

<i>COMMITTEE</i>	ENVIRONMENT AND FRONT LINE SERVICES OVERVIEW AND SCRUTINY COMMITTEE
<i>DATE</i>	13 JULY 2004
<i>TITLE OF REPORT</i>	CONSERVATION AREA APPRAISALS
<i>RESPONSIBLE OFFICER</i>	M MCKAY: DESIGN AND CONSERVATION MANAGER RICHARD PEATS: CONSERVATION OFFICER

1 PURPOSE OF THE REPORT

- 1.1 This report sets out proposals for minor amendments intended to improve the protection and enhancement of several conservation areas in Medway. Principally this involves a review of the boundaries of these areas and the introduction of tighter controls on development, known as Article 4(2) directions within them.
- 1.2 Overview and Scrutiny Committee's approval is sought before undertaking public consultation. Provided the Committee approve the document, and following any revisions necessary after consultation, the proposals will be brought before Cabinet with a recommendation for formal adoption.

2 RECOMMENDATIONS

Members are asked to approve for public consultation the following amendments to conservation areas:

- 2.1 *Chatham Historic Dockyard:* It is proposed to amend the conservation area boundary to include the Admiralty Gate building and the timber storage platform associated with Brunel's Sawmill. These sites are part of the historic curtilage of the dockyard that have only previously been excluded due to the original conservation area boundary following the boundary between Rochester and Gillingham Councils. It is also proposed to redraw the northern boundary of the site to coincide with the realignment of the road network in this area. At present the conservation area boundary is not visible on the ground. A full justification for these alterations is given in appendix 1.
- 2.2 *Halling:* This area contains several interesting and attractive early buildings. It is proposed to enhance with the protection of individual buildings with an Article 4(2) Direction, which would require planning permission for minor alterations such as replacing windows and painting facades. A full justification for this proposal is given in appendix 2.

- 2.3 *Lower Twydall*: A tiny hamlet rich in architectural interest. The area has recently suffered a loss of character due to inappropriate suburban style development, including unsuitable gateway and boundary treatments. An Article 4(2) Direction is proposed to control this development. A full justification for this proposal is given in appendix 3.
- 2.4 *St Mary Hoo*: An attractive rural hamlet with many individual buildings of character. While most buildings have suffered damage to their character through replacement windows and other minor alterations key characteristics of the area, such as high quality roofing materials remain. It is proposed to enhance the protection of this area with the introduction of an Article 4(2) Direction. A full justification for this proposal is given in appendix 4.

3 BACKGROUND

The justification for review of boundaries:

- 3.1 Conservation areas were introduced through the Civic Amenities Act of 1967, which reflected concerns that rapid changes were damaging the architectural heritage of cities, boroughs and villages. Since that date Councils have had a statutory duty to designate areas of special architectural or historical character as conservation areas and to ensure that the character of these areas are preserved or enhanced. This is achieved through the operation of special controls over change and development of policies and proposals for their enhancement. This is a long-term approach that both aims to avoid the gradual destruction of the unique character of conservation areas and to inform and encourage appropriate, high quality development.
- 3.2 It is the duty of every Local Authority under section 69(2) of the 1990 Listed Buildings and Conservation areas Act to review the boundaries of conservation areas from time to time. In Planning Policy Guidance Note (PPG) 15 authorities are encouraged to seek to establish consistent local standards for their designations and ensure that the concept is not devalued by the designation of areas lacking in special interest. This is the first review of the conservation areas appraised since designation.

Procedure for extending a conservation area

- 3.3 The extension of a conservation area needs only a Cabinet resolution agreeing to the designation in order to be effected. There is no necessity for the Office of the Deputy Prime Minister to confirm the designation. However, government guidance (PPG15 and Circular 9/95) make it clear that when designating a new conservation area it is necessary to publicise proposals in advance and have regard to the views of local people. Approval is therefore sought from Overview and Scrutiny Committee to begin the consultation process. Providing the Committee gives its approval and the results of public consultation favourable a report seeking a resolution agreeing to designation will be presented to Cabinet.

