

## Park Close Conservation Area, Article 4 Direction Consultation Responses

No	Date	Organisation	Name	Media	Comments	Response	Outcome
1.	17.10.2014	DCMS	Michelle Peart	Emailed Attached letter	Letter acknowledging receipt of the Park Close Conservation Area, Article 4 Direction, Consultation.  No Comments to make	Received in W2 – indexed to Customer First Correspondence with reference to Park Close.	No Further Action
2.	23.10.2014	Resident	Mark & Emma Williams 11 Park Close, Eastbourne, BN20 8AG	Emailed attached PDF Letter	<p>1. Having spoken with a neighbour (5 Park Close) I understand that the proposed Direction was instigated by your predecessor Claire Dales. I have seen an email exchange between Ms Dales and Trefor Williams in August 2013 when the original Direction was circulated to residents. Trefor Williams raised various questions in respect of the notification of the proposal to recommend Article 4 for Park Close, which queried a number of the assumptions and comments made by Ms Dales in her 'Park Close Appraisal' document. These queries and questions challenged the statements made by Claire Dales as some of them appear to be quite incorrect. Unfortunately, Trefor Williams did not receive a detailed response to his questions instead Ms Dales simply stated that "<i>The report is the result of extensive research and I thank you for your comments</i>".</p> <p>I would therefore respectfully ask that if the current Direction is based upon an appraisal carried out by Claire Dales that this is carefully looked at as it appears that a lot of what she has stated is simply incorrect. If the premise for the proposed Direction is fundamentally flawed, then you have to question the proposed Direction itself.</p> <p>2. Whilst I am of the view that certain things in the proposed Direction have some merit e.g. whilst no resident that I know would want to replace their windows with white uPVC</p>	<p>1. The Council, in its role as planning authority, seeks to manage any significant changes to Park Close Conservation Area, in ways that maintain and strengthen its special qualities. In accordance with policies set out in Eastbourne's Development Plan and criteria for extensions to the boundary of the Conservation Areas, as set out in the adopted Guidance Manual for Designation and Review of Conservation Areas. In addition to policy set out in the National Planning Policy Framework [NPPF] and with guidance from English Heritage: Guidance Manual for the Designation and Review of Conservation Areas.</p> <p>Advice and guidance found in both national and local policy requires an appraisal to undergo extensive research, to ensure a robust and accurate character appraisal. To ensure accuracy and in in the case of Park Close, this appraisal underwent consultation with Residents and the wider community including; The 20<sup>th</sup> Century Society, Eastbourne Society, English Heritage, ENHA Society, Casper Johnson (Archaeology ESCC), ELH Society and The Conservation Area Advisory Group (CAAG).</p> <p>Following which all representations received were addressed and included in the Officers Park Close Conservation Area Management Appraisal Report, which was considered and agreed by Cabinet on 23.10.2013.</p> <p>The appraisal was carried out in accordance with national and local policy and guidance which included extensive research. Research which was subject to scrutiny through consultation by experts in their field. Following which the appraisal was agreed by Cabinet on 23.10.2013, part of the decision of which was based on the robust consultation and representation received during the consultation period, none of which, beside Trefor Williams of Park Close suggested the contents of the appraisal was fundamentally flawed.</p> <p>2. As discussed with Mr Williams during a telephone conversation. Under planning legislation (General Permitted Development Order 1995 as amended in 2008); owners of single dwelling houses have the</p>	No Further Action

