
Meeting	Finchley and Golders Green Area Environment Sub-Committee
Date	22 October 2013
Subject	Finchley Garden Village Conservation Area Character Appraisal, Management Proposals and Design Guidance
Report of	Cabinet Member for Planning
Summary of Report	Following an extensive public consultation exercise in Finchley Garden Village, a Character Appraisal, Management Proposals and Design Guidance have been adopted by the Council. These will provide the basis for future planning decisions and the context for policies and projects that seek to preserve and enhance the character and appearance of this historic area, in line with the Three Strands Approach and adopted Local Plan. This report also seeks approval for the update to the existing Article 4(1) Direction.

Officer Contributors	Jonathan Hardy, Urban Design and Heritage Team Leader
Status (public or exempt)	Public
Wards Affected	Finchley Church End
Key Decision	No
Reason for urgency / exemption from call-in	Not Applicable
Function of	Executive
Enclosures	Appendix 1 – Table of Responses to consultation Appendix 2 – Article 4(1) Direction
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1. RECOMMENDATIONS

- 1.1 That the Sub-Committee approves the updated Article 4 Direction for Finchley Garden Village Conservation Area, as set out in paragraphs 9.13 and 9.14 of the report and as shown on the map, found in Section 7 of the Character Appraisal.**
- 1.2 That the Sub-Committee notes the results of the public consultation exercise and the revised text and maps for the recently approved Finchley Garden Village Conservation Area Character Appraisal and Management Proposals.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Finchley Garden Village was designated as a conservation area in November 1978 and although design guidance was produced at this time, until now there had been an absence of a conservation area character appraisal.
- 2.2 The council adopted Barnet's Local Plan Core Strategy and Development Management Policies on 11th September 2012. These documents set out the development plan and conservation policies of the borough over the forthcoming years.
- 2.3 Delegated Powers Report 2070, dated 1st July 2013, authorised a public consultation exercise with local residents and interested parties in Finchley Garden Village Conservation Area, the responses to which are recorded in Appendix 1: Table of Responses.
- 2.4 Delegated Powers Report dated 26th September 2013 - adopting the Finchley Garden Village Conservation Area Character Appraisal, Management Proposals and Design Guidance. The DPR also recommends that the Sub-Committee approve the update to the Article 4(1) Direction.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Designating conservation areas and producing Character Appraisals has helped meet the council's (2013-2016) Corporate Plan priority of delivering a Successful London Suburb which is a prosperous place where people want to live. It also meets the strategic objective of protecting the Barnet environment. Conservation area designation accords with the council's 'Three Strands Approach' of Protection, Enhancement and Consolidated Growth, and in particular Strands 1 and 2.
- 3.2 Cabinet approved the Three Strands Approach in 2004, which seeks absolute protection of the Green Belt, Metropolitan Open Land and other valued open space from inappropriate development; the enhancement and protection of Barnet's suburbs, town centres and historic areas; and consolidated growth in areas in need of renewal and investment.
- 3.3 The Local Plan, which includes the Core Strategy and Development Management Policies, was adopted in September 2012 and sets out the development plan for the borough and includes conservation area policies

which seek to preserve and enhance the character and appearance of conservation areas and a reference to the rolling programme of conservation area appraisals.