The Purpose of Article 4(2) Directions:

- 3.4 Under the planning acts, a wide range of minor alterations to unlisted houses is allowed to take place without the need for householders to seek planning permission. Development falling into this category is known as 'permitted development'. It includes the replacement of features such as original windows, doors and the painting and rendering of buildings. However, the lack of planning control over such alterations can have a cumulative and detrimental effect on the special character of a conservation area.
- 3.5 Greater control over minor alterations can be gained under Article 4(2) of the General Permitted Development Order (1995). This enables a Local Planning Authority to make a Direction (known as an Article 4(2) Direction), which has the effect of withdrawing certain permitted development rights thereby requiring householders to seek planning permission for even quite minor changes to the facades and boundaries of their houses which face public highways, where these changes have the capacity to damage special character.
- 3.6 Article 4(2) Directions are specific to each conservation area. The development to be controlled via the directions should relate to architectural features that are important to the specific character of the conservation area in question. Typically these features can include windows, doors, quoins, cornices, chimneys and roofing materials. However, boundary treatments front gardens and driveways often form important aspects of an area. Any direction must be clearly justified with evidence that the loss or alteration of such features, if not protected through the additional planning controls, could damage the character of the area.

Procedure for making an Article 4(2) Direction

- 3.7 Provided that Overview and Scrutiny Committee approve the appraisals and the response to public consultation is positive the conservation area appraisals will be brought before Cabinet with a recommendation for adoption as supplementary planning guidance. At the same time will be asked to make an Article 4(2) Direction. Notice then has to be served on the owner or occupier of each household affected outlining the implications of the Direction. In addition, a notice has to be placed in the local press. The notices must give a period of at least 21 days within which representation may be made to the Council. The Direction comes into force on the date the notices are served, but must be confirmed not less than 28 days after service of the notice and not more than six months after the date on which the Direction is made. Once the Direction has been confirmed, notice of confirmation has to be made, following the same procedure. Before confirming the Direction, the Council is required to take into account any representation received from occupiers and owners.

Public Consultation

- 3.8 It is important that there is widespread public support for these proposals. Where it is proposed to alter conservation area boundaries or create a new area consultation with local residents will initially be channelled through residents associations and ward councillors, after which residents will be made aware of proposals via a leaflet and invited to a public meeting or exhibition. English Heritage will be consulted in all cases.
- 3.9 Publicising proposals for an Article 4(2) Direction before the Direction is made is not normally recommended as householders may be prompted into carrying out works before the direction comes into force leading to a further erosion of character. However, residents will be given an opportunity to comment on the Direction between the time it is served and its confirmation. These views will have to be taken in to account before the direction is confirmed. In order for an Article 4(2) Direction to work successfully in practice it is necessary for widespread public support and awareness of the new regulations. Therefore Notification will be sent to every property informing residents of the alterations involved and inviting comment. Ward Councillors will be consulted before a report to cabinet proposing the serving of a direction is made.

Timetable

3.10	<i>Public consultation</i>	<i>Report to Cabinet</i>	<i>Serving of Article 4(2) Directions</i>
	September 04	November 04	December 04

4 FINANCIAL IMPLICATIONS

- 4.1 The proposed alteration of conservation area boundaries will increase the number of properties covered by conservation area controls by 54 buildings. Consequently the financial and manpower implications of these proposals are minimal.
- 4.2 The proposed Article 4(2) Directions will cover an additional 62 properties and is expected to involve an additional 10 applications a year. This will lead to some additional costs of processing which will not be covered by fee income as applications submitted as a result of withdrawal of permitted development rights do not at present attract a fee. However, as the number of properties involved is small the financial implications are considered to be minimal.
- 4.3 Refusal of planning permission following the making of an Article 4 Direction or the grant of planning permission subject to conditions other than those imposed by the Permitted Development Order, may give rise to a claim for compensation under Section 108 of the Town and Country Planning Act 1990, for abortive expenditure, or other loss or damage directly attributable to the withdrawal of permitted development rights. The opportunities to claim compensation are however very limited. For example, in situations where the

Direction is made and an owner has already spent money on, but not yet carried out, alterations which the council subsequently refused (e.g. paid a deposit on PVCu windows).

- 4.4 It should be noted that the effect of the Direction is merely to require the submission of a Planning Application and the slight chance of a claim for compensation presupposes that the application is refused. Therefore the question of potential liability can be addressed when the application is considered.