				<p>windows) if under the current position a resident <b>could</b> do this as long as it did not change the character of the Close, then I can see the benefit of the Direction. However, I think a lot of what you are trying to guard against by imposing an obligation to apply for planning permission would already be prevented by the fact that Park Close is within a Conservation Area as it would change the character of the Close. In the example I give, I cannot imagine that any window company would fit white uPVC windows or any resident seek to do so, without seeking guidance from the Conservation Officer.</p> <p>3. My main concern however is that composing a requirement to seek planning permission for everything listed in the proposed Direction creates an unreasonable and unnecessary burden for residents both in terms of time and cost. My particular area of concern is that it would appear that consent would be needed for:-</p> <p>(a) Normal maintenance activity, e.g. repairing broken items, touching up paintwork etc. For example, we lost a chimney flue last year and replaced this. It is ridiculous to think we would now need to obtain planning permission for this.</p> <p>(b) There appears to be no allowance for making 'like for like' changes, repairs or maintenance, for example if we wanted to restrain the beams on the front of the house the same colours they are currently, is it reasonable to expect us to have to go to the time and expense of applying for planning permission for this?</p> <p>(c) No allowance appears to be made for emergency repairs, eg replacing tiles on a roof which have blown off in a storm and are letting in water.</p> <p>Could you please confirm in writing that planning permission would <b>not</b> be required for matters (a) to (c) as this is what Claire Dales stated in an email I have seen from her to Trefor Williams on 6 August 2013?</p>	<p>right to alter them in certain ways without the need for planning permission from the Council. For example, a house can have its windows, front door or roof covering changed, its front garden paved over or its front elevation painted in a striking colour without the need for consent. In conservation areas, such alterations can be very harmful to the character and appearance of the area.</p> <p>In this respect the owner or contractor is under no obligation to contact the Council's Conservation Officer, to seek guidance on works which don't require planning permission.</p> <p>3. The point raised regarding reasonableness in relation to the Direction has been given due regard by the Council. Hence the implementation of a non-immediate Article 4 Direction, which allows the residents of Park Close over 12 months, following the confirmation of the Direction, to undertake works which would require consent because of the Article 4 Direction. Regarding the possible cost to residents; as stated in the reports to the Planning Committee on this matter, no fee is payable to the council, at least, in relation to applications for such consent.</p> <p>In response to points (a) – (c), I refer to the National Planning Policy Framework Guidance 'When is permission required?'</p> <p>Planning permission is only needed if the work being carried out meets the statutory definition of '<b>development</b>' which is set out in Section 55 of the Town and Country Planning Act 1990</p> <p>The categories of work that <b>do not amount to 'development'</b> are set out in Section 55(2) of the Town and Country Planning Act 1990. These include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>○ Interior alterations (except mezzanine floors which increase floorspace of retail premises by more than 200 square metres)</li> <li>○ Building operations which do not materially affect the external appearance of a building. The term 'materially affect' has no statutory definition, but is linked to the significance of the change which is made to the building's external appearance.</li> <li>○ A change in the primary use of land or buildings, where the before and after use falls</li> </ul>	<p>No Further Action</p>
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					I would also ask you and the Council to carefully consider my representation as if this current proposed Direction is based on incorrect appraisals and assertion than this should be looked at closely.	within the same use class.  In light of the above guidance found in the National Planning Policy Framework [NPPF], like for like repairs would not require consent as they ' <i>would not materially affect the external appearance of a building.</i> '	Mr Williams's representation has been give careful consideration resulting in No Further Action Required.
3	31.10.2014	Resident	Mrs Christine Boatwright	Email	<p>Thank you very much for the information given.</p> <p>Although I appreciate some of the benefits that such a direction would bring (eg it would stop people putting windows in that were out of character with the close).</p> <p>I am concerned that such a direction will be very restrictive and cause not insignificant expense. For example, I think it is rather 'over the top' for residents of the Close to have to get planning permission to repaint their houses and doors using the same colours as they already have or to put wood preserver on their fences.</p> <p>I don't know about others but it takes us long enough to get around to some of these jobs anyway that the thought of having to get planning permission to do, so and to pay out extra for that, would inevitably mean the jobs would get put off more. As I understand it, such draconian legislation would also mean that people would not be able to do jobs on the spur of the moment (eg repainting a window frame), when the weather is fine, simply because of the need to get planning permission.</p> <p>I am also concerned that the timescale involved in getting planning permission to deal with certain issues could cause problems. For example, should a chimney pot be blown down in a storm I am not sure that I would wish to have to wait to get planning permission before getting it replaced as such a delay may result in further damage to my property.</p> <p>I fear, therefore, that the Close may end up looking less cared for and so the confirmation of the Direction would actually have a detrimental effect on the appearance of the Close.</p> <p>Consequently, although I can see some benefits to the Direction, I do feel it is far too restrictive and will cause considerable inconvenience and expense to the residents of the Close. I would therefore request that the Article 4 Direction is not confirmed.</p>	<p>As per the advice and comment provided to Mr Williams of Park Close, in relation to restrictiveness, reasonableness, repairs and costs;</p> <p>The point raised regarding restrictiveness and reasonableness in relation to the Direction has been given due regard by the Council. Hence the implementation of a non-immediate Article 4 Direction, which allows the residents of Park Close over 12 months, following the confirmation of the Direction, to undertake works which would require consent because of the Article 4 Direction. Regarding the possible cost to residents; as stated in the reports to the Planning Committee on this matter, no fee is payable to the council, at least, in relation to applications for such consent.</p> <p>In response to concerns regarding repair, I refer to the National Planning Policy Framework Guidance 'When is permission required?'</p> <p>Planning permission is only needed if the work being carried out meets the statutory definition of '<b>development</b>' which is set out in Section 55 of the Town and Country Planning Act 1990</p> <p>The categories of work that <b>do not amount to 'development'</b> are set out in Section 55(2) of the Town and Country Planning Act 1990. These include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>○ Interior alterations (except mezzanine floors which increase floorspace of retail premises by more than 200 square metres)</li> <li>○ Building operations which do not materially affect the external appearance of a building. The term 'materially affect' has no statutory definition, but is linked to the significance of the change which is made to the building's external appearance.</li> <li>○ A change in the primary use of land or buildings, where the before and after use falls within the same use class.</li> </ul>	Mrs Boatwright's representation has been give careful consideration resulting in No Further Action Required.

						In light of the above guidance found in the National Planning Policy Framework [NPPF], like for like repairs would not require consent as they ' <i>would not materially affect the external appearance of a building.</i> '	
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