Cabinet Report



Listening Learning Leading

Report of Head of Planning

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Wards affected: Cholsey

Cabinet member responsible: Felix Bloomfield E-mail: felix.bloomfield@southandvale.gov.uk

To: CABINET

Date: 16 June 2017

Article 4(1) Direction served at Kingsholme Close, East Hagbourne

Recommendation

(a) That Cabinet confirms the Article 4(1) Direction served at Kingsholme Close in East Hagbourne making it permanently binding.

Purpose of Report

This report provides background to the serving of an Article 4(1) Direction in East
Hagbourne and takes into account the representations received during the
consultation period following the serving of the direction in order to recommend the
direction is confirmed and made permanently binding.

Corporate Objectives

- 2. Under Schedule 3 of the GPDO 2015, the council has the powers to serve a direction removing certain specified classes of permitted development where it considers that an area is of sufficient character and interest to warrant additional management of works that would otherwise be allowed.
- 3. In the case of Kingsholme Close, the residents first made the direct request to the Council to consider serving a notice to provide these additional controls specifically for this group of houses. The serving of this direction therefore not only meets the obligation of Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 to take steps to preserve and enhance conservation areas but also fulfils our duty to reflect our resident's needs.

Background

- 4. Kingsholme Close is a cul-de-sac on the south side of Main Road in East Hagbourne. There are four houses to either side, arranged symmetrically, with a ninth house beyond on the west side. The houses were built in the late 1960s in an Arts & Crafts manner designed by Eric Throssell, a distinguished Buckinghamshire architect. Throssell worked in the Government's Department of Ancient Monuments and Historic Buildings after WWII. He then formed his own practice and, in 2000, he was awarded the MBE for his contribution to conservation and the built environment.
- 5. The houses are plain rendered with steep tiled roofs and they have historical references in their planked doors, leaded windows and distinctive chimney stacks. They are remarkable for having survived for 50 years without any significant changes to their uniform appearance. The layout is also important: the first houses are stepped, attracting attention into the Close. Apart from short walls forming an entrance to the Close, the front gardens are open as if fronting onto a village green.
- 6. A request was made by the residents of Kingsholme Close to remove certain specific classes of permitted development by serving an Article 4(1) Direction. Following careful consideration and assessment of the suitability of Kingsholme Close to receive this added layer of protection, an Article 4(1) Direction was served with immediate effect on 15 February 2017. A copy of the direction can be found at Appendix 1 to this report.
- 7. In line with the Council's statement of community engagement, the serving of the Article 4(1) Direction was accompanied by a 6 week period of public consultation. This was held between 15 February and 29 March 2017.
- 8. The full record of the responses received can be found at Appendix 2 to this report.
- 9. Representations were received from all but one of the nine houses within the close. The Conservation and Design Team understand that one of the dwellings is currently vacant. Additional responses received included those from other residents of East Hagbourne and from the Parish Council.
- 10. All the responses received from residents were in favour of the serving of the Direction and in agreement with the classes of development that were removed by the notice or wished to provide no comment.
- 11. Additional comments were also received from the residents of the close that supported and encouraged the Council to confirm of the direction.

Options

- 12. There are two options for Cabinet:
 - a) To confirm the Article 4(1) Direction appended to this report and make it permanently binding
 - b) To decide not to confirm the Article 4(1) Direction appended to this report and allow it to expire at the end of the 6 month period (15 August 2017)

Financial Implications

13. There is no charge applicable for planning applications arising from an Article 4(1) Direction; this cost would be met through existing resources.

Legal Implications

- 14. An Article 4(1) Direction is recorded as a local land charge.
- 15. An Article 4(1) Direction does not prevent development, but it does require planning permission to be obtained. In making decisions, the Council can then take account of local character as well as the interests of the applicant.

Risks

- 16. There is a risk that the council could be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:
 - refuses planning permission for development which would otherwise have been permitted development; or
 - grants planning permission subject to more limiting conditions than the General Permitted Development Order.
- 17. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights [Paragraph 042 of the NPPG]. Previous Article 4 Directions in the district have not generated claims for compensation or had any significant impact on workload, fee income or claims for compensation.

Other implications

18. None

Conclusion

- 19. Having regard to the favourable responses received during the consultation period, it is recommended that the Article 4(1) Direction served on 15 February 2017 is confirmed and made permanently binding.
- 20. This report provides the background and justification to request that Cabinet confirms the attached direction.