5 LEGAL IMPLICATIONS

- 5.1 All designated areas would become subject to Conservation Area Legislation under the Listed Buildings and Conservation areas Act 1990. The land would also become subject to policies BNE13-16 in the Medway Local Plan. This would make it necessary for Conservation Area Consent to be obtained before the demolition or substantial demolition a structure and would require planning permission for the erection of extensions over 50 cubic metres in volume or greater than 10% of the existing volume of the property, the erection of outbuildings with a volume of greater than 10 cubic metres, the attachment of cladding to elevations and place restrictions on the installation of satellite dishes. It would also be necessary to notify the council six weeks before felling or carrying out work to a tree.
- 5.2 The introduction of the 4(2) Directions would entail the removal of specified permitted development rights from specified houses under and 4(2) of the Town and Country Planning (General Permitted Development) Order 1995.

6 BACKGROUND PAPERS

Listed Buildings and Conservation areas Act (1990)
Planning Policy Guidance Note 15 (1994)
General Permitted Development Order (1995)
Circular 9/95, General Development Order Consolidation (1995)
Medway Local Plan Adopted Version (2003)

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Chatham Historic Dockyard Conservation Area: Proposal to Alter Conservation Area Boundaries

Rationale

Chatham Historic Dockyard was designated a conservation area in 1997. When designated the eastern boundary of the area followed the line of the boundary between Rochester and Gillingham Councils. This boundary is not logical and defensible as it cuts through buildings and sites of archaeological interest. The road layout at the north end of the site has also been altered and the original boundary does not exist on the ground. Finally the Draft Brompton Lines Conservation Area Appraisal proposes the exclusion of a large area of Brompton from the conservation area. It is proposed that 1-4 Admiralty Gate, which are of historic and architectural merit and closely linked with the Dockyard in terms of historic development and character and taken into Chatham Historic Dockyard Conservation Area.

Justification (see attached map)

Area A

The boundary in this area originally followed the course of a road. This road has now been realigned and it is proposed to amend the Conservation Area boundary in the light of this. The boundary between the road and the river wall, which follows the line of a slipway, remains logical.

Area B

The boundary in this area follows the boundary line between the former Rochester and Gillingham Councils. This cuts through the Observatory Building and car park and the Jigsaw Nursery car park. These buildings and their surroundings are of no historic or architectural merit and it is proposed to remove them from the Conservation Area.

It is proposed to include the remained of the raised platform of open land between Brunel's sawmill and the Nursery in the Conservation Area, which is of archaeological and landscape significance. This area was outside the 18th century dockyard and was incorporated into the dockyard in the early 19th century. It was used in conjunction with Brunel's Sawmill for stacking timber before it was converted into planks. A short length of railway with overhead tracks ran along the length of the platform and was used for moving timber. At the south end of the site, next to the sawmill, was a shaft linked to the now filled south mast pond via an underground canal. The area is now covered in mature trees and forms an attractive green backdrop to both Dock Road and the Mast Pond.