4. RISK MANAGEMENT ISSUES

- 4.1 The preparation of a Conservation Area Character Appraisal and Management Proposals is an important part of the process of designation and is referred to in the borough's Local Plan. Consultation with local residents, other organisations and amenity groups will ensure the document's ownership by and legitimacy to the wider community.
- 4.2 Government and English Heritage guidance reminds Local Authorities of the importance of consultation on Conservation Area Character Appraisals, without which there might be an increased risk to the Local Planning Authority's ability to defend development control decisions or fully perform its statutory duty to preserve and enhance the character and appearance of conservation areas. Consulting on and adopting the Character Appraisal and Design Guidance in accordance with national guidance reduces the risk of challenge to the due and proper process, whilst underpinning the rationale for the designation of the conservation area.
- 4.3 The existing Article 4 Direction is proposed to be updated to reflect the current classes within the General Permitted Development Order. The withdrawal of permitted development rights by use of an Article 4 Direction can lead to claims for compensation where planning permission is refused or granted subject to conditions. Claims can be made within 12 months of the decision, for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. Such claims are, however, rare and in Barnet there have been no known instances of claims for compensation being made.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The preservation and enhancement of this conservation area, as supported by the Character Appraisal and Management Proposals, will be of benefit to Barnet's diverse local community and will contribute to the borough's rich built heritage. The adoption of the Character Appraisal, Management Proposals and Design Guidance will also enhance Barnet's reputation as a desirable and pleasant place to work and live.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The adopted documents and maps will be placed on the council website to allow easy access, and consequently, the printing of hard copies will be kept to a minimum. Any printing costs will be borne by the Development and Regulatory Services as part of the approved budgets and recouped where possible through external charging.
- 6.2 Applications for planning permission submitted in accordance with Article 4 Directions are not subject to application fees. However, it is not anticipated

there will be a significant increase in the volume of applications as a result of the updated Article 4 Direction.

7. LEGAL ISSUES

- 7.1 In line with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the council designated the Finchley Garden Village Conservation Area in 1978.
- 7.2 The preparation of the Finchley Garden Village Character Appraisal and Management Proposals will involve updating the existing Article 4 Direction. The Article 4 Direction allows control over development which might otherwise be carried out without planning permission (permitted development) but could be harmful to the character and appearance of the conservation area. The Management Proposals outline the classes of development affected and the buildings where controls are proposed to be applied.
- 7.3 It should be noted that the existing Article 4 Direction, which dates from 1979, does not reflect the wording of the current General Permitted Development Order (GPDO) 1995 (as amended by the GPDO 2008) and therefore the opportunity arises to update the Directions and add any new classes as appropriate.
- 7.4 There is the provision under Section 108 of the Town and Country Planning Act 1990, for compensation claims where applications for planning permission are refused or approved subject to conditions as a result of an Article 4 Direction. Claims can be made within 12 months of the decision for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Council Constitution - Responsibility for Functions: paragraph 3.10 details the functions of the Area Environment Sub-Committees which includes making recommendations to Cabinet on the designation of conservation areas. As there are no proposed changes to the boundary of the conservation area, a report to Cabinet will not be necessary.

9. BACKGROUND INFORMATION

- 9.1 Finchley Garden Village Conservation Area is centred on Village Road, to the west of Hendon Lane. The garden village was inspired by the earliest 'garden city' development at Letchworth and was designed by local architect Frank E. Stratton at the request of the Finchley Co-Partnership Society, who initiated and oversaw the construction of the development between 1908 and 1914.
- 9.2 This settlement consists of an attractive group of 51 cottage-style houses set around a central green, with many mature trees positioned along the roadside and others visible over rooftops and between buildings.

- 9.3 The houses in the conservation area are built in the Arts and Crafts style and variety has been achieved by subtly detailing the elevations differently to distinguish each pair of houses from their neighbour. The houses are finished mostly in roughcast render with tiled roofs, prominent front gables, timber windows and entrance canopies. The use of good quality materials is consistent with the high standard of design and layout.
- 9.4 Village Road cuts across the central green, creating two irregular-shaped spaces on the east and west sides of the road. These are the principal and most striking features of the conservation area and provide the idyllic setting for the cottage-style houses to display their distinctive architectural character.
- 9.5 There are many fine views within the conservation area, in particular looking across the grassed open space in various directions, towards the pairs of houses and beyond. Views above the rooftops of tree canopies in the distance are also important, as are the many glimpsed views of trees and verdant rear gardens in-between the pairs of houses. These gaps between the buildings are a distinctive feature of the conservation area. When looking to the west and south-west, the mature trees on the Windsor Open Space and bordering the Dollis Brook are clearly visible, as are those trees in the rear gardens of the large houses on Hendon Avenue when looking northwards. All the aforementioned views are equally important as they contribute to the area's leafy character.
- 9.6 The charming, semi-rural character and appearance of the garden village has been preserved for over a century and it is hoped the preparation of the Character Appraisal and Design Guidance will assist in its continued preservation and enhancement in the future.

