

WANDSWORTH BOROUGH COUNCIL

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE
14TH JULY 2004

EXECUTIVE – 20TH JULY 2004

Report of the Borough Planner on proposals to control alterations to properties in part of the Roehampton Village Conservation Area, SW15 (Roehampton)

SUMMARY

This report sets out the results of public consultation carried out on the possible introduction of additional controls over alterations to properties in part of the Roehampton Village Conservation Area. It proposes making an Article 4 Direction on these properties.

RECOMMENDATION.

1. The Corporate Overview and Scrutiny Committee are recommended to support the recommendations in paragraph 3.
2. If the Overview and Scrutiny Committee approve any views, comments or recommendations in this report, these will be reported to the Executive for their consideration.
3. The Executive are recommended:-

To approve the making of an Article 4 (2) Direction on nos. 15 – 53 (odd), 55 (The Mews House), 55 – 79 (odd), 79a, 79b, 81 – 85 (odd) Medfield Street and 5 Treville Street (Hambro House), SW15, covering (i) the provision of hard surfaces in front gardens for any purpose, including the parking of vehicles, (ii) the demolition of walls, fences, gates or other means of enclosure fronting on to a highway, (iii) the erection of walls, fences, gates or other means of enclosure, either fronting the highway or between adjacent front gardens and (iv) the painting of front brick facades.

BACKGROUND.

4. On 12th March 2004, an enforcement notice served by the Council against the removal of the front boundary wall at 55 Medfield Street and the use of the front

garden for car parking was upheld on appeal. The property did not enjoy “permitted development” rights as it consisted of flats. During the course of the appeal, residents of the street expressed concern at the lack of control over similar alterations to single dwelling houses in the street. A comprehensive survey document was submitted in support of their case for introducing controls.

5. The residents’ submission lays particular emphasis on parking problems which, they feel, have been exacerbated by recent permissions for development without on-site parking. Increasing pressure for parking is seen as threatening the gardens and boundary features which are an important part of the conservation area. The document also reports a lower, but still distinct, feeling that the character of the conservation area is being destroyed by changes to the frontages of buildings. Specific changes mentioned in the text include those to front windows and doors, the painting of frontages, the fitting of shutters and minor changes such as the fitting of wrought iron railings to window cills.
6. As well as the petition, the Council received letters from 12 of the owner occupiers within the area plus two letters from residents of nearby properties and one e-mail (address unspecified). The overriding theme of the letters was the desire for the Council to take action to prevent the loss of further gardens for parking. Six of the letters also mentioned the need to preserve buildings from insensitive change.
7. The creation of a hardstanding for vehicle parking (or any use incidental to the house), the demolition and rebuilding of walls below a metre in height and many other changes of this sort are generally “permitted development”. The Council can only secure control over such changes by making a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.

CONSULTATION.

8. Following receipt of the petition, the residents involved were consulted in April on the possibility of an Article 4(2) Direction covering various items of development (listed in Table 1 below). Letters together with a questionnaire were sent to residents of nos. 15 – 53 (odd), 55 (The Mews House), 55 – 79 (odd), 79a, 79b, 81 – 85 (odd) Medfield Street and 5 Treville Street (Hambro House), asking for their views on whether the Council should bring various alterations within planning control. The types of alterations identified were those that could undermine the essential character and appearance of this part of the Roehampton Village Conservation Area. Residents were asked whether they felt the Council ought to seek control over some or all of these alterations, or none of them.
9. Replies were received from the owners or occupiers of 21 of the 44 residential units (36 houses and 8 flats), a response rate of 47%. Table 1 sets out the details of residents’ responses, indicating the proportion of those who responded who were in favour of additional controls over each of the types of alteration identified.

Table 1

CATEGORY OF DEVELOPMENT	Number in Support				
	Houses	Flats	Total	% of replies	% of total
• The provision of hard surfaces in front gardens (for any purpose, including the parking of vehicles);	17	2	19	90%	43%
• The erection of walls, fences, gates or other means of enclosure, either fronting the highway or between adjacent front gardens;	16	2	18	86%	41%
• The demolition of walls, fences, gates or other means of enclosure fronting on to a highway;	16	2	18	86%	41%
• The enlargement, improvement or other alterations of dwellinghouses (front only);	13	2	15	71%	34%
• Alterations to roofs and chimneys (eg. change of roof covering - change of shape already needs planning permission);	14	1	15	71%	34%
• Alterations to front porches;	15	1	16	76%	36%
• The painting of front brick facades;	14	1	15	71%	34%
• None of the above.		2	2	10%	5%
<i>Total replies:</i>	19	2	21	100%	47%

10. The greatest levels of support related to additional controls over the provision of hardstandings, the erection of boundary fences or walls and the demolition of boundary fences or walls. There was slightly less support for other changes.