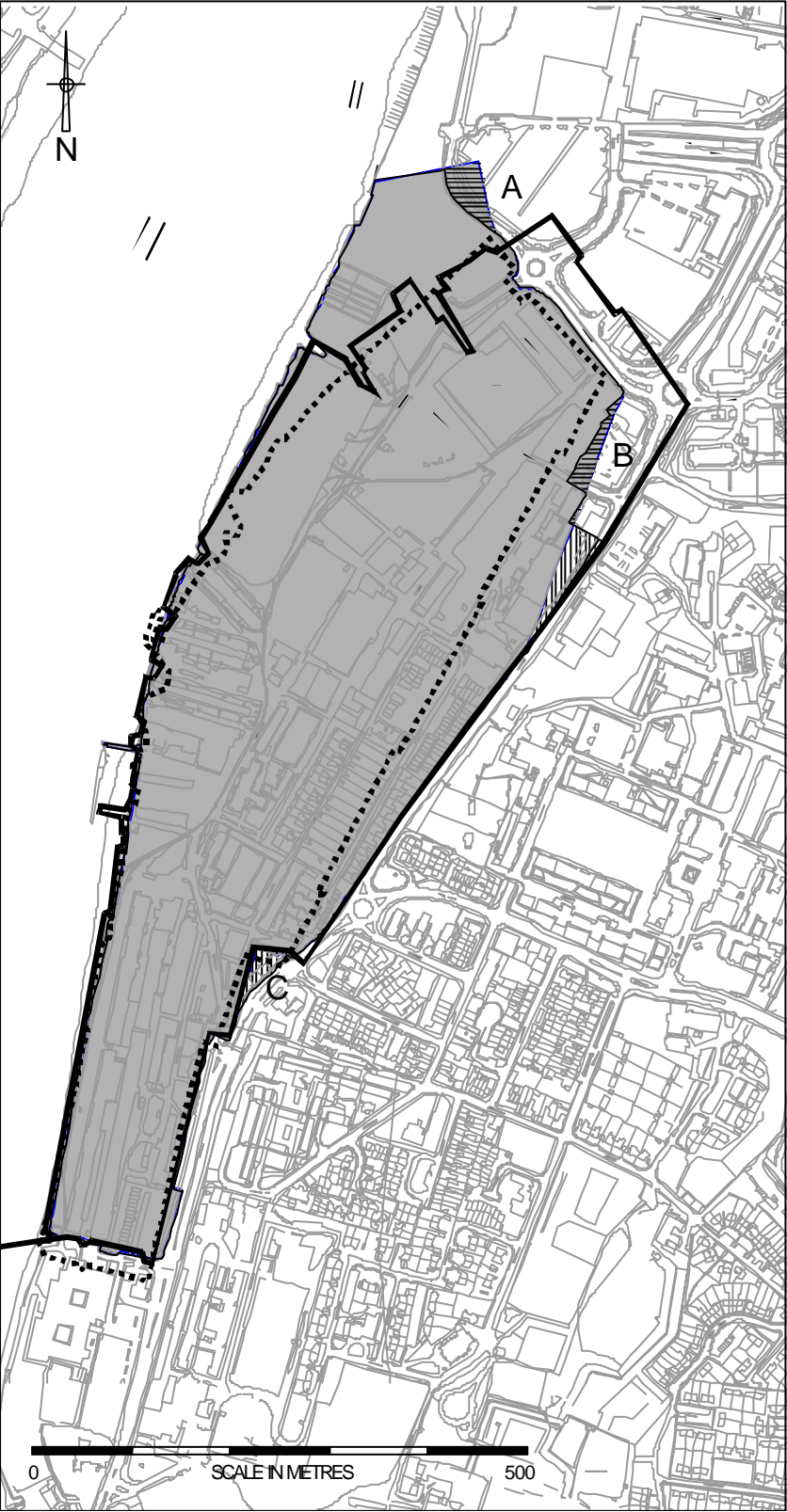
Area C

This area is occupied by 1-4 Admiralty Gate. While these buildings never formed part of the dockyard proper they were closely associated with the yard, with the 1866, 1898 and 1907 editions of the 25" OS map including the site within the Gun Wharf/ Dockyard military area. The building is a handsome mid 19th century structure that makes an important contribution to the street scene of Dock Road. It survives in an unaltered condition with many attractive features including original sash windows, a low-pitched slate roof and multiple chimneys. It is surrounded by the grade II* listed main gate and dockyard wall.



1-4 Admiralty Gate (Area C)

CHATHAM HISTORIC DOCKYARD CONSERVATION AREA



Dockyard Boundaries

- 1756
- Early 19th Century
- Current Conservation Area Boundary
- ▨ Proposed Addition
- ▨ Proposed Subtraction

HALLING CONSERVATION AREA

Character Summary

The origin of Halling is Medieval. The village is centred on the Medieval Parish church and bishops palace. A couple of medieval buildings survive in the High Street. During the post medieval period the village remained small, with a pair of vernacular cottages (144-146 High Street) built near the Church and a pair of later Georgian townhouses (66-68 High Street) to the north of the village centre.

The village expanded during the 19th century with the opening of the Cuxton Cement Works. The west side of the High Street was built up first with terraces of small Victorian houses. The east side of the street was built later, around 1900, and consists of larger terraces set back from the road with front gardens.

Proposal: Article 4(2) Direction

Many houses in the conservation area have already lost most of their historic features and have received replacement windows and doors leading to an erosion of the character of the area. Many properties in this area have already lost most of their historic features. However there are several individual structures of architectural interest that survive in a good state of preservation:

66 & 68 High Street, Halling

This is a pair of early 19th century town houses similar to the listed examples found on Star Hill. Features of interest include the plain yellow stock brick façade and parapet, the mansard type roof covered in concrete tiles (replacing slate) the original windows in number 68, which are 12 paned sashes with narrow glazing bars set under rendered flat arches and the doors, which are of the 6-panelled type set under a semicircular arch with a plain fanlight. The attractively planted front gardens are also an important feature of these buildings.

