

## **Proposed extensions to Enfield Town Conservation Area Article 4 Direction: Justification**

### **Background**

Enfield Town is one of the oldest conservation areas in the Borough, first designated in 1968 and since extended. The Enfield Town Conservation Area comprises a mix of residential properties with retail and business uses around Enfield town centre. A number of parks, playing fields and the New River punctuate the built landscape and allow long views across the Conservation Area.

Under an Article 4 Direction, Planning Permission is required for certain works that would normally be Permitted Development, as those development rights are withdrawn. This helps the Council manage change within the conservation area and preserve and enhance its special interest. There are currently three Article 4 Directions in place in Enfield Town dating from 1978, 2003 and 2006. The scope of what is covered in the 1978 and 2006 Directions in Enfield Town Conservation Area is broadly consistent. The controls are on the enlargement, improvement and alteration of dwelling houses including:

- roof coverings,
- alterations to windows,
- demolition of chimney stacks
- the addition of external render
- the addition of porch enclosures
- the creation of hard surfacing
- the addition of gates, walls or fences or other means of enclosure
- the creation of access to the highway (1978 order)
- external painting and in the case of the 2006 order, demolition of a wall, gate or means of enclosure (2006 order)
- installation of satellite antennae (2006 order)

The 2003 Article 4(1) Direction is quite distinct and is only concerned with the painting of the exteriors of non-residential properties in The Town/Church St.

The existing Article 4 Directions from 1978 and 2006 were served on dwelling houses and, in the case of the 1978 order, on some flats. Flats and other properties do not have the same set of Permitted Development rights as dwelling houses. Due to the passage of time and changes in legislation the 1978 and 2006 Article 4 Directions and the protection they afford are now out of date. The effect has been to leave the conservation area vulnerable to the very harm that Article 4 Directions are used to prevent. Consequently, the aims of the reviewed and approved Enfield Town Conservation Area Management Proposals (2015) can only be met in part.

An analysis of the particular issues with the Article 4 Directions in the Enfield Town Conservation Area is set out below, including both identification of the current problem and how the proposed whole-area order could help to resolve this:

### **1. Lack of clarity and sense of designation being arbitrary**

Over the years many houses in the Enfield Town Conservation Area have been converted to different uses including flats and offices. As only single dwelling houses and a few flats are covered by the existing Article 4 Directions this means that it is often hard to tell whether an Article 4 is in place for a particular building. This has resulted in some confusion amongst property owner/occupants and an associated sense of designation being arbitrary. It is a particular issue where near-identical buildings may have differing designations owing to one being a single dwelling house and the other divided into flats.

Property owner/occupants consequently report feeling that the management of the Enfield Town Conservation Area is inconsistent and so perceptions of its value are degraded. A whole area Direction would clarify the extent of the order.

### **2. Direction is out-of-date**

The 1978 Article 4 Direction is of such an age that its content is inconsistent with the 2006 Direction and current legislation and practice. The levels of control in this order go beyond what it is now customary to protect and mean that there is inconsistency in the current levels of control. A single Direction would help to bring policy up-to-date across the conservation area, ensure that controls are in place only where they are necessary and make them consistent across the conservation area.

### **3. Omissions**

There are notable omissions from the Article 4 Direction. Much of both Cecil Road and sections of Chase Side for example are currently excluded, as are parts of Conical Corner and all of Chase Green. At the time of drafting the previous Directions the threat of harm to the character of the conservation area may not have been thought sufficient to remove Permitted Development rights. However, this is no longer the situation. These omissions include buildings identified in the recently updated Character Appraisal (2015) as making a positive contribution to the character of the conservation area. A single area Article 4 Direction would ensure that buildings of significance are not excluded.



Figure 1: Cecil Road currently excluded from Article 4 Direction

#### **4. Effect on setting**

Properties that are currently excluded from the Article 4 Direction retain Permitted Development rights. The effect of inappropriate alterations on them – such as changes to the roof or the installation of uPVC windows - can have a negative impact on the setting of those buildings that are already controlled. Again, this can lead to perceptions of the levels of control being arbitrary. Current advice from Historic England in ‘The Setting of Historic Assets’ is that the setting of conservation areas should be an important consideration. An Article 4 Direction covering the whole of the Conservation Area would allow greater control of works that can have a harmful effect on the setting of individual and groups of buildings.

#### **5. Management Proposals and traditional materials**

Management Proposals for Enfield Town Conservation Area have been revised and were approved in February 2015. The management proposals encourage the use of traditional materials and detailing to preserve and enhance the character of the conservation area. This includes the replacement of windows, doors, front boundary treatment, roof coverings and brickwork. Without controls being in place for the whole area it is not possible to apply this consistently. An Article 4 Direction for the whole of the Enfield Town Conservation Area would make it possible to implement the management proposals more fully.



