

ARTICLE FOUR DIRECTION
SOUTHAMPTON CITY COUNCIL



TOWN AND COUNTRY PLANNING ACT 1990
GENERAL PERMITTED DEVELOPMENT (AMENDMENT) (NO 2) ORDER
2008

Direction under Article 4(2) of the General Permitted Development (Amendment) (No. 2) Order 2008 Restricting Permitted Development

RECITALS

1. Southampton City Council (“the Authority”) is the local planning authority in respect of the area of land specified in this Direction.
2. The Authority is satisfied that it is expedient that the development described in Schedule 2 to the General Permitted Development (Amendment) (No. 2) Order 2008 (“the Order”) and specified in this Direction should not be carried out unless permission is granted for it on an application.

NOW THEREFORE the Authority in pursuance of article 4 (2) of the Order and all other powers thereby enabling

DIRECTS THAT

1. The permission granted by article 3 of the Order shall not apply to development specified in the First Schedule to this Direction in the area specified in the Second Schedule to this Direction (“the Land”).
2. This Direction does not require the approval of the Secretary of State because the Authority is satisfied that it is expedient that the particular development described in the First Schedule to this Direction should not be carried out upon the Land which is part of Portswood Residents’ Gardens Conservation Area (“the Conservation Area”) unless permission is granted for it on application because such development is likely to threaten the character or appearance of the Conservation Area.
3. This Direction shall, in accordance with Article 6(3) of the Order, come into force in respect of any part of the Land on the date on which notice of the making of the Direction is served on the occupier of that part of the Land or if there is no occupier, the owner. If the Authority consider that individual service on the owners or occupiers of the Land is impracticable or because it is difficult to identify or locate one or more of them then the Directions shall come into force in respect of any part of the Land on the date on which notice of the making of this Direction is first published by local advertisement pursuant to Article 6(1)(a).
4. This Direction shall expire at the end of six months from the date on which it was made unless it is confirmed by the Authority.
5. In deciding whether to confirm the Direction the Authority shall take into account any representation received within 21 days from the date of publication of the Notice of Direction by advertisement.

**FIRST SCHEDULE – DEVELOPMENT FOR WHICH
PLANNING PERMISSION WILL NOW BE REQUIRED**

1. The erection, alteration or removal of a chimney on a dwelling house or on a building within the curtilage of a dwelling house.
2. Any of the following development which would front a highway, waterway or open space (open space being any land laid out as a public garden, or used for the purposes of public recreation or land which is a disused burial ground).
 - (a) The enlargement, improvement or other alteration of a dwelling house (including the size, shape and design of windows, doors and other openings, porches and porticoes, timberwork, brick and stonework, stucco, rainwater goods, extensions and the application of cement or pebbledash render).
 - (b) The alteration of a dwellinghouse roof (including tiles and slates, ridge tiles, finials, rooflights, leadwork and eaves).
 - (c) The erection or construction of a porch outside any external door of a dwellinghouse.
 - (d) The provision, within the cartilage of a dwellinghouse of a building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such or the maintenance, improvement or other alteration of such a building or enclosure (if such development fronts a highway but not to include development fronting a waterway or open space).
 - (e) The provision, within the cartilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such (including paths and hardstandings).
 - (f) The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its cartilage (if such development fronts a highway but not to include such development fronting a waterway or open space).
 - (g) The erection, construction, improvement, alteration or demolition of a gate, fence, wall or other means of enclosure (whether in whole or part) within the curtilage of the dwellinghouse.
 - (h) The painting of the exterior of a dwellinghouse or a building or enclosure within the enclosure within the cartilage of a dwellinghouse (including the painting over of unpainted brick or stonework but excluding the painting of doors, windows and other joinery items).

The above 1 and 2 (a)-(h) all being development comprised within classes A, C, D, E, F, H and I of Part 1 and classes A and C of Part 2 and class B of Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment No. 2) Order 2008 and not being development comprised within any other classes and which would front onto a highway, waterway or open space (save as excluded above).

**SECOND SCHEDULE – RESIDENTIAL DWELLING HOUSES
TO WHICH THIS DIRECTION RELATES**

The residential dwelling houses to which this Direction relates are those situated within the Portswood Residents Gardens Conservation Area and are: -

- (1) all the residential dwelling houses in Brookvale Road (north and eastside, even numbers) except for numbers 4, 6 (The Smile Centre), 40, 42, and numbers 1 -7 (inclusive) Brookfield Place;
- (2) all residential dwelling houses in Abbots Way except for numbers 16A, 19, 20A, 27A and 29A;
- (3) all residential dwelling houses in Russell Place except for numbers 1, 3 and 5.
- (4) all residential dwelling houses between numbers 112 to 132 (inclusive) in Highfield Lane (south-side), including the following properties of Highfield Lane in The Drive and The Cut namely 'Oak Cottage', 'Tula, Lepe Cottage, Brookvale (Farm) Cottage and the 'The Croft'.