70 and 70a High Street Halling

Two attractive cottages dating to c.1900. Features of interest include the rough cast rendered finish to the walls, clay tiled roofs, part glazed doors, timber canopy porches supported by brackets and timber casement windows.

140, 142, 144 and 146 High Street Halling

This is a varied group of 4 cottages. 140 and 142 are a pair of simple mid 19th century 2 up 2 down cottages that survive with most of their original features intact, including chimneystacks, doors and sash windows. The unpainted brickwork of the façade also makes an important contribution to the appearance of these properties.

144 High Street is a timber-framed cottage that probably dates from the 18th century. Again it retains many important features such as weatherboarded cladding, timber casement windows of varying ages and styles, a four-panelled timber door with a simple timber porch, a short brick chimneystack and a large steeply-pitched roof that dominates the property.

146 High Street has already been considerably altered with the replacement of windows and the painting of walls. However, as a cottage of late 18th century date it is an interesting structure and the introduction of an Article 4(2) direction would prevent further loss of historic features.

All these structures have had their roofs replaced in concrete tile. However, the general shape of the roof, and the lack of features such as dormers and roof lights is an important feature in these properties.

To ensure the continued preservation of the area it is proposed to introduce an Article 4(2) Direction that would remove permitted development rights to the front elevation and front boundary walls of residential properties.

If enacted this would require planning permission for:

1. The enlargement, improvement or other alteration of a dwellinghouse (including the size, shape and design of windows, doors and other openings, porches and porticos, timberwork and barge boarding, brick and stonework, stucco, rainwater goods, extensions and the application of cement or pebbledash render);
2. the alteration of a dwellinghouse roof (including tiles and slates, ridge tiles, finials, windows and rooflights, leadwork and eaves);
3. the erection or construction of a porch outside an external door of a dwelling house;
4. the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such (including paths and hardstandings);
5. the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage;
6. the erection, alteration or removal of a chimney on a dwelling house or on a building within the curtilage of a dwelling house;
7. the erection, construction, maintenance, improvement, alteration or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse; and
8. the painting of the exterior of any part of a dwelling house or any building or enclosure within the curtilage of a dwelling house (including the painting over of unpainted brick or stonework but excluding the painting of doors, windows and other joinery items).

This would apply to elevations fronting a highway, waterway or public open space.



Map 10: Halling Conservation Area

- House to which proposed Article 4(2) Direction Applies
- Listed Building

Medway
COUNCIL

Scale: 1 to 1250

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LOWER TWYDALL CONSERVATION AREA

Summary of Character

Twydall was one of the Medieval Manors of Gillingham, first mentioned in the early 12th century when the Manor was held by the Archbishop of Canterbury with Robert de Twydall was tenant. This manor appears to have been a scattered settlement centred on a substantial manor house described in 1532 as consisting of ‘a hall place and kitchen, both with porches, stables, a cart house and a mud walled pigeon house’. In 1577 it was described as consisting of 2 courts, barns stables and other buildings. By the 19th century Twydall lost practically all its significance as a manor and the estate became centred on Twydall, Little London, York, Woodlands and Darland Farms and the last owner of the complete estate, John Stunt, who bought the estate in 1819, is described as a Gentleman Farmer. The estate was broken up after the death of Stunt and much of the northern part of the estate was given over to housing during the 20th century.

Lower Twydall retains much of its historic character. It is a small rural hamlet consisting of a dispersed group of farmhouses cottages and farm buildings spread out along lower Twydall lane. Most of the buildings are of historic interest, several are listed, including the Medieval Little London Farm and the complex of 15th-18th Century buildings at Manor Farm, probably the site of the former manor house. Unlisted buildings of interest include The Barn and Manor Farm Cottages. The Barn is a post-medieval timber-framed aisled barn with an exposed timber frame and tiled roof that has been converted into a dwelling. Manor Farm cottages are a semi-detached pair of brick cottages dating from the 18th century that retain many original features such as timber casement windows, a tiled roof, and brickwork details.



Little London Farm



15th century barn, Manor Farm

A modern housing development has taken place just outside the conservation area at York Farm Meadow. This is set well back, away from the road and does not greatly impinge on the character of the area.

Streetscape and front gardens make an important contribution to the rural character of the area. Lower Twydall Lane is a simple tarmac road without a pavement. Well-planted front gardens bounded by mature hedges and trees are typical of the area. A minority of houses feature high boundary walls of traditional dark coloured brick.