Background Papers

Appendix 1. Article 4(1) Direction served 15 February 2017

Appendix 2. Record of Consultation Responses received

Appendix 1 Article 4(1) Direction Served 15 February 2017													

SOUTH OXFORDSHIRE DISTRICT COUNCIL

KINGSHOLME CLOSE, EAST HAGBOURNE

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH SCHEDULE 3 APPLIES

WHEREAS South Oxfordshire District Council being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 are satisfied that it is expedient that development of the descriptions set out in Schedule 1 below should not be carried out on the land comprised of the addresses listed in Schedule 2 below and shown edged red on the attached plan (being land within the East Hagbourne Conservation Area), 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 said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 hereby DIRECT that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the descriptions set out in Schedule 1 below.

SCHEDULE 1

- 1. The enlargement, improvement or other alteration of a dwellinghouse comprising:
 - (a) the replacement of windows
 - (b) the replacement of external doors
 - (c) the replacement of render: or
 - (d) the replacement of rainwater goods

where any part of the enlargement, improvement or other alteration would front onto a highway, being development comprised within Class A of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.

- 2. Any alterations to the roof of a dwellinghouse comprising:
 - (a) the replacement of roof cladding; or
 - (b) the installation or replacement of rooflights

where any part of the alterations would front onto a highway, being development comprised within Class C of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.

- 3. The erection or construction of a porch outside any external door of a dwellinghouse, where the porch in question would front onto a highway, being development comprised within Class D of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- Development consisting of:
 - (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

- (b) the replacement in whole or in part of such a surface being development comprised within Class F of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 5. The installation, alteration or replacement of a chimney, being development comprised within Class G of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 6. 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 the dwellinghouse fronting onto a highway, being development comprised within Class A of Part 2 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 7. The painting of the exterior of any part of:
 (a) a dwellinghouse; or
 (b) any building or enclosure within the curtilage of a dwellinghouse comprising a change from the existing colour and where the relevant part fronts onto a highway, being development comprised within Class C of Part 2 of Schedule 2 to the said Order and not being development comprised within any other Class.
- 8. 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 would be within the curtilage of the dwellinghouse fronting onto a highway, being development comprised within Class C of Part 11 of Schedule 2 to the said Order and not being development comprised within any other Class.

SCHEDULE 2 - Land to which Schedule 1 applies:

The land shown edged red on the attached plan comprising the following addresses:

Nos.1-7 (odd), Kingsholme Close, East Hagbourne Nos.2-8 (even), Kingsholme Close, East Hagbourne No.9, Kingsholme Close, East Hagbourne

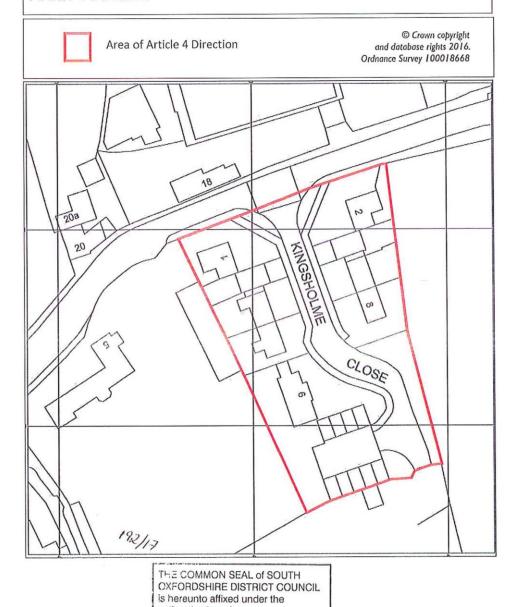
THIS DIRECTION is made under Article 4(1) of the said Order and, in accordance with Article 2(1) of Schedule 3 of the Order and the Council being satisfied that the Direction should have immediate effect, shall remain in force until 14 August 2017 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with Article 2(6) of Schedule 3 of the said Order before the end of the six month period.

South Oxfordshire District Council

Kingsholme Close, East Hagbourne



Article 4 Direction



authentication of:

The Officer appointed for this purpose



Made under the Common Seal of South Oxfordshire District Council this 15th day of February 2017

The Common Seal of the Council was affixed to this Direction in the presence of:

Authorised Signatory

Confirmed under the Common Seal of South Oxfordshire District Council this day of 2017

The Common Seal of the Council was affixed to this Direction in the presence of:

Authorised Signatory

Appendix 2 Consultation Responses Received 15 February to 29 March 2017.													