**Figure 2: Timber six-pane sashes next to inappropriate uPVC windows**

## **6. Change of use**

In Enfield Town CA a number of former houses have been converted to flats or offices and so were not included in the existing Directions. If the property reverts to being a dwelling house, however, it remains exempt from the existing Directions.

The government has fairly recently confirmed *Notification for a Proposed Change of Use of a building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3)* streamlining change of use from office to dwelling. An example of a group of buildings particularly vulnerable to this is in Little Park Gardens where several former dwelling houses are currently in office use.



**Figure 3: Little Park Gardens – a number of former houses are now in office use**

Whilst it would be possible to consider a separate Article 4 Direction to control change of use from B1(a) to C3 in the conservation area this seems disproportionate for the number of properties that might be affected. Nor would it extend control to those instances where flats have reverted to dwelling houses. A whole area Direction would ensure that there are not inconsistencies in levels of control when properties change use to dwelling houses.

## **7. Enclosures**

Permitted Development rights for dwelling houses and other uses differ. Enclosures are Permitted Development for both dwelling houses and flats. Provision is made in the current GPDO to remove Permitted Development rights for enclosures for dwelling houses by an immediate Article 4 Direction without the Secretary of State being able to intervene, but not for flats. New enclosures already controlled for a number of flats by the 1978 order but the number is low. The proposed whole-area Direction consequently does mark a significant broadening of the geographic area of control. However, without implementing this additional extension of control the problem of inconsistency between dwelling houses and flats would remain. This is a particular issue where near-identical properties exist, as discussed above.



**Figure 4: Enclosure to the front of a property (from 2009 Enfield Town benchmarking photo survey)**

### **Extended scope**

The proposed Article 4 Direction will be dependent upon the associated cancellation of the 1978 and 2006 orders (in so far as the 2006 Direction relates to Enfield Town only). No change to the 2003 Article 4 Direction is proposed.

The scope of the new Article 4 Direction will be the same as the existing orders from 1978 and 2006 but will extend the area covered. Categories of control correspond to the earlier Directions.

Under the clauses of the Town and Country Planning (General Permitted Development) (England) Order (2015) certain development may be withdrawn by the Council under an immediate Article 4 Direction without the intervention of the Secretary of State.

These categories of development are broadly consistent with those in the existing Directions from 1978 and 2006. However, extensions to side and rear roof slopes are not contained within the categories where Permitted Development rights can be withdrawn and nor are controls for enclosures for flats. This means that the Council has to serve a non-immediate Direction if it wishes to control these categories of development, with the potential for intervention by the Secretary of State.

## **1. Extensions to side and rear roof slopes**

Across Enfield Town Conservation Area there are many open spaces and waterways from which the side and rear roof slopes of properties can be seen. This means that they are of unusual importance to the character of the conservation area. The existing orders from 1978 and 2006 do not limit controls to the front roof slopes only of properties and this has enabled the preservation of the special interest of the conservation area. Whilst it would be desirable to serve an immediate Direction without need to refer to the Secretary of State, the dilution of control as a consequence of being able to consider front roof slopes only would be harmful to the character of the conservation area. The benefits brought by the ease of process in serving an immediate Direction would not outweigh the potential harm brought by this loss of control.

## **2. Enclosures**

The 2015 GPDO similarly allows Permitted Development to be withdrawn for enclosures to dwelling houses under an immediate Article 4 Direction without reference to the Secretary of State. Permitted Development rights remain in place for flats. Consequently a non-immediate Direction is required, referable to the Secretary of State. However, control over enclosures to dwelling houses only would leave an inconsistency in management and perpetuate the sense of confusion and arbitrary control discussed above.

A few flats in the conservation area already have controls in place for new enclosures under the 1978 order. Although this means that the Council is not extending the scope of existing control in serving a whole-area Direction although this does represent a significant increase in the area included.

## **Conclusion**

The review of the Enfield Town Conservation Area Character Appraisal and Management Proposals (2015) recognised that the Article 4 Directions should also be subject to a review of their effectiveness.

This review has concluded that there are issues with how the current Article 4 Directions allow for the management of the Enfield Town Conservation Area. This means that the approved Management Proposals can only be implemented in part and the Council is limited in fulfilling its statutory duty to put in place policies to preserve or enhance the conservation area.

Withdrawing the existing orders from 1978 and 2006 would enable a non-immediate Article 4 Direction to be served for the whole conservation area, improving clarity and consistency. Owing to the provisions of the 2015 GPDO this would need to be a non-immediate Article 4 Direction notifiable to the Secretary of State. However, the scope of the new order would remain consistent with the existing orders from 1978 and 2006 and the risk of intervention therefore considered to be low.