Proposal: Amendment of Boundaries and Article 4(2) Direction

The principal pressure on the area is the erosion of character by the introduction of unsympathetic boundary treatments such as walls, gates and railings and the replacement of front gardens with large paved drives. This affects all properties, even those that are listed as the laying of drives and removal of front gardens not being covered by listed building legislation. There is the risk that the rural character of the area will be lost and the area will become suburban in nature.

A further problem is that while the most interesting unlisted properties, The Barn and Manor Farm Cottages, remain in good condition it is possible that future alterations such as the erection of porches, the replacement of windows, the fitting of roof lights, the rendering of the exterior and re-roofing in inappropriate materials such as concrete tiles would result in a loss of character of the buildings and the area in general.

To ensure the continued preservation of the area it is proposed to introduce and Article 4(2) Direction that would remove permitted development rights to the front elevation and front boundary walls of residential properties.

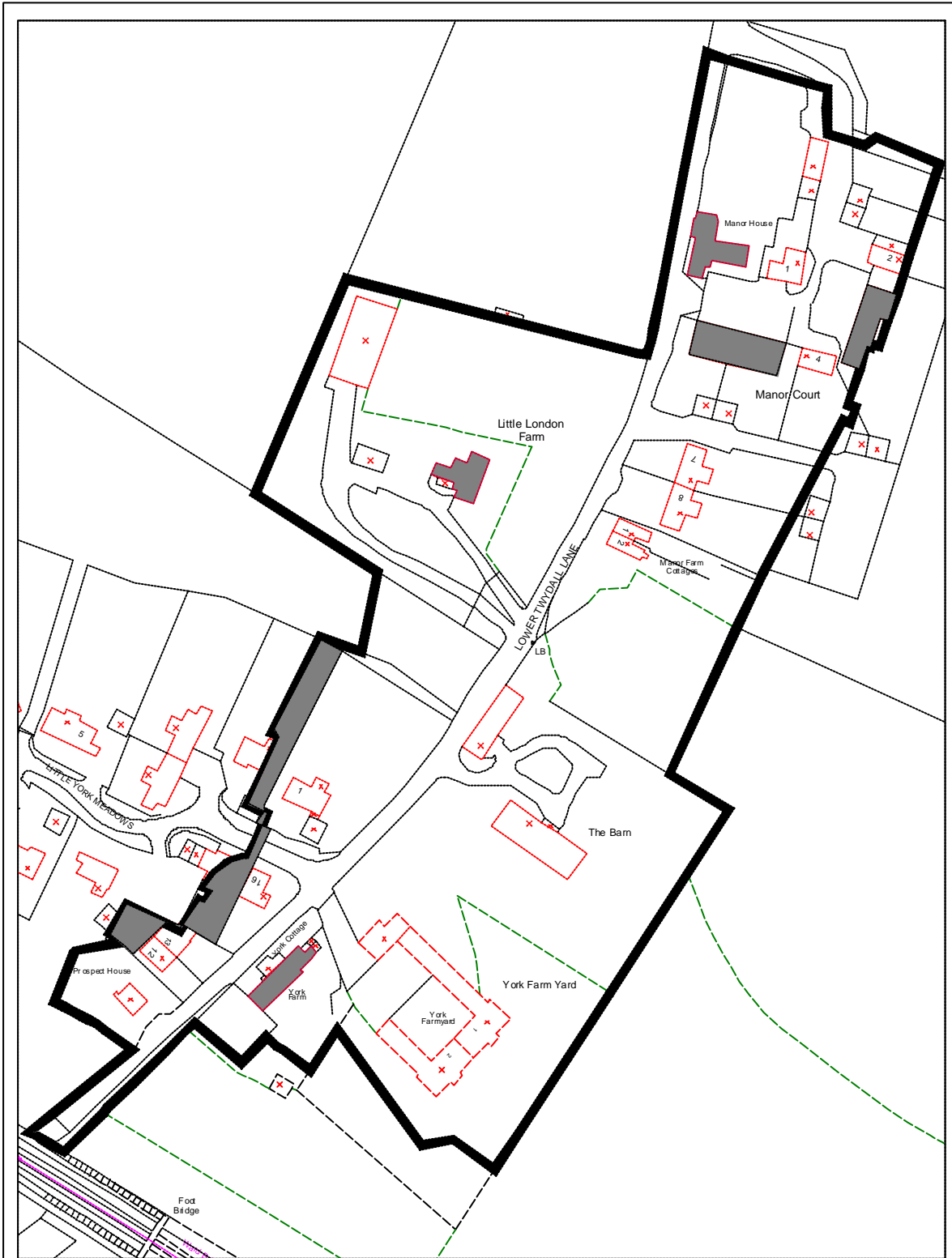
If enacted this would require planning permission for:

