

Review of Conservation Area Appraisals: Article 4 Direction Recommendations

34 conservation areas:

- 10 urban or suburbs contiguous with the city within the city
- 24 discrete village areas

10 conservation area appraisals including Central Historic Core, 2006-2011:

Central Historic Core

5.5.6 Residential streets and the Bar and City Wall approaches: Article 4 Directions

There are two categories of pre-1914 buildings within the Conservation Area to which there is already a specific threat:

a) residential streets – these are good terraces where original windows and doors have been altered, poor quality roof extensions inserted and in one case, solar panels added to the roof slope. There is also some loss of iron railings and front gardens. Together, these changes threaten the character of the area, which comes partly from historic details and partly from consistency and uniformity.

b) other types of properties on the bar/wall approaches – these properties are either purpose built shops or conversions from houses and suffer from alterations to windows and doors, poor quality fascias and advertising signage. The properties are particularly important because they line the entry routes to the city and currently create a poor first impression.

In order to control alterations to unlisted buildings an ‘Article 4 Direction’ can be used. This is a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995. Applying the direction to specific properties restricts ‘permitted development’. If the direction is in place, it does not mean that no changes can take place but rather that a property owner would need to apply for permission for certain types of changes.

Article 4 (2) Directions apply to unlisted dwelling houses within the Conservation Area where ‘enlargement, improvement or other alteration’ would ‘front a relevant location’ i.e. the street, waterway or open space. Only one exists within the Conservation Area at the moment, on East Mount Road. This was requested by the residents rather than the local authority. English Heritage guidance on the use of Article 4 Directions points out that the impact on council resources is likely to be minimal since there is no evidence of a significant increase in planning applications. This conclusion was reached after a research project conducted in 2008 on behalf of the English Towns Forum. It found that clear concise controls backed by appropriate guidance tended to encourage like-for-like repair or replacement in matching materials which does not require planning permission.

Other cities such as Portsmouth have successfully used Article 4 directions in half of the city’s conservation areas. Over the 10 years when they have been in use, it is estimated that only 10-15 additional planning applications were received.

Recommendations

In light of the minimal cost of preparing guidance and the low likelihood of additional pressure on resources, it is recommended that the following Article 4 (2) directions are applied to those properties in the table below. The application of the directions should be communicated to residents and subject to review.

Part Two: Management Strategy > Management Recommendations > 5.5 Conserving & Enhancing Special Interest



Alterations which should be controlled under Article 4 (2)

Character area	Building/ Street	Doors & windows	Chimney	Roof slope	Hard surface	Front boundary	Painting façade	Satellite dish	Solar panel
2. Bootham	Grosvenor Terrace	*	*	*	*	*	*	*	*
	St Mary's	*	*	*	*	*	*	*	*
5. Gillygate	Portland Street	*	*	*	*	*	*	*	*
	Claremont Terrace	*	*	*	*	*	*	*	*
6. Lord Mayor's Walk	St John's Crescent	*	*	*	*	*	*	*	*
	St John Street	*	*	*	*	*	*	*	*
	18 Lord Mayor's Walk	*	*	*	*	*	*	*	*
17. Walmgate Bar	Foss Islands Road (x)	*	*	*	*	*	*	*	*
	Lawrence Street (x)	*	*	*	No front garden	*	*	*	*
	Barbican (x)	*	*	*		*	*	*	*
18. Fishergate	Fishergate (x)	*	*	*		*	*	*	*
20. Bishophill	Kyrme Street	*	*	*	No front garden	*	*	*	*
	Fairfax Street	*	*	*		*	*	*	*
	Hampden Street	*	*	*		*	*	*	*
	Buckingham Street	*	*	*		*	*	*	*
	Falkand Street	*	*	*		*	*	*	*
	Baile Hill Terrace	*	*	*		*	*	*	*
19. Smales Street	Newton Terrace	*	*	*	*	*	*	*	
	Victor Street	*	*	*	*	*	*	*	
	12-18 Bishophill Jnr	*	*	*	No front garden	*	*	*	
	16 Prospect Terrace	*	*	*		*	*	*	
23. Blossom Street	Moss Street	*	*	*		*	*	*	
24. The Mount	Cygnet Street	*	*	*		*	*	*	*
	Dove Street	*	*	*	*	*	*	*	
	Dale Street	*	*	*	*	*	*	*	
	Albemarle Road (x)	*	*	*	*	*	*	*	