CHARACTER APPRAISAL AND MANAGEMENT PROPOSALS

- 9.7 The Character Appraisal for Finchley Garden Village defines the special character of the conservation area and identifies those buildings, spaces and other features considered to be important. The Character Appraisal also sets out the historical development of the area as well as an analysis of the topography, important views, spaces and trees. Building styles, materials and architectural features are also outlined.
- 9.8 Issues and threats affecting the conservation area are also highlighted and the Management Proposals identify a series of initiatives which seek to address some of the issues raised. The Issues and Management Proposals also provide a valuable tool to inform the council's planning practices and policies to promote the preservation and enhancement of the conservation area.
- 9.9 The importance of Nos. 1-26 and 31-51 Village Road (with the exception of the new dwellings at No.49 Cyprus Avenue, and that adjacent to No.25 Village Road) has been recognised by their inclusion on the council's Schedule of Buildings of Local Architectural or Historic Interest. Two further houses have been added to the local list, namely Nos. 51 and 53 Cyprus Avenue, which also lie within the conservation area.

DESIGN GUIDANCE

- 9.10 Design guidance has been produced and adopted by Barnet Council and gives advice on repairs, alterations and extensions to properties and works to

trees and gardens. This document supplements and expands upon the policies within the Local Plan, adopted in September 2012, generally to maintain and improve the character and quality of the environment throughout the borough.

- 9.11 Guidance is provided on a wide variety of changes to houses and their settings that require planning permission. These include house extensions, loft conversions, window replacement, entrance doors and canopies, basements, off-street car parking, garden buildings, landscaping and trees. Reference is also made to building materials and detailing.
- 9.12 The Design Guidance should be read in conjunction with the Finchley Garden Village Conservation Area Character Appraisal and Management Proposals to provide a comprehensive summary of the considerations which will be made by the council in assessing development proposals within the garden village. Both documents will be a material consideration when assessing planning applications and for planning appeals.

ARTICLE 4 DIRECTION

- 9.13 An Article 4(1) Direction, approved in September 1979, currently applies across the entire Finchley Garden Village Conservation Area. It restricts a variety of minor development which would otherwise be permitted, for example, the replacement of windows and doors, extensions, porches and hardstandings. The classes covered do not accord with the current General Permitted Development Order (GPDO) 1995, as revised by the GPDO 2008, and it is therefore intended to update the Article 4 Direction in line with existing legislation and to include several classes which did not exist in September 1979. This updated Article 4 Direction will help to ensure that minor development and alterations are adequately controlled, which will help to secure the future preservation and enhancement of the area's character and appearance.
- 9.14 The classes of development proposed to be controlled by the removal of specific development rights, include the following:
- The enlargement, improvement or other alteration of a dwellinghouse, (including extensions)
 - Alterations to the roof
 - Construction of a porch
 - The provision of outbuildings
 - Any hard surface or replacement of a hard surface
 - The installation, alteration or replacement of a chimney
 - Satellite dishes
 - Minor operations, including the erection or alteration of gates, walls and fences, the formation of a means of access and the painting of a building
 - The installation of CCTV cameras
 - The installation of domestic micro-regeneration equipment.

The classes proposed to be controlled are set out fully in the Management Proposals. For clarification, alterations would include a wide variety of works, including replacing windows and doors. Without introducing controls over these categories of minor development, the character and appearance of the individual properties could be harmed by unsympathetic changes.

