Supplementary Planning Document

Heritage SPD: Appendix C
Article 4 directions in conservation areas

October 2018
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1.0 Introduction

1.1 Overview

1.1.1 As noted at sub-paragraph 3.3.2 and paragraph 4.4 of the main document of this SPD, permitted development rights, i.e. rights to undertake development without the need to make a planning application, are limited for listed buildings and in conservation areas. Flats and commercial premises do not have the same permitted development rights as houses i.e. some development which would not require an application for planning permission relating to a house would require planning permission if the same building was in use as an office or had been converted to flats. The rules relating to permitted development are the same across England, and inevitably do not take account of the individual circumstances of a particular place.

1.1.2 As noted at sub-paragraph 4.6.1 of the main document, the council can remove permitted development rights by imposing local directions, known as Article 4 directions to control various types of development. Such directions can be used to control works that could otherwise threaten the character and appearance of a conservation area.

1.1.3 Within a defined area within a conservation area which is subject to an Article 4 direction, an application for planning permission will be required if development described in the direction is proposed, where otherwise such an application would not be required. In some cases the defined area will be the whole of a conservation area: in others the direction will apply only to part of the conservation area. Such directions may apply only to buildings within a specific use class: alternatively they may have a wider application.

1.1.4 Local planning authorities use the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended, to charge the correct fee for each application, based on the details of the application. A fee is presently payable for applications required as a result of an Article 4 direction. Such applications are made in exactly the same way as other types of application, using the appropriate forms: see Section 13.0 of the main document of this SPD. (This information is accurate at time of publishing: current fees should be checked on the government website: https://www.gov.uk/guidance/fees-for-planning-applications).

1.1.5 There is no right of appeal against an Article 4 direction being made and confirmed (although the process can be the subject of an application for judicial review). However, if a planning application is refused, there is a right of appeal as for other types of planning application.

1 under Article 4 of the General Permitted Development Order 2015
1.1.6 If proposals within an area subject to an Article 4 direction affect a listed building or a structure within its curtilage, listed building consent may also be required (see paragraph 3.0 of the main document of this SPD).

1.2 The use of Article 4 directions in conservation areas

1.2.1 As noted at paragraph 4.2.3 of the main document of this SPD, the ‘small print’ of places is extremely important. The gradual loss of architectural details such as:

- traditional front doors;
- timber sliding sash windows;
- chimneys;
- decorative bargeboards;

and

- cast iron rainwater goods;

and unsympathetic interventions such as:

- replacement of the above features with modern components;
- changes to signage and to traditional shopfronts;
- changes to hard surfacing materials (including tiled paths), kerbs and street furniture;
- loss of boundary walls, railings and gates;
- loss of front gardens;
- the installation of fencing which is out of keeping with the character and appearance of the area;
- the addition of porches which do not make a positive contribution to the streetscene;

and/or

- the creation of parking areas;

can cumulatively have a serious and adverse impact on the character and appearance of a conservation area and on local distinctiveness. Materials and finishes are of particular importance, notably natural slate and plain clay tiles, quarry tiles, cast iron, brick and timber. Areas where groups of buildings date from the same period and/or are similar in style and/or share common details are particularly sensitive: examples include terraces of Victorian and Edwardian houses.

1.2.2 Article 4 directions which relate to conservation areas are made when it is considered that an extra level of protection, over and above that afforded by conservation area status, is needed in order to preserve the character and appearance of a conservation area or part of a conservation area. The NPPF, states in paragraph 53 that ‘the use of Article 4 directions to remove national permitted development rights should be limited to situations where
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**1.2.3** Where a direction is made in relation to development within a conservation area, generally (but not always) the direction will apply only to parts of a property visible from areas accessible to the public. Article 4 directions in conservation areas within the borough are therefore used generally to control development which fronts a **relevant location**: defined as ‘a highway, waterway or open space’ in the directions relating to Basingstoke Town, Fairfields and South View, and as ‘a highway, waterway or open space, excluding all rear access roads and footpaths’ in the direction relating to Brookvale West. There are, however, some noteworthy exceptions: in some cases development is controlled irrespective of its location in relation to a highway, waterway or open space.

**1.2.4** The range of work controlled by an Article 4 direction in a particular area is set out in the direction. Work which may be controlled by an Article 4 direction in a conservation area includes, *inter alia*:

- The construction of an extension;
- The replacement of windows and doors;
- The replacement of fascias, soffits or guttering;
- Changes to roofing materials;
- The installation of rooflights;
- The installation of solar panels;
- The construction, alteration or demolition of a porch;
- The construction or alteration of an outbuilding, such as a greenhouse or shed, a swimming pool or enclosure;
- The construction or alteration of paving or other hard-surfaced areas, including paths;
- Work to chimneys, flues, and soil and vent pipes;
- The construction, alteration or demolition of a fence, wall or gate.
- Painting the exterior or part of the exterior of a building or enclosure.

