

Cabinet Report



Listening Learning Leading

Report of Head of Planning

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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

1. 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 The houses are plain rendered with steep tiled roofs and they have historical references in their planked doors, leaded windows and distinctive chimney stacks.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 goodswhere 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 rooflightswhere 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.
4. 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



Area of Article 4 Direction

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Ordnance Survey 100018668



THE COMMON SEAL of SOUTH
OXFORDSHIRE DISTRICT COUNCIL
is hereunto affixed under the
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.

Kingsholme Close Article 4(1) Direction responses received during public consultation 15 February to 29 March 2017																			
Method	UserID	Type	Organisation	Job title	Title	First name	Last name	Address line 1	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?	Comments: (on serving of Article 4)	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)	Enquiries 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	Individual						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.	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	I am delighted that this beautiful close of small 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.			
Smart Survey	52517203	Individual						4 Kingsholme Close	East Hagbourne	-	Didcot	OX11 9LL			Yes	<p>The unique character and fitting architectural nature of Kingsholme Close have been summarised in the Public Notice from Adrian Duffield dated 15/02/2017. The collective appearance of the homes that make up the Close, as designed by celebrated architect Eric Throssell, has survived more than 50 years and, located in the heart of the village of East Hagbourne, compliments the villages heritage. Without protection from otherwise permitted minor development, the uniform nature of the homes within this Close could be compromised permanently should such development not be sympathetic to existing architecture. Given the arguably transient nature of home ownership generally, including Kingshome Close, it's not unreasonable to anticipate that this is likely to occur</p>	Yes	<p>This notice and the classes of development it removes is both reasonable and proportionate. It provides control through existing planning processes of the frontages of homes within Kingsholme Close, and in doing so seeks to maintain the existing aesthetics of this small group of homes. The impact of this Article 4 Direction is not intrusive, as it simply governs certain minor developments through existing planning controls rather than barring any such development, with no additional financial burden to those seeking to so develop.</p>	<p>I support this Article 4 Direction without reserve.</p>

															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	-	OX119ND	-			Yes	-	Yes	-	-
Postal Form (uploaded)	53388455	Individual					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
Smart Survey	53964474	Individual					5 Kingsholme Close	East Hagbourne	-	Didcot	OX11 9LL			Yes	-	Yes	-	I sincerely hope this direction is made permanent by the Council.

Smart Survey	54516959	Individual					4 Kingsholm Close	East Hagbourne	Didcot	Oxon	OX11 9LL			Yes	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 unique 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 supportive of the serving of an Article 4 Direction.	Yes	-	I would like to thank Samantha for all her hard work on this and sincerely hope that the Article 4 Direction is confirmed.
Smart Survey	54610011	Individual					1 Kingsholm Close	East Hagbourne	-	Didcot	OX11 9LL			Yes	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 pleased that the council agrees.	Yes	-	Thank you for approving this petition for all the residents in Kingsholm Close.
Smart Survey	54616248	Individual					24 The Croft	East Hagbourne	-	Didcot	OX11 9LS			Yes	I think it is important to maintain the character of the close as it has been kept so far since the 60s. This is also important to the character	Yes	-	-

																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.			
Smart Survey	54616467	Individual						8 Kingsholm Close	East Hagbourne	-	Didcot	OX11 9LL			Yes	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			Yes	-	Yes	-	-
Smart Survey	54623776	Individual						1 Kingsholme Close	-	-	East Hagbourne	OX11 9LL			Yes	This proposal will benefit the community.	Yes	-	This is a worthwhile initiative to preserve a distinctive feature of the community.
Postal Form (uploaded)	54830909	Individual						9 Kingsholme Close	East Hagbourne	-	Didcot	OX11 9LL			Yes	-	Yes	-	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 as 9 Kingsholme Close.
Postal Form (uploaded)	54870346	Individual						6 Kingsholme Close	East Hagbourne	-	Didcot	OX11 9LL			Yes	-	Yes	-	-
Email	A4EP001	Organisation	Scottish and Southern Electricity Networks	Networks Connections Planning Engineer				1 Woodstock Road	Yarnton		Kidlington	OX5 1NY			No comment				

Email	A4EP002	Organisation	Environment Agency (Thames Area)	Sustainable Places Planning Specialist				Not provided	Not provided		Not provided	Not provided			No comment				
Email	A4EP003	Organisation	Oxfordshire County Council	Environmental Strategy Officer				Signal Court	Old Station Way		Eynsham	OX29 4TL			No comment	We would defer to the landscape and ecological expertise already available within the district council.			
Email	A4EP004	Organisation	Natural England	Consultations Team				County Hall	Spetchley Road		Worcester	WR5 2NP			No comment	Natural England does not consider that this Article (4) Direction poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.			
Email	A4EP004	Organisation	Thames Valley Environmental Records Centre	Biodiversity Data Assistant				c/o Countryside Service, Oxfordshire County Council	Signal Court		Old Station Way	Eynsham	OX29 4TL		Not relevant for organisation	We have been sent this in error. TVERC do not have any involvement with the historic built environment, we collate and manage wildlife environmental data and as an impartial body do not comment on planning applications which is the remit of your ecologist Dominic Lamb. Can you update your consultee details please.			

