinery in Newport is often very fine, but vulnerable to replacement in unsympathetic materials.

Many houses retain their historic walled or railed forecourts, which are integral to their character and increasingly under threat, with a number of approaches made to this Authority in recent years to demolish them in favour of creating hard-standings for parking.

It is considered that there is a 'real and specific threat' to the character and appearance of the unlisted houses of Newport through the use of certain permitted development rights including alterations to windows, doors, front boundaries, and the creation of hard standings, and that an Article 4(2) Direction is necessary

## Programme

In terms of resources available to this Authority, it is proposed to make the Directions in Tenby and Newport in sequence with a view to confirming the Directions within the statutory six month period from when they are made.

## Proposed special planning controls

The following permitted development rights are proposed for removal in the Conservation Areas of Newport and Tenby:

- The enlargement, improvement or other alteration of a dwelling house (Part 1, Class A).\*
- The provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house as such or the replacement in whole or in part of such a surface (Part 1, Class F)
- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure (Part 2, Class A)
- The demolition of the whole or any part of any gate, fence, wall or other means of enclosure (Part 31, Class B)

\* With regard to Part 1 (Class A), the Direction will refer only to the enlargement, improvement or other alteration to doors and windows.

Once a Direction is served, the affected householders would then need to apply for planning permission for the works detailed above. No fee would be payable in relation to such applications.

Certain developments within Conservation Areas, including alterations to roofs, the erection/removal of chimneys, the insertion of roof-lights, and the installation of satellite dishes on front elevations/chimneys are not permitted development and already require planning permission.

## Procedure for making Article 4(2) Directions

Where an Article 4(2) Direction is made, publication of a notice in a local newspaper is required as well as service of notice on the occupier (or owner where there is no occupier) of every dwelling house affected as soon as practicable after the Direction has been made, unless this is impractical due to it being difficult to identify or locate the owner or occupier or due to the number of owners or occupiers within the Conservation Area.

The Direction comes into force on the date of service or, if service on owners or occupiers is impracticable, on the date on which the notice is first published in a local newspaper. In serving the Notice, the Authority is required to allow a period of at least 28 days for representations to be made concerning the Direction. The Authority has up to six months to decide whether to confirm the Direction from the date on which it was made and in doing so, it is required to take into account any representations received during the six month period.

If the Authority confirms the Direction, it has to give notice of the confirmation in the same way that it notified the making of the Direction. If confirmation is not made within six months, the Direction will lapse.

### Comparison with other Authorities

There are no Article 4(2) Directions in place within the Conservation Areas of the Brecon Beacons National Park and one (Beddgelert) within Snowdonia National Park. There are two (Pembroke Dock and Haverfordwest) Article 4(2) Directions within the Conservation Areas of Pembrokeshire County Council. Carmarthenshire has four (Cwmdu, Laugharne, Llandovery and Llangadog)

### Legal Considerations

These are dealt with in the body of the report.

### Financial considerations

The Conservation Areas review is being undertaken in-house and is therefore contained within existing budgets.

It is anticipated that the number of applications related to Article 4(2) Directions will be modest (some 5-10 p/a per Conservation Area) and that the time involved processing should be balanced against the likely reduction in the need for enforcement.

There is no charge to the homeowner for an application for planning permission for works controlled by an Article 4(2) Direction

### Equality and Diversity

The Conservation Area status is all-encompassing and exclusive to the defined area. An area may be defined by the built environment and its character and not by the people within it, although they may have influenced it. As such, there are no issues of equality or diversity.

### Conclusion

Article 4(2) Directions are to be used in exceptional circumstances, only where there is a real and specific threat to character and appearance. Based on the results of the rolling review, it is considered that such a threat exists in Newport and Tenby and that Article 4(2) Directions are necessary.

### Recommendations

1. Directions are made and executed pursuant to Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to prevent the development permitted by Classes A and F of Part 1, Class A of Part 2 and Class B of Part 31 of the Order from being carried out in relation to the

land within Newport and Tenby Conservation Areas shown [edged in red] on the maps within the draft Directions provided in Appendix A.

2. A report of representations be made to Members, seeking confirmation of the Directions within the statutory six-month period further to the making of the Directions.

Project Manager

Rob Scourfield – Building Conservation Officer

Officers Consulted

Jane Gibson – Director of Park Direction and Planning.