**1.2.5** Advice on the implications of an Article 4 direction in relation to proposed works to a particular property may be obtained as noted at paragraph 4.4.2 of the main document of this SPD, using the contact details at the front of that document.

**2.0 Areas subject to Article 4 directions in Basingstoke and Deane**

**2.1 Overview**

**2.1.1** Presently Article 4 directions in the borough apply in the following conservation areas:

- Basingstoke Town
- Brookvale West
- Fairfields
- South View.

2.2 The Article 4 direction for Basingstoke Town

Insert photograph from Article 4 area

2.2.1 An Article 4 direction in Basingstoke Town came into force on February 2016. (This direction supersedes the direction of 15 October 2015). It includes various schedules and is available at: https://www.basingstoke.gov.uk/content/page/43378/Sealed%20Article%20Direction%202016.pdf.

2.2.2 Relevant plans, within the document, are as follows:
- Plan A shows the extent of the Article 4 direction in respect of an area which includes Chequers Road and parts of New Road.
- Plan B shows the extent of the Article 4 direction in respect of four areas close to St Michael’s Church at Church Square.
- Plan C shows the extent of the Article 4 direction in the Top of Town. This plan covers a wide area including, but not exclusively limited to, London Street, Winchester Street, Market Place and parts of Church Street and Wote Street.

2.2.3 The types of development restricted by the direction are set out in two schedules. The direction states that:

‘(i) development of the description set out in Schedule 1 should not be carried out on dwellinghouses within the land which is shown edged with red on the attached plan A and plan B;

(ii) development of the description set out in Schedule 2 should not be carried out on the land which is shown edged with blue on the attached plan C’

unless planning permission is granted as a result of an application for planning permission.

2.2.4 It is noteworthy that Schedule 1, which applies to Areas A and B, restricts development in respect of dwellinghouses only, and that Schedule 2, which applies to Area C, has a wider application i.e. it applies to residential, commercial and other types of property.

2.2.5 It is also noteworthy that Schedule 1 relates to a range of works fronting a ‘relevant location’, as defined within the direction (see paragraph 1.1.7 above) but that Schedule 2 relates to ‘the painting of the exterior of any building’: the location of such works in relation to a highway, waterway or open space is not specified. On land shown on plan C, an application for planning permission is therefore required for the painting of unpainted surfaces at the front, side or rear of a property, or to change the colour of
previously-painted surfaces. If the paint colour proposed is very similar to the existing paint colour, permission is not required.

2.3 The Article 4 direction for Brookvale West

Insert photograph from Article 4 area

2.3.1 The Article 4 direction for Brookvale West is at: https://www.basingstoke.gov.uk/content/page/39350/Brookvale%20West%20A4(2)%20Direction.pdf.

2.3.2 The plan within the document shows the extent of the area covered by the direction, some 8.9 hectares, the entirety of the Brookvale West conservation area. The conservation area includes, but is not limited to, Alexandra Road, Queens Road, George Street, College Road, and May Street as well as parts of Deep Lane, Lower Brook Street, and Worting Road.

2.3.3 The first schedule details a range of works which are controlled by the direction. Development is restricted only in respect of dwelling houses and their curtilage. The majority of restrictions relate to works in a ‘relevant location’ as defined within the direction (see paragraph 1.1.5 above).

2.3.4 It is noteworthy that in respect of the ‘erection, alteration or removal of a chimney’ the location is not specified, but that the restriction on painting relates only to any part of a building or enclosure fronting a ‘relevant location.’

2.4 The Article 4 direction for Fairfields

Insert photograph from Article 4 area

2.4.1 The Article 4 direction for Fairfields is at: https://www.basingstoke.gov.uk/content/page/39351/Fairfields%20A4(2)%20Direction.pdf.

2.4.2 The plan within the document shows the extent of the area covered by the direction, the entirety of the Fairfields conservation area, ‘an area of approximately 24 hectares situated south of Basingstoke Town Centre.”

2.4.3 The first schedule details a range of works which are controlled by the direction. Development is restricted only in respect of dwelling houses and their curtilage. The majority of restrictions relate to works in a ‘relevant location’ as defined within the direction (see paragraph 1.1.5 above).