GIVEN UNDER THE COMMON SEAL
of SOUTHAMPTON CITY COUNCIL
this day of

NOTICE OF MAKING ARTICLE
FOUR DIRECTION

SOUTHAMPTON CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
GENERAL PERMITTED DEVELOPMENT ORDER 1995

Notice of making of Direction under Article 4(2) of the Town and Country
Planning (General Permitted Development) (Amendment) (No.2) Order 2008

To: (Name and address of Owner/Occupier)

SOUTHAMPTON CITY COUNCIL ("the Council") GIVES YOU NOTICE as occupier/owner of the land described in the First Schedule to this Notice ("the Land") that the Council have made a Direction under article 4(2) of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order 2008.

The Direction relates to development of the type specified in the Second Schedule to this Notice within the area described in the Third Schedule to this Notice ("the Land").

The effect of the Direction is that permission granted by Article 3 of the General Permitted Development Order shall not apply to development of the type specified in the Second Schedule to this Notice and that such development shall not be carried out on the Land unless planning permission is granted by the Council on an application made to them.

A copy of the Direction and of the map defining the area of land covered by it may be seen at the Gateway Office of the Council at Civic Centre, Havelock Road, Southampton during normal office hours.

The Direction was made by the Council on _____ 2009 and comes into effect in relation to the Land on the date this Notice is served on you if you are the occupier, or if you are the owner, on the date this Notice is served on the occupier if there is one.

FIRST SCHEDULE

(address of property)

SECOND SCHEDULE

(insert first schedule from direction)

THIRD SCHEDULE

(insert second schedule from direction)

Dated:

Signed
Duly authorised office of the Authority

PRESS NOTICE OF MAKING
OF ARTICLE FOUR DIRECTION

SOUTHAMPTON CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
GENERAL PERMITTED DEVELOPMENT (AMENDMENT) (NO. 2) ORDER 2008

Direction under Article 4(2)

NOTICE IS GIVEN that Southampton City Council has made a Direction under article 4(2) of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order 2008. The Direction was made on 2009.

The Direction applies to development within classes A, C, D, E, F, H and I of Part 1 and classes A and C of Part 2 and class B of Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order 2008 and not being development comprised within any other classes and which would front onto a highway, and for some classes of development where the development would front onto a waterway or open space in the Portswood Residents' Gardens Conservation Area.

Article 4 Direction

The Council designed the Portswood Residents' Gardens Conservation Area in 1996, which recognises the special architectural and historic character of the area. In determining Planning applications the Council has a duty to have regard to the need to protect and enhance the character of the Conservation Area. Even so the character of the Conservation Area can be eroded through residents using their permitted development rights. The Council therefore needs to strengthen planning controls within this Conservation Area as there is evidence that changes have and may in the future take place that erodes this character.

The Council has therefore made an article 4 Direction to increase the level of control over minor works. These controls are not intended to prevent owners from carrying out any works to their property. All proposals subject to the new controls will be considered on their merits having regard to the need to protect the Conservation Areas as a whole.

What is an Article 4 Direction?

Some development and certain minor works and alterations to dwellinghouses, such as changes to doors and windows, can normally be carried out without obtaining planning permission from the Council, unless the property is a Listed Building. Development of this kind is called "Permitted Development".

Where there are specific problems, the Council can make a Direction for certain classes of development and work, which will then no longer be exempt from the need to obtain planning permission from the Council. This is called an Article 4 Direction.

The Problem

The most significant problem facing Conservation Areas today is the gradual erosion of character and appearance caused by small changes within a street such as alterations and replacement of traditional doors and windows, changes to roofs, removal of front garden walls and hedges for hardstandings and loss of architectural features. Individual alterations of this kind may have little effect but a street can gradually be transformed by the cumulative effect of these changes.

Some conservation areas have residential properties whose character is dependent on their architectural unity for example, Georgian, Victorian or Edwardian terraces or inter-war houses. The loss of unity caused by the introduction of alien materials and details or other minor demolition can change the character, appearance and value of the area.

Planning Permission

The direction affects all older houses within the Conservation Area and means that any works listed below WHICH FRONT OR FACE A HIGHWAY, WATERCOURSE OR OPEN SPACE will need planning permission.

1. Any enlargements, improvements or alterations such as extensions, conservatories, replacement doors and windows.
2. Any alteration to a roof including replacement roof coverings, insertion of rooflights and solar panels.
3. Building a porch.
4. Erecting sheds etc.
5. Building a swimming pool (other than where it faces an open space or watercourse).
6. Building a hardstanding (or footpath).
7. Installing a satellite antenna (other than where it faces an open space or watercourse).
8. Removing, building and altering chimneys.
9. Removing or building walls gates, fences or other means of enclosure.
10. Exterior painting of either previously unpainted surfaces or resulting in a change of colour.

There are already some limitations on householders permitted development rights for these works. There are also special rules for listed buildings, the demolition of any building in a Conservation Area and controls for flats and commercial property neither of which benefit from the same 'permitted development' rights.

The aim of these additional controls is to encourage good restoration and 'like for like' repairs in traditional or original designs. If you wish to carry out alterations you should check with the Planning Department and inform your architect, solicitor or builder that you live in a Conservation Area and that there is an Article 4 Direction in force. If inappropriate alterations are carried out without planning permission, enforcement action can be taken. Planning applications needed solely as a result of the Direction will be exempt from the payment of a fee.