11. The Wandsworth (Conservation Area) Advisory Committee were consulted on the residents' request at their meeting in April 2004 and agreed that they supported the making of an Article 4 Direction to control hardstandings.

COMMENT

12. Government guidance on the use of Article 4(2) Directions in Circular 9/95 is that "local planning authorities should use these powers selectively and only in relation to development which is likely to threaten the character or appearance of a conservation area". The local planning authority must have regard to the views of local people. In order to justify an Article 4 Direction, therefore, the Council must be satisfied that the area in question is of particular interest, that its character is likely to be undermined by insensitive changes, and that there is support among people living in the area for additional controls.

Medfield Street

13. The houses in this area retain a degree of rustic charm unusual in the Borough. This is accounted for primarily by the gardens which provide an ideal setting for the attractive cottages. Although the garden boundary features vary, they are on the whole acceptable.
14. The Conservation Area was designated in 1969. The extent of the changes to the front elevations and front roof slopes within that period has been relatively limited with the notable exception of the painting of front elevations. The scale of changes, particularly in relation to the upper part of the street, does not appear to outstrip that of other conservation areas. A survey of Medfield Street carried out in February 2004, identified that eight cottages had painted front elevations, including one which appears to have been built with a rendered and painted front facade. Only one of the 20 porches on nos. 15 to 53 has been removed; it appears that this was some time ago. Seven properties have one or more altered windows including 6 with one or more enlarged window openings. These changes, concentrated on the lower terrace have, with one exception, had relatively little impact on the character and appearance of the conservation area. Changes to roofs have similarly had relatively little impact with the notable exception of the dormer windows added to Mews House and no. 55 in the 1960's.
15. At present, following the reinstatement of boundary fencing at 55 Medfield Street, only two gardens have parking within them; four of the six existing vehicular crossovers (pva's) lead to driveways linked to buildings or parking at the rear. To date, parking in front gardens has not significantly eroded the character of the street. However, the loss of further gardens is perceived as a strong threat. A further garden wall was recently demolished.
16. The consultation with residents shows good levels of support, amongst those who responded, for control over those forms of development which relate to their original cause for concern, i.e. hardstandings and boundary walls, although even here it is only just over 40% of the total number of owner/occupiers. Only half of the letters received from residents before the consultation process mentioned specific concerns regarding changes to front elevations and roofs, and this is reflected in the consultation process where support for control over other forms of permitted development only amounted to around 35% of the total potential respondents. This is perhaps insufficient to justify introducing such controls. It is felt, however, that the painting of front brick elevations is a low cost, easily undertaken change which is potentially particularly intrusive not only to the property concerned but neighbouring properties also. Even though it received support from only 34% of the owners/occupiers (71% of respondents) it is felt that it should be brought under control also.

PROCEDURES.

17. The Council is required to give notice of any direction under Article 4(2) by local advertisement and, where practicable, to serve notice on every dwelling affected. A Direction takes effect when it is served and must be confirmed by the Council within 6 months. A period of 21 days must be allowed for representations to be

made. These must be taken into account before the Council can confirm the Direction.

18. An Article 4 Direction does not prevent residents from undertaking development in the categories subject to control. However, it does mean that planning permission would be needed prior to carrying out any works. No fee is payable for such applications. If permission were refused the applicant would have recourse to appeal in the normal way.
19. 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. This has not arisen in previous Article 4 Directions in the borough and is not expected in this case.

CONCLUSION.

20. The response of residents would justify the Council in making an Article 4(2) Direction covering (i) the provision of hard surfaces in front gardens (for any purpose, including the parking of vehicles), (ii) the demolition of walls, fences, gates or other means of enclosure fronting on to a highway, (iii) the erection of walls, fences, gates or other means of enclosure, either fronting the highway or between adjacent front gardens and (iv) the painting of front brick elevations.