1. The enlargement, improvement or other alteration of a dwellinghouse (including the size, shape and design of windows, doors and other openings, porches and porticos, timberwork and barge boarding, brick and stonework, stucco, rainwater goods, extensions and the application of cement or pebbledash render);
2. the alteration of a dwellinghouse roof (including tiles and slates, ridge tiles, finials, windows and rooflights, leadwork and eaves);
3. the erection or construction of a porch outside an external door of a dwelling house;
4. the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such (including paths and hardstandings);
5. the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage;
6. the erection, alteration or removal of a chimney on a dwelling house or on a building within the curtilage of a dwelling house;

7. the erection, construction, maintenance, improvement, alteration or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse; and
9. the painting of the exterior of any part of a dwelling house or any building or enclosure within the curtilage of a dwelling house (including the painting over of unpainted brick or stonework but excluding the painting of doors, windows and other joinery items).

This would apply to elevations fronting a highway, waterway or public open space.

The housing development at York Farm Meadow has altered land boundaries in this area and means that the current conservation area boundary runs through the middle of some of the new houses. It is therefore proposed to amend the boundary of the area to reflect the current property boundaries. It is proposed to retain the houses fronting Lower Twydall lane inside the conservation area. Although these are not of any architectural or historic interest their street frontages make an important contribution to the character of the lane and conservation area status would allow the boundary treatments of these properties to be controlled via the Article 4 (2) Direction.



Lower Twydall Conservation Area

- Land proposed to be removed from conservation area
- Listed building

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SAINT MARY HOO CONSERVATION AREA

This conservation area is an attractive hamlet in a rural situation. The settlement consists of a scatter of houses centred on a medieval church. Apart from the church the most significant buildings are 17th Century St Mary's Hall and late 18th Century Old Rectory. The other buildings in the area are an early 19th century threshing barn, with an aisled timber frame, central cart entrance and weatherboarded walls, and a group of cottages. The Red House, Church Cottage and 5 St Mary's Hall Cottage date from around 1800 and are modest vernacular cottages. The Old School House dates from the late 19th century, and has gothic touches, such as with decorative barge boards and an interesting arched window. 6 and 7 St Mary's Hall Cottages are a pair of late Victorian estate cottages and Ross Cottages date from the early 20th century. Pudding Cottage appears to be modern.



Brick is the dominant material but it is treated in a variety of ways, a mixture of red and yellow stocks are used though other buildings are rendered or painted. Pudding Cottage is weatherboarded. Roofs are of slate or tile. Windows have been replaced with uPVC units.



To the west is a group of modern farm buildings that are not of architectural merit.

The setting is rural, houses either front directly onto the road or are set back in large gardens. Hedges, small trees or barbed wire fences line the majority of the road. A small green studied with trees marks as entrance to the hamlet.

Proposal: Article 4(2) Direction

While there has been some degradation of character, such as the loss of original windows. The area remains an attractive rural Hamlet. Details such as original roofs, brickwork, front gardens and traditional boundary treatments remain and make an important contribution to the character of the area and at present are unprotected by conservation area and therefore vulnerable to alteration.