2.4.4 It is noteworthy that, as at Brookvale West and South View, in respect of the ‘erection, alteration or removal of a chimney’ the location is not specified, but that the restriction on painting relates only to any part of a building or enclosure fronting a ‘relevant location.’
2.5 The Article 4 direction for South View

Insert photograph from Article 4 area

2.5.1 The Article 4 direction for South View is at: [https://www.basingstoke.gov.uk/content/page/44845/South%20View%20A%204%20Direction.pdf](https://www.basingstoke.gov.uk/content/page/44845/South%20View%20A%204%20Direction.pdf)

2.5.2 A plan within the document (plan A) shows the extent of the area covered by the direction, which is the entirety of the South View Conservation Area, an area of some 15 hectares due north of Basingstoke Town Centre.

2.5.3 The first schedule details a range of works which are controlled by the direction on all land within the area shown on plan A. The second schedule details a range of works which are controlled only on the land shaded yellow on plan B, which is the conservation area appraisal map. Land shaded yellow is the land occupied by ‘notable structures’ within the conservation area: see paragraph 4.3 of the main document of this SPD. Development affecting notable buildings or notable structures, which have been identified as making a positive contribution to the character or appearance of the South View conservation area, is thus more tightly controlled than development affecting other elements of the conservation area.

2.5.4 Development is restricted only in respect of dwelling houses and their curtilage. The majority of restrictions relate to works in a ‘relevant location’ as defined within the direction (see paragraph 1.1.5 above).

2.5.5 It is noteworthy that, as at Brookvale West and Fairfields, in respect of the ‘erection, alteration or removal of a chimney’ the location is not specified, but that the restriction on painting relates only to any part of a building or enclosure fronting a ‘relevant location.’

2.6 Summary

2.6.1 The following table, Table 1, illustrates which permitted development rights have been removed through the issue of an Article 4 Direction for each conservation area within the borough, along with examples of development which may require the submission of a planning application. The examples given are not exhaustive or prescriptive, but provide an indication of works that are likely to require an application for planning permission which, in the absence of the direction, would not. Further information can be found in The Town and Country Planning (General Permitted Development) (England).
<table>
<thead>
<tr>
<th>Permitted Development Right Removed</th>
<th>Examples</th>
<th>Basingstoke Town</th>
<th>Brookvale West</th>
<th>Fairfields</th>
<th>South View</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Part 1 – Development within the curtilage of a dwellinghouse</strong></td>
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</tr>
<tr>
<td><strong>Class A</strong></td>
<td>Enlargement, improvement or other alteration of a dwellinghouse</td>
<td>• Construction of an extension; • Replacement of windows and/or doors; • Replacement of guttering;</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Class C</strong></td>
<td>Alteration to the roof of a dwellinghouse</td>
<td>• Alteration of roof materials; • Installation of rooflights;</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Class D</strong></td>
<td>Erection or construction of a porch outside any external door</td>
<td>• Adding a front porch</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Class E</strong></td>
<td>Provision, maintenance, improvement or other alteration of a building, enclosure, or pool</td>
<td>• Erection of a shed, garage or greenhouse</td>
<td>yes</td>
<td>-</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Class F</strong></td>
<td>Provision or replacement of a hard surface</td>
<td>• Replacement of tiled paths; • Changing a front garden to a parking area;</td>
<td>yes</td>
<td>-</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Class G</strong></td>
<td>Installation, alteration or replacement of a chimney, flue or soil &amp; vent pipe</td>
<td>• Removing or installing a chimney or chimney pot; • Installing a flue or soil vent pipe;</td>
<td>yes*</td>
<td>yes*</td>
<td>yes*</td>
</tr>
<tr>
<td><strong>Part 2 – minor operations</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Class A</strong></td>
<td>Erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure</td>
<td>• Erection or alteration of a boundary wall</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Class C</strong></td>
<td>Painting of the exterior of any part of a dwellinghouse or of a building or enclosure</td>
<td>• Painting the elevation of a building; • Painting the windows and/or doors</td>
<td>yes**</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Part 11 – heritage and demolition</strong>*</td>
<td></td>
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<tr>
<td><strong>Class C</strong></td>
<td>Demolition of the whole or any part of any gate, fence, wall or other means of enclosure</td>
<td>• Removing a gate; • Demolishing a boundary wall or fence</td>
<td>-</td>
<td>yes*</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Part 14 – renewable energy</strong></td>
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<tr>
<td><strong>Class A</strong></td>
<td>The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on: (a) a dwellinghouse or a block of flats; or (b) a building situated within the curtilage of a dwellinghouse or a block of flats.</td>
<td>• Installation of solar panels</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
</tbody>
</table>

† Only applicable to ‘notable’ buildings in this area, shaded yellow on Plan B of the South View Article 4 Direction

* Not restricted to fronting a relevant location

**Applicable to any building, not just dwellinghouses

*** Supersedes Part 31 of The Town and Country Planning (General Permitted Development) (England) Order 1995