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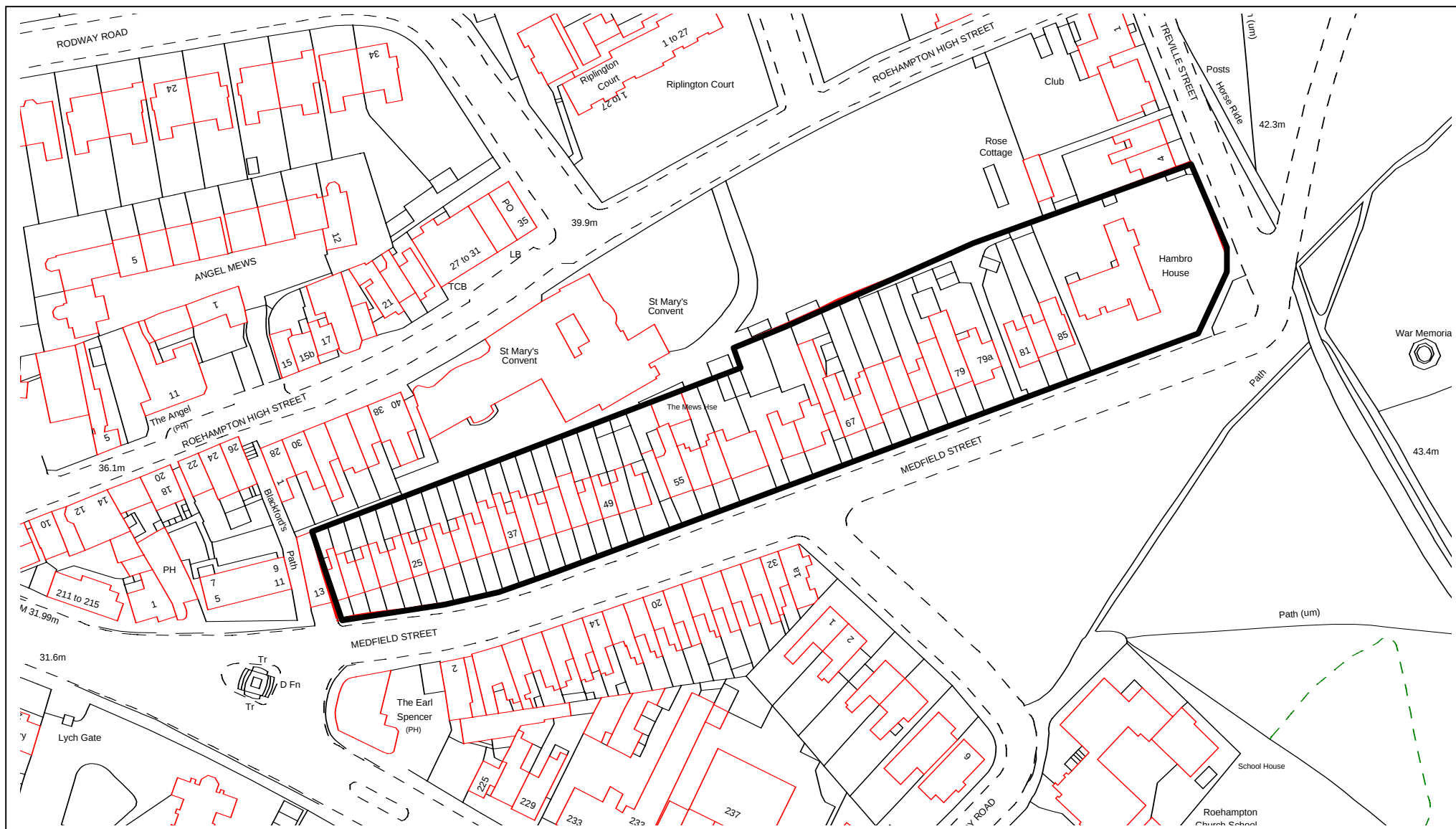
6th July 2004

Background Papers

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

1. Representations received from the owners/occupiers of Medfield Street
2. Results of questionnaire.

If you wish to inspect these documents, please contact initially the Committee Secretary on 020 8871 6005.



Proposed Medfield Street Article 4 Area
Planning Service – Technical Services Department

Scale:
1:1250
Date:
15-Jul-04



Wandsworth

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