Enclosures

Appendix A – Draft Article 4(2) Directions For Newport And Tenby



## **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED)**

### **DIRECTION MADE UNDER ARTICLE 4(2)**

WHEREAS The PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY (“the Authority”) being the appropriate local planning authority within the meaning of article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995 (“the Order”) are satisfied that it is expedient that the development of the description(s) set out in the First Schedule below should not be carried out on the land described in the Second Schedule below (“the Land”) unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the Authority in pursuance of the power conferred on them by article 4(2) of the Order and all other powers thereby enabling DIRECTS THAT:

1. The permission granted by article 3 of the Order shall not apply to development specified in the First Schedule below in respect of the Land.
2. This Direction shall come into force in accordance with article 6(3) of the Order in respect of any part of the Land on the date on which notice is served on the occupier of that part of the Land or, if there is no occupier, the owner. If the Authority considers that individual service on the owners or occupiers of the Land is impracticable because it is difficult to identify or locate one or more of them or because the number of owners or occupiers of the Land makes individual service impracticable, then this Direction shall come into force on the date on which notice is first published by local advertisement.
3. This Direction shall expire at the end of six months from the date on which it is made unless it is confirmed by the Authority in accordance with article 6(8)-(9) of the Order before the end of that six month period.

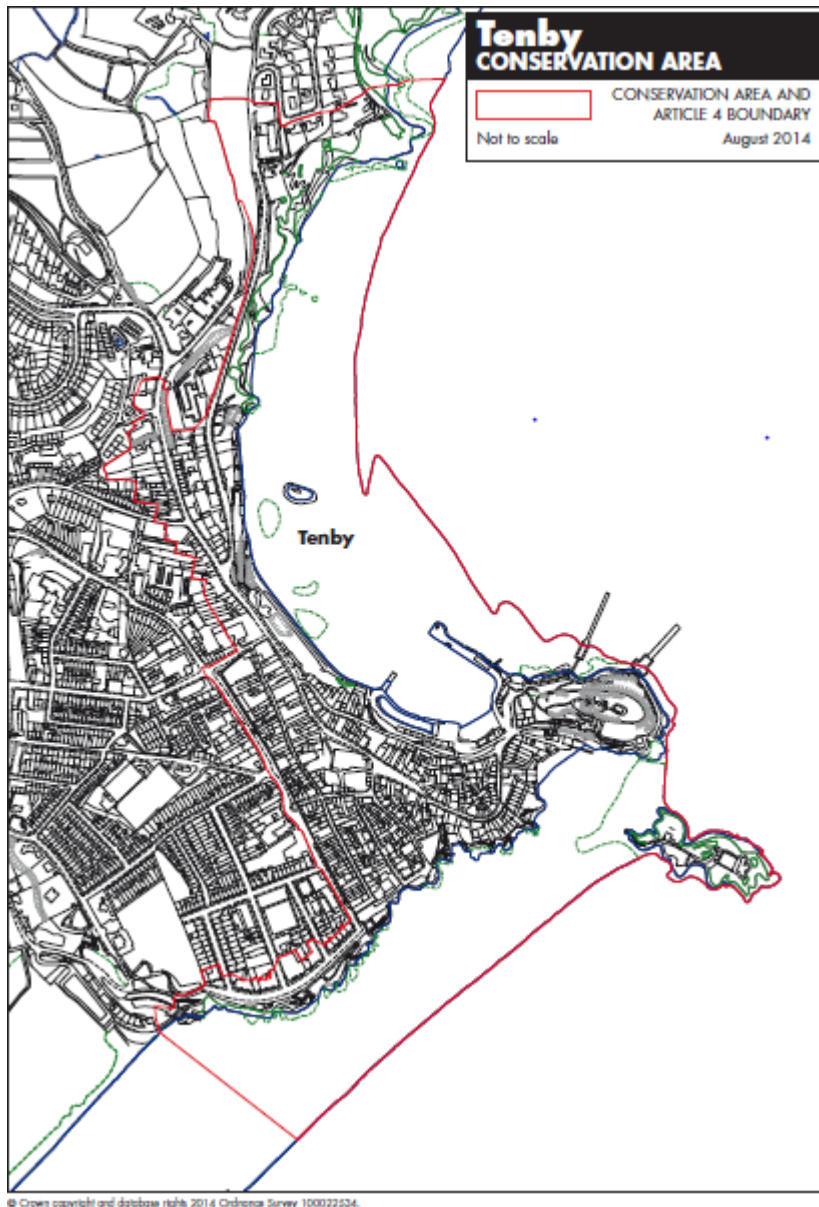
### **FIRST SCHEDULE**

1. The enlargement, improvement or other alteration of any doors or windows of a dwelling house where any part of the enlargement, improvement or alteration would front a relevant location.
2. The provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house as such where the hard surface would front a relevant location.
3. The erection, construction, 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 dwelling house and would front a relevant location.

