

# **PROPERTIES WITH ARTICLE 4 (2) DIRECTIONS**

## **Restrictions Affecting Householder Development**

### **Changes to affected dwellings that could need planning permission.**

- A. Roof Light
  - B. Aerials/satellites
  - C. Porch
  - D. Hardstanding
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- 1. Chimney
  - 2. Roof Covering
  - 3. Rainwater items
  - 4.
  - 5. Windows
  - 6. Wall finishes
  - 7. Door
  - 8. Boundary

### **Permitted Development**

Planning legislation requires that planning permission be sought for all development including works which change the appearance of a building or the land upon which it stands. However, the same legislation exempts some types of development. The exempted development is termed permitted development. The scope of permitted development is defined in the Town and Country Planning General Development Order 1998. It includes most householder development; e.g. the replacement of external windows and doors, the construction of extensions including conservatories, and the construction of porches, garages, sheds, hard standing etc.

To ensure that areas of local heritage value are conserved and, wherever possible, enhanced the District Council will apply Article 4 Directions to older residential properties that the local community agree are important. It is not the District Council's intention to stifle personal taste and imagination provided that proposals maintain the visual quality of older buildings, particularly those buildings that contribute to the historical and architectural character and appearance of a Conservation area.

Sympathetic repair and improvement can add value to your home. However, in the absence of the control of householder development many people have difficulty in achieving changes that are suitable for the character and appearance of older houses. The introduction of inappropriate building materials and design features can have a detrimental impact upon the visual quality of your home and upon the homes of your neighbours. This can be pronounced in areas where properties retain the original character of roof, windows, doorways and other key parts to a house frontage. Unsympathetic changes can have a dramatic visual effect on building frontages; i.e. terraced housing. This is of concern in the historic areas of our towns and villages. This is particularly the case where there is general public consensus

about the historical and architectural importance of these areas expressed through the designation of a Conservation Area.

## **Article 4 Direction**

Under the same legislation that exempts certain types of development from planning permission there are provisions for the removal of this exemption. These provisions are termed 'Directions'. Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 is such a direction. It can specify which parts of a house, group of houses or areas of houses require planning permission for enlargement, improvement or other alteration. Directions under Article 4(2) can only be made in respect of houses within the Conservation Areas and do not require the Secretary of State's approval. They take effect on the date that they are made and must be confirmed within six months. Notice must be served on the owners and occupiers of the properties affected and the opportunity provided for representations to the District Council.

## **Building Parts Affected**

Typical parts of a building that could be subject to Article 4(2) Direction needing planning permission are listed below.

- The enlargement, improvement or other alteration of a dwelling where the enlargement, improvement or other alteration would be visible from a highway, waterway or public open space. This would include works to:-
  - the chimney
  - the roof covering or roof features (soffit, fascia etc) on the front slope
  - the roof structure involving the construction of roof lights on the front slope
  - rainwater and drainage features
  - the wall involving the application of rendering, painting and cladding
  - to masonry details
  - to windows or window openings
  - to door and door surrounds

Construction of a porch at the front of a house including the construction of doors enclosing an open porch.

Construction of a hardstanding for vehicles at the front of a house

The alteration or improvement of the boundary on to the highway including walls, fences other means of enclosure, gateways and means of access.

The Installation of satellite television dishes and aerials.

## **How are owners affected**

Owners/occupiers will need to seek planning permission for those parts of a house covered by an Article 4(2) Direction. Parts covered might include the roof, walls,

windows or doors, or even boundary treatment. Owners/occupiers will be notified about the making of the Direction by post and by public notice in the local press. The Direction will be recorded as a land charge against the property; i.e., it will appear in any solicitor's property search conducted for the purpose of a house purchase.

There is no fee for an application for proposals affected by Article 4(2) Direction. To encourage home owners to carry out works that are appropriate and of quality, grants to assist structural repairs may be available.

Where the District Council refuses planning permission or grants planning permission subject to conditions then compensation may be made for abortive expenditure or other loss directly attributable to the withdrawal of permitted development rights.

The majority of basic household repairs would not require permission provided they do not involve alterations. Internal alterations may only need to meet requirements set out by the Building Regulations.

## **What owners need to do**

It is suggested that owners/occupiers check in every instance before any work is done whether or not planning permission is required. Please note that the addition of dormer windows to the front slope of a roof will always require planning permission. Furthermore, in undertaking any works to the roof or roof space owners/occupiers should note that bats and nesting birds are protected by law under the Wildlife and Countryside Act 1981.

To make a planning application owners/occupiers will need to complete and submit a Planning Application form with drawings and site plan. Four copies of each will be required. Application forms and site plans can be obtained from the District Council. Any application should include sufficient information to show intentions and should include some justification. Please state on the application form that the application is in respect of development restricted by an Article 4(2) Direction.

## **Further information**

Other information leaflets are available, including:

What kind of Application do I need?

What happens to a Planning Application?

Applications and any correspondence should be addressed to:-

Council Offices  
Priory Road  
Spalding  
Lincolnshire  
PE11 2XE

If in doubt about any aspect of this advice please contact the Development Control Business Unit in the Housing and Planning Services Department on Ext 4321