Kingsholm	ne Close Artic	le 4(1) Directio	n responses rec	eived durin	g publi	c consultation	15 February	to 29 March 201	7										
Method	UserID	Туре	Organisation	Job title	Title	First name	Last name	Address line	Address line 2	Add ress line 3	Postal town	Postcode	Telephone number	Email address	Do you agree with the serving of the Article 4(1) Direction at Kingsholme Close, East Hagbourne?	(on serving	Do you agree with the classes of development that are removed by this notice, as listed on the Article 4 (1) Direction?	Comments: (classes of development that are removed by this notice, as listed on the Article 4 (1) Direction)	Please write any other comments on the Article 4(1) Direction below:
Smart Survey	52805513	Organisation	South Oxfordshire District Council (Policy Department)	Enquirie s Officer				135 Eastern Avenue	Milton Park		Abingdon	OX14 4SB			Yes	Planing policy department is in agreement of support	Yes	Planing policy department is in agreement of support	-
Smart Survey	53173148	Organisation	East Hagbourne Parish Council	Parish Clerk				26 Eaton Village	_	_	Eaton	OX13 5PR			Yes	_	Yes	_	_
Smart Survey	52510038							12 Main Road	East Hagbourne	-	Didcot	OX11 9LJ			Yes	Kingsholme Close is an exemplar quality modern development of the type that I would like to see more of. It works so well due to the quality of the design, the materials used, and layout but also because its uniform appearance has survived which makes it very special. The article 4 direction will help ensure this continues. I am delighted that this beautiful close of small	Yes	-	I very much hope that you receive the support that this important proposition deserves. Kingsholme is an important part of East Hagbourne's Conservation Area .At present it makes a very positive contribution and I want to keep it that way.
Smart Survey	52990339	Individual						Farthings, Blewbury Road	East Hagbourne	-	Didcot	OX11 9LF			Yes	houses is to be protected. I have always appreciated it's special atmosphere, and now know, following our village character assessment,	Yes	_	_

										that it is even			
										considered of			
										National			
										significance. I			
										applaud the			
										residents of			
										Kingsholm			
										Close and			
										SODC in			
										carrying this			
										forward.			
										The unique			
										The unique character and			
										fitting			
										architectural			
										nature of			
										Kingsholme			
										Close have			
										been			
										summarised			
										in the Public			
										Notice from			
1										Adrian			
							1			Duffield dated	1		
							1			15/02/2017.	1		
							1			The collective			
							1			appearance of			
										the homes			
1										that make up		This notice	
							1			the Close, as	1	and the	
										designed by		classes of	
										celebrated		development	
										architect Eric		it removes is	
										Throssell, has		both	
										survived more		reasonable	
										than 50 years		and	
										and, located		proportionate.	
										in the heart of		It provides	
										the village of		control	
										East		through	
										Hagbourne,		existing	
										compliments		planning	
										the villages		processes of	
										heritage.		the frontages	
										Without		of homes	
										protection		within	
										from		Kingsholme	
										otherwise		Kingsholme Close, and in	
										permitted		doing so	
							1			minor		seeks to	
1										development,		maintain the	
										the uniform		existing	
1										nature of the		aesthetics of	
1										homes within		this small	
1										this Close		group of	
1										could be		homes. The	
1										compromised		impact of this	
1							1			permanently	1	Article 4	
1							1			should such		Direction is	
1										development		not intrusive,	
1										not be		as it simply	
1										sympathetic to		governs	
1										existing		certain minor	
1										architecture.		developments	
1										Given the		through	
							1			arguably	1	existing	
1							1			transient	1	planning	
1							1			nature of		controls	
										home		rather than	
										ownership		barring any	
										generally,		such	
										including		development,	
										Kingshome		with no	
1							1			Close, it's not	1	additional	
							1			unreasonable	1	financial	
1								 		to anticipate		burden to	I support this Article
Smart				 4 Kingsholm	e East					that this is		those seeking	4 Direction without
Survey	52517203 Individual			Close	Hagbourne	- Didcot	OX11 9LL		Yes	likely to occur	Yes	to so develop.	reserve.