PUBLIC CONSULTATION AND COMMUNITY ENGAGEMENT

- 9.15 English Heritage Guidance on Conservation Area Appraisals (paragraphs 3.1 and 3.2) states that ‘public participation should be an integral part of the appraisal process, and ... local consultation can help to bring valuable public understanding and ‘ownership’ to proposals for the area’.
- 9.16 In line with the Council’s approved Statement of Community Involvement, residents within the conservation areas were consulted by letter, with an accompanying exhibition held at the Finchley Church End Library. The public consultation exercise took place over a period of 21 days between 1st July and 22nd July 2013. 51 letters were distributed throughout the Conservation Area. The draft documents were available on-line and hard copies were also available at Finchley Church End Library, and from Barnet House Planning Reception. A small exhibition of related photographs and maps was simultaneously held at the Finchley Church End Public Library between 1st and 22nd July.
- 9.17 The Finchley Garden Village Residents Association were consulted and a meeting held to discuss a variety of issues raised. A range of external bodies were also consulted including English Heritage, the Twentieth Century Society, The Barnet Society and the Finchley Society. Local ward councillors and the local MP were also consulted.
- 9.18 In accordance with Article 4 Direction regulations, a public notice was placed in the local press and letters were delivered to the specific dwellings affected by the updated Direction, to inform and seek views from the owners or occupiers.

RESPONSES RECEIVED FOLLOWING PUBLIC CONSULTATION

- 9.19 A total of nine responses were received, one from an individual who responded through the public exhibition held at Finchley Church End Library. The principal issues raised included:
- A total of eight responses came from local residents and the Finchley Garden Village Resident’s Association; The Resident’s Association were largely supportive of the documents, however concerns were also raised about what they considered to be some excessive requirements set out within the Design Guidance, which they felt restricted their ability to make full use of their properties as they saw fit and prevented them from being able to improve the energy efficiency and security of their homes, without incurring unnecessary expense. No objections were raised to the Character Appraisal.
 - One response was received following the exhibition at Finchley Church End Library, suggesting that Nos. 51 and 53 Cyprus Avenue should be re-numbered Nos. 27 and 28 Village Road.

The results of the public consultation (with officer response and actions) are set out in the attached Appendix 1.

- 9.20 As a result of the comments received, amendments to the text of the Design Guidance have been made to address the issues raised, as noted within Appendix 1, under "Actions".

NEXT STEPS

- 9.21 Following the adoption of the Finchley Garden Village Conservation Area Character Appraisal, Management Proposals and Design Guidance, and the approval of the updated Article 4 Direction by the Finchley and Golders Green Area Environment Sub-Committee, all owners/occupiers of buildings within the conservation area will be informed in writing. Two site notices confirming the updated Article 4(1) Direction will be posted in the conservation area. Electronic copies of all documents and maps will be posted on the council website and hard copies made available for viewing. All owners/occupiers of buildings newly added to the Local List have been informed in writing. Confirmation of the update to the Article 4(1) Direction will be sent to the National Planning Casework Unit and a press release will appear in both the local press and the London Gazette.

10. LIST OF BACKGROUND PAPERS

- 10.1 Draft Character Appraisal, Management Proposals, Appraisal maps and Design Guidance for Finchley Garden Village.
- 10.2 Correspondence received following public consultation in July 2013
- 10.3 English Heritage Guidance on Conservation Area Appraisals, and the Management of Conservation Areas (February 2006).
- 10.4 NPPF (National Planning Policy Framework) - March 2012
- 10.5 DPR dated 1st July 2013 authorising public consultation on the Character Appraisal, Management Proposals and Design Guidance.
- 10.6 DPR dated 26th September 2013 approving the Finchley Garden Village Conservation Area Character Appraisal, Management Proposals, Appraisal Map and Design Guidance.
- 10.7 Any person wishing to inspect the papers listed should telephone 0208-359-4655.

Cleared by Finance (Officer's initials)	MM 08/10/2013
Cleared by Legal (Officer's initials)	CH 02/10/2013