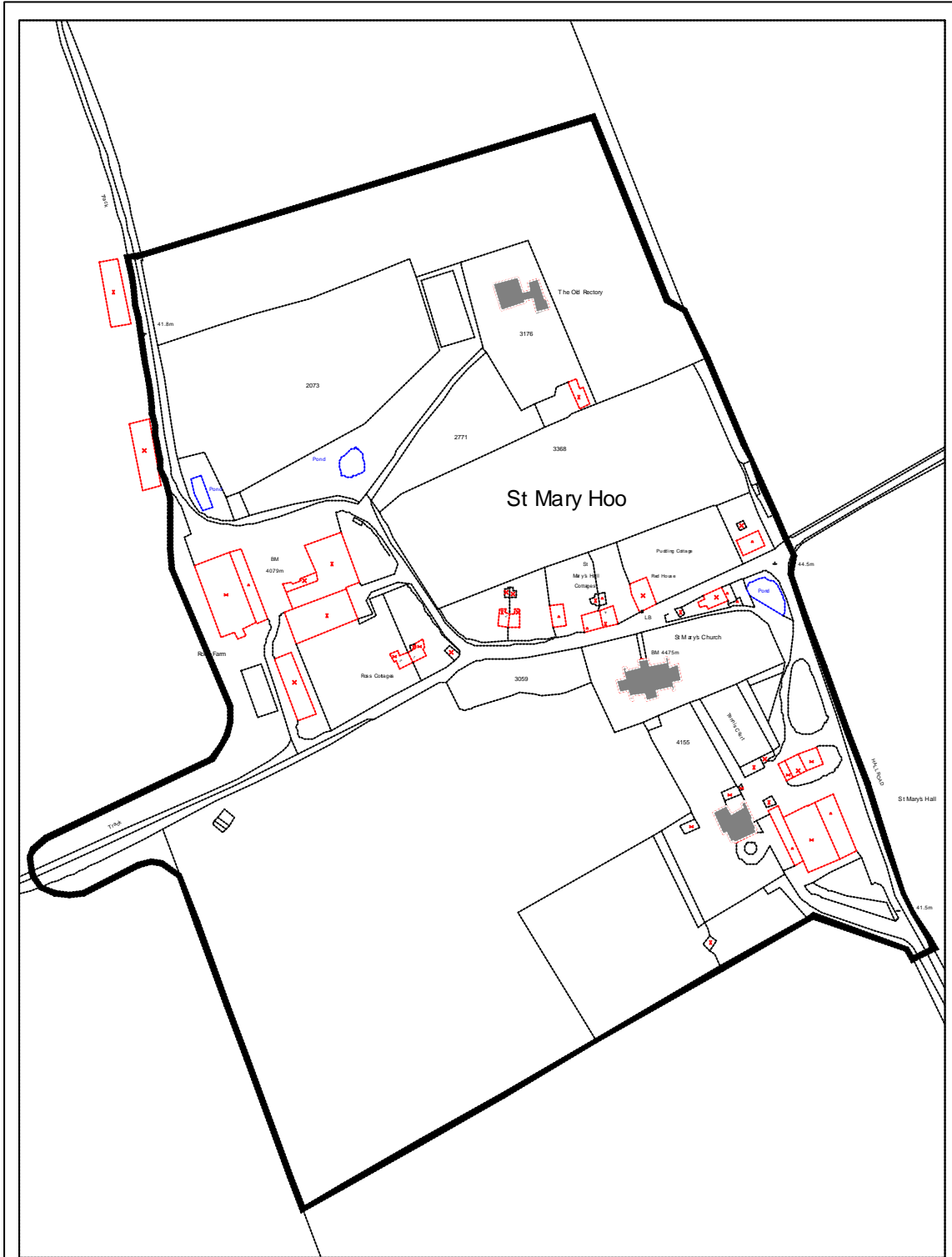
To ensure the continued preservation of the area it is proposed to introduce and Article 4(2) Direction that would remove permitted development rights to the front elevation and front boundary walls of residential properties.

The direction would also present an opportunity to encourage more appropriate features such as windows and doors to be fitted in the future, when the current replacement windows are renewed.

If enacted this would require planning permission for:

1. The enlargement, improvement or other alteration of a dwellinghouse (including the size, shape and design of windows, doors and other openings, porches and porticos, timberwork and barge boarding, brick and stonework, stucco, rainwater goods, extensions and the application of cement or pebbledash render);
2. the alteration of a dwellinghouse roof (including tiles and slates, ridge tiles, finials, windows and rooflights, leadwork and eaves);
3. the erection or construction of a porch outside an external door of a dwelling house;
4. the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such (including paths and hardstandings);
5. the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage;
6. the erection, alteration or removal of a chimney on a dwelling house or on a building within the curtilage of a dwelling house;
7. the erection, construction, maintenance, improvement, alteration or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse; and
10. the painting of the exterior of any part of a dwelling house or any building or enclosure within the curtilage of a dwelling house (including the painting over of unpainted brick or stonework but excluding the painting of doors, windows and other joinery items).

This would apply to elevations fronting a highway, waterway or public open space.



St Mary Hoo Conservation Area

■ Listed Building

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