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Our Ref: IHBC/05/10/RC
Your Ref:



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

Making Heritage Work

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Householder PD Consultation
Directorate for the Built Environment
The Scottish Government
2-J(South), Victoria Quay
Edinburgh EH6 6QQ

Dear Sirs,

CONSULTATION ON HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The Scottish Branch of the Institute welcomes the opportunity to comment on this consultation paper and has the following comments to make on the document. These comments are restricted to the built heritage implications of the proposed PD Rights.

General comments

This Institute supports the approach and new proposals on PD with respect to the controls which would remain in place over heritage sites. Secondly, we are aware that an opportunity is presented here for a fundamentally new approach to Conservation Area controls, which, subject to some key changes to the proposals which we suggest below, could offer a better and simpler form of universal control of development in Conservation Areas which would in our view dispense with the need for individual Article 4 Direction control for householder development. Thirdly, we consider it vital that accompanying guidance to the new PD spells out both the new general controls applying to all CA's, and also the fact that LBC may still be required.

The following statements and proposed measures are particularly supported in respect to heritage:

Para 13 last bullet – maintain strict controls in CA's and LB curtilages

Para 29 1st sentence- exclusion of CA's/ LB's from a proposed "1metre bubble" of PD

Para 37- controls (ie restrictions on PD) in CA's/ LB's are justified

Para 38- we agree with the proposed new controls in CA's (where no existing Article 4's in place) and would comment that this will be a simpler procedure and easier to understand.

Para 39 – SEE DETAILED CONSIDERATION BELOW

Para 50 – no Class 2 PD (high extensions) in CA's

Para 55- no Class 3 (other dwelling improvement not enlargement PD in CA's

Para 59- no Class 4 (dormers etc) PD in CA's

Para 76- no Class 6C (hardstanding) PD in CA's

Para 80- limited Class 6B (decking) PD in CA's- 4 sq m max

Para 81- no Class 6CA (porches) PD in CA's

Para 83 –no Class 6CC (alterations to flatted buildings) PD in CA's

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Para 39 - Article 4 Directions

We agree it is desirable to review all existing Article 4 Directions. There could perhaps be a requirement to replace all existing Article 4 Directions within say 5 or 8 years, not less, in light of LA cutbacks, to allow the possibility of replacing them with a new Article 4 in cases where necessary. An article 4 Direction can clearly apply to more than just the classes of development that apply to houses –and which would require review for each Conservation Area. Many authorities have a large number of Conservation Areas and with the attendant consultation processes that are required to undertake, their review will be a substantial task. Many local authorities undertake consultation on proposed changes to Article 4 Directions at the same time as they consult on a Local Development Plan which, usually every 5 years hence the suggested 5 year minimum period.

However, we would go on to suggest is that if the allowable development in CA's in existing proposals (ie the PD which would remain in CA's) is further restricted, then there would be no need for any new Article 4's for householder development, in order to safeguard/ protect CA character. Allowable Householder PD in CA's in the current Consultation comprises:

1. Class 1 (2e) single storey rear extensions up to 16 sq m
2. Class 6 (11f) curtilage buildings up to 4 sq m
3. Class 6C (17a) decking up to 4 sq m
4. Class 6CB walls & fences (means of enclosure) in a CA

The IHBC considers that if **walls and fences, and single storey rear extensions/ curtilage buildings where facing a public footpath or park to the rear**, were excluded, then the limited householder PD which would remain in CA's can be accepted and there would be no need for Article 4 Directions to address householder development. (However, there are serious concerns on adverse impact on CA's if front wall demolition is not subject to control.) Much simpler and easier to understand CA controls would ensue and the control mechanism would be less burdensome to Local Authorities than either existing arrangements or those being proposed in the current consultation. (For other Article 4 Directions, not householder class, we would also suggest a simplification for CA's, so that *all other* classes would automatically apply, where an Article 4 Direction addressing other development concerns is warranted).

If however the currently proposed allowable householder PD in CA's were to remain, then IHBC considers that there should be the scope for LA's to create new Article 4's to address householder development concerns (as allowed for in the Consultation). This should be as simple a procedure as possible (with no need for Government ratification, in the interests of taking local decisions in the local area), although public consultation should still be required.

Responses to Consultation Questions 8, 9 and 15

Question 8 – Controls over permitted development rights should remain in Conservation Areas and curtilage of listed buildings in order to preserve their character and historic interest and to ensure that new development does not downgrade or enhance the special quality of such areas. It is vital, also, that similar protection is awarded to sites included in Historic Scotland's Inventory of Gardens and Designed Landscapes to ensure that these nationally important landscapes and their settings are preserved from adverse poor quality or unsympathetic changes to domestic dwellinghouses within such landscapes. There is the potential to ruin the architectural quality of many handsome but unlisted main houses, supporting domestic estate buildings such as lodges, farmhouses, cottages, etc which contribute to the overall merits of a designed landscape and its architectural and landscape quality. IHBC requests that the Government gives the same protection to Inventory landscapes as to Conservation Areas.

Question 9 and 15 –

SEE COMMENTS UNDER PARA 39 ABOVE

The Scottish Branch of the Institute would be grateful if you could consider these points in the review being undertaken of Householder Permitted Development Rights.

Yours sincerely,

Richard Cartwright
Scottish Consultations Secretary, Institute of Historic Building Conservation

RESPONDENT INFORMATION FORM:

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name Institute of Historic Building Conservation (Scotland branch)
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3. Permissions

I am responding as... Organisation

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site) **Yes**

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Are you content for your **response** to be made available? **Yes, make my response, name and address all available**

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **Yes**