(x) indicates where parts of a street fall outside the boundary of the Conservation Area. It is only those properties which fall within the boundary that the direction applies to.

5.5.8 For Sale, To Let and other advertising

Under the Town and Country Planning (Control of Advertisements) Regulations 1992, estate agents are free to erect advertising boards without planning permission so long as they are removed within 14 days of sale or letting. They are supposed to be limited to one board per property. However, in reality the rules are rarely enforced and boards are often left for months; there is also evidence that up to three boards are being attached to buildings within the Conservation Area. This is of particular concern when it is an historic building since the boards are detrimental to its character and, cumulatively, high numbers of them detract from the appearance of important streets in the Conservation Area. It is especially problematic in the historic commercial streets of Micklegate, Church Street, Shambles, Colliergate and Goodramgate. Moreover, the number of signs sends out the wrong message about the economic vitality of the centre.

Other historic cities and towns such as Bath, Chester and Ludlow have all banned estate agent boards. York's historic environment is equally sensitive and needs to be protected.

There are two ways in which this might be achieved: the use of Article 4 (1) Directions (for non-residential property), that would remove some permitted development rights; or, applying to the Secretary of State, under Regulation 7 of Town and Country Planning (Control of Advertisements) Regulations 1992, for deemed consent for estate agency advertising boards to no longer apply within the Conservation Area for an indefinite period.

Regulation 7 requires the proposal and subsequent direction (if made) to be advertised. This will raise awareness of the impending change and reduce the likelihood of the direction being flouted.

Advertising regulations could also be used to control the use of 'A-boards' and other moveable advertising. Whilst in moderation these cause little harm to the character and appearance of the Area, competing groups can clutter streets and impede pedestrian movement.

Recommendations

The City of York Council should ensure that for sale and to let advertising boards are removed from the Conservation Area for an indefinite period either through Article 4 (1) Directions or Regulation 7 of Town and Country Planning (Control of Advertisements) Regulations

5.6 A Sustainable Conservation Area

5.6.1 The Issues

This section considers how the impact of climate change on individual historic buildings and the Conservation Area can be managed.

Principal Issues

- *City of York Council has a Climate Change Action Plan for the city*

- *Buildings and their occupiers in the Conservation Area will need to contribute to the Action Plan's ambitious targets*
- *Clear and informative guidance will be required to help owners adapt their buildings without harming the special interest of the Conservation Area*

5.6.2 City of York carbon reduction targets

City of York Council has published a Climate Change Framework and a Climate Change Action Plan. The headline targets are a reduction in carbon dioxide emissions of 40 per cent by 2020 and 80 per cent by 2050. Transport policy has a large part to play in this. That topic is addressed in section 5.9. Here, the principal management consideration is how to undertake adaptations to historic buildings to improve their energy performance whilst limiting the harm to their significance and the character and appearance of the Conservation Area.

5.5.3 What measures are acceptable in the Conservation Area?

As a general principle, in the first instance all residents and businesses should be encouraged to adopt low intervention measures to reduce energy consumption, such as roof insulation, thick curtains, low energy light bulbs, energy efficient boilers and other appliances, and secondary glazing. Such changes should be made before implementing more interventionist measures such as replacement windows and external wall insulation, and installing energy generation technology, like photovoltaic panels (PV) and solar water heating systems.