										at some point. The protection afforded by this Article 4 Direction provides welcome control measures against otherwise potentially unsympathetic and otherwise uncontrolled development of existing properties.			
Smart Survey	53219508 Individual			Farthings, Blewbury Road	East Hagbourne	- DIDCOT	OX11 9LF	_	Yes	-	Yes	-	This is a beautifully planned close, in keeping with the village architecture, and of outstanding quality. It needs preserving.
Smart Survey	53243699 Individual			Manor Farm	East Hagbourne	- OX119N) -		Yes	-	Yes	-	-
Postal Form (uploaded)				7 Kingsholm Close	East Hagbourne	- Didcot	OX11 9LL		Yes	We agree with the Article 4(1) as we would like the appearance of our close to remain the same.	Yes	-	-
Smart Survey	53962323 Individual			5 Kingsholm Close	East Hagbourne	- Didcot	OX11 9LL		Yes	As one of the residents who has expressed concern in the recent past about the need to protect the established character of Kingsholme Close, I fully support the serving of this Direction	Yes	The Direction appropriately restricts the scope of permitted development rights within the Close.	I trust the Council will confirm the Direction in order that the unique architectural character of the Close, located as it is within the centre of a conservation area, may be protected in the long term I sincerely hope this
Smart Survey	53964474 Individual			5 Kingsholme Close	East Hagbourne	- Didcot	OX11 9LL		Yes	-	Yes	-	direction is made permanent by the Council.

												I feel the Article 4 (1)			
												Direction is really			
												important to keep this			
												unique Close which is			
												surrounded by listed			
												buildings looking so			
												pretty and uniform. It is			
												in the centre of the village			
												and falls within the			
												Conservation area.			
												Without this protection			
												afforded by an Article 4 the			
												houses			
												appearance are put at risk			
												when ownership is			
												changed. I personally			
												have been asking for this			
												for 3 years and have			
												gained the support of the			
												Parish Council and other			
												residents within the			
												Close. Myself and my			
												husband Dan Harris are fully			I would like to thank Samantha for all her
												supportive of			hard work on this and
Smart Survey	54516959 Individual				4 Kingsholm Close	East Hagbourne	Didc ot	Oxon	OX11 9LL		Yes	the serving of an Article 4 Direction.	Yes	-	sincerely hope that the Article 4 Direction is confirmed.
												This is a beautiful little			
												close with some			
												interesting and important			
												architectural features that			
												are well worth preserving in their original			
												design and			
												landscape. We are so			Thank you for approving this
Smart			_	 	1 Kingsholm	East						pleased that the council			petition for all the residents in
Survey	54610011 Individual				Close	Hagbourne	-	Didcot	OX11 9LL		Yes	agrees. I think it is	Yes	-	Kingsholm Close.
												important to maintain the			
												character of the close as it			
												has been kept so far since			
0.4						Fact			0)/44			the 60s. This is also			
Smart Survey	54616248 Individual				24 The Croft	East Hagbourne	-	Didcot	OX11 9LS		Yes	important to the character	Yes	-	-

Smart Survey	54616467	Individual			8 Kingsholm Close	East Hagbourne	- Didcot	OX11 9LL		Ye		of the whole village as the close, although a 60s development blends in well with this beautiful village with it's conservation areas and listed buildings. It is important that the front exterior of the houses in the close remain in the original design of the architect.	Yes	-	We are happy that the article is put in place
Smart Survey	54618826	Individual			2 Kingsholm Close	East Hagbourne	- OXON	OX11 9LL		Ye	es	<u>-</u>	Yes		
Smart Survey	54623776				1 Kingsholme Close	-	East - Hagbourne			Ye		This proposal will benefit the community.	Yes	_	This is a worthwhile initiative to preserve a distinctive feature of the community.
Postal															We fully support South Oxfordshire District Council in serving an Article 4 (1) Direction for Kingsholme Close, East Hagbourne. Furthermore, it will protect the existing built development and control the type of development that may occur in the future. The existing development is a homogeneous design and forms and integral part of the East Hagbourne Conservation area - Signed by John Charles Townsend and Yvonne Townsend. Note on front page - My wife, Yvonne Townsend and myself have lived at 9 Kingsholme Close since June 17th 1983 and are Proprietors of the Freehold land known
Form	54830909	Individual			9 Kingsholme Close	East Hagbourne	- Didcot	OX11 9LL	<u> </u>	Ye	es	-	Yes	-	as 9 Kingshome Close.
Form	54870346	Individual			6 Kingsholme Close	East Hagbourne	- Didcot	OX11 9LL	_	Υe	es	-	Yes	-	-
Email	A4EP001	Scottish and Southern Electricity Organisation Networks	Network s Connect ions Plannin g Enginee r		1 Woodstock Road	Yarnton	Kidlington	OX5 1NY		No	o comment				

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