4. 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 dwelling house and fronts a relevant location.
5. In this Schedule “relevant location” means a highway, waterway or open space.

## SECOND SCHEDULE

The Tenby Conservation Area designated as such in 1971, extended in 1995, the area of which is shown edged red on the attached plan.



PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY  
 was hereunto affixed this [enter date] in the presence of: -

.....  
 Member of Authority

.....  
 Chief Executive (National Park Officer)





## **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED)**

### **DIRECTION MADE UNDER ARTICLE 4(2)**

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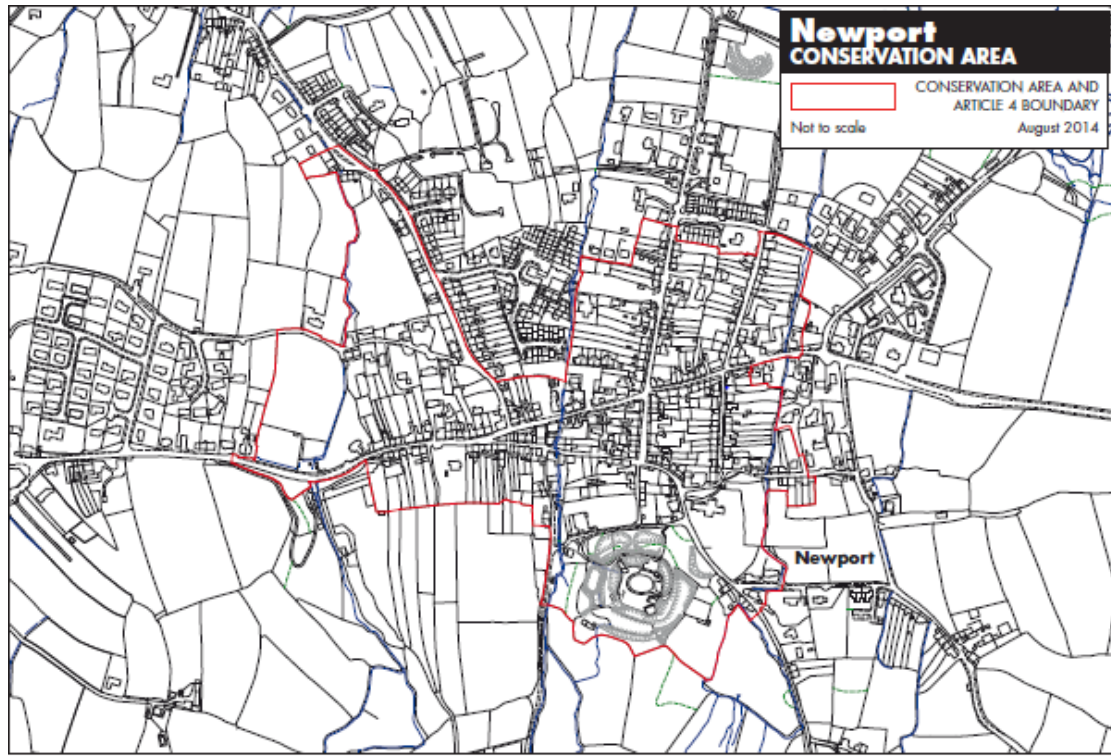
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2. The provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house as such where the hard surface would front a relevant location.
3. The erection, construction, improvement 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 dwelling house and would front a relevant location.

4. 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 dwelling house and fronts a relevant location.
5. In this Schedule “relevant location” means a highway, waterway or open space.

## SECOND SCHEDULE

The Newport Conservation Area designated as such in 1999, the area of which is shown edged red on the attached plan.



PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY  
 was hereunto affixed this [enter date] in the presence of: -

.....  
 Member of Authority

.....  
 Chief Executive (National Park Officer)