Because these interventions will have at least some impact on the character and appearance of the Conservation Area, York needs to decide carefully which measures are appropriate in what circumstances. For example:

- *should PV cells be permitted on roofs in the Conservation Area, and if so should they be restricted to roofs that are not visible from public areas (and should 'public areas' include some or all of the City Walls and roofscape visible in Key Views)?*
- *would external insulation be appropriate on the rear elevations of unlisted buildings in the Conservation Area (which might be visible from elevated public areas, such as the City Walls above Bishophill)?*
- *are uPVC windows appropriate for unlisted buildings in the Conservation Area?*

These are difficult considerations. However, a balance must be struck between conserving the appearance of the Area and allowing owners to improve the carbon performance of their buildings: the City is after all urging them to do so in response to national policy. To a degree, technological advances and a growing body of experience (see next page) may reduce the potential conflict between these objectives. For example, PV cells are now available which do a passable impression of slates, and there are some very slim doubleglazed timber sashes on the market. The relative scale of restrictions on buildings in the Conservation Area should also be kept in mind: applying Article 4 Directions to unlisted buildings in the Area as advocated in section 5.5.6 would only affect a tiny proportion of the total housing stock of the city. Once Council policy is agreed, the tools for its implementation will need to include both advice and guidance to owners on the one hand, and listed building consent and Article 4 Directions on the other. The latter will be required to manage carbon reduction retrofit works to unlisted buildings in the Conservation

Area, such as replacement windows and most solar panel technologies, because these works are currently classed as Permitted Development. Therefore, City of York Council must develop policy and issue informative guidance as a matter of priority.

Fulford Road (2010)

8.4 Article 4 Directions might be worth considering where the buildings have remained relatively unaltered by for example modern, dormer windows, windows and wall finishes eg in Fishergate, Wenlock Terrace and St Oswalds Road.

8.5 Passive solar equipment should not be added to roofs where it would detract from the appearance of the building or the amenity of the area.

Fulford Village (2008)

10.7 Article 4 Directions might be worth considering where the buildings and area as a whole are a sensitive composition eg the Sir John J Hunt Almshouses.

Heslington (2009)

10.10 Consideration should be given to introducing Article 4 (2) directions to the Conservation Area. This would bring about additional protection to unlisted buildings within the area and could be used for example to resist the replacement of timber doors and windows in unsuitable materials/styles, or the loss of typical features such as gates, fences, walls or other means of enclosure.

Nestlé Rowntree Factory (2008) N/a

Racecourse & Terry's (2006) N/a

Strensall (2011)

11.02 Consideration should be given to introducing Article 4 (2) directions to the Conservation Area. This would provide additional protection to unlisted buildings within the area and could be used, for example, to resist the replacement of timber doors and windows in unsuitable materials/styles, or the loss of typical features such as gates, fences, walls or other means of enclosure.

Strensall railway buildings (2011)

7.02 Consideration should be given to introducing Article 4 (2) directions to the Conservation Area. This would provide additional protection to unlisted buildings within the area and could be used, for example, to resist the replacement of timber doors and windows in unsuitable materials/styles, or the loss of typical features such as gates, fences, walls or other means of enclosure.

Towthorpe (2011)

7.04 Article 4 (2) directions should be introduced to cover roofs, doors, windows, porches, boundary walls and gates. This would provide additional protection to the essentially agricultural character of many unlisted buildings within the designated area. It would also prevent the use of unsympathetic materials/styles and allow control over design and materials used against the highway.

Remaining CAs without CAAs

Clifton
Acomb

St Paul's Sq/Holgate Rd
Heworth/Heworth Green/East Parade/Huntington Rd
New Walk/Terry Avenue
The Retreat/Heslington Rd
Tadcaster Road
Middlethorpe
Bishopthorpe
Copmanthorpe
Askham Bryan
Askham Richard
Upper Poppleton
Nether Poppleton
Skelton
Clifton (Malton Way/Shipton Rd)
New Earswick
Huntington
Haxby
Osbalwick
Elvington
Wheldrake
Escrick
Stockton on Forest
Dunnington
Murton