

Meeting	Hendon Area Environment Sub-Committee
Date	16 January 2013
Subject	Hendon Church End and Hendon The Burroughs Conservation Area Character Appraisals
Report of	Cabinet Member for Planning and Regulatory services
Summary	<p>Following an extensive public consultation exercise in Hendon Church End and Hendon The Burroughs, Character Appraisals and Management Proposals have been adopted for both Conservation Areas 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.</p>
Officer Contributors	Jonathan Hardy, Team Leader – Urban Design and Heritage (EPR)
Status (public or exempt)	Public Exempt – Appendix A
Wards Affected	Hendon
Key Decision	No
Reason for urgency / exemption from call-in	Not Applicable
Function of	Executive
Enclosures	<p>Conservation Area Character Appraisal Management Proposals for:</p> <ul style="list-style-type: none"> • Hendon Church End • Hendon The Burroughs
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1. RECOMMENDATIONS

- 1.1 That the Sub-Committee approve the Article 4 Direction for Hendon The Burroughs Conservation Area, as set out in paragraphs 9.8, 9.9 and 9.10 of the report and as shown on the map in section 7 (appendix 3) of the Character Appraisal.**
- 1.3 That the Sub-Committee notes the results of the public consultation exercise and the revised text and maps for the Hendon Church End and Hendon The Burroughs Conservation Area Character Appraisals and Management Proposals.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Hendon Church End and Hendon The Burroughs are both new Character Appraisals for the two conservation areas which were designated in July 1983.
- 2.2 In 2006, the Unitary Development Plan (UDP) was adopted by Cabinet. This document has now been replaced by the Local Plan. On the 29th March 2011, Cabinet approved the Core Strategy and Development Management Policies, for submission to the Secretary of State. The documents were Examined In Public (EIP) by a Planning Inspector in December 2011. The Inspectors Report in June 2012 found both documents sound and legally compliant and both the Core Strategy and Development Management Policies were adopted by Full Council on 11th September 2012.
- 2.3 Delegated Powers Report 1708, dated 2nd July 2012 – authorised a public consultation exercise with local residents and interested parties in Hendon The Burroughs and Hendon Church End Conservation Area.
- 2.4 Delegated Powers report 1844, dated 16th November 2012 - adopted the Hendon Church End and Hendon The Burroughs Conservation Area Character Appraisals and Management Proposals. Approval was also given for additions to be made to the Council's local list of Buildings of Architectural or Historic Interest. 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 (2012-2013) 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 Unitary Development Plan (UDP) adopted May 2006 has now been replaced by the Local Plan (the statutory spatial development plan for Barnet). The Council adopted both the Core Strategy and Development Management Policies on 11th September 2012. These documents contain policies on 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 Appraisal and Management Proposals is an important part of the process of designation and is referred to in the Borough's Local Plan (adopted 2012). Consultation with local residents, shopkeepers, 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 increased risk of 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 appraisals 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 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 these two conservation areas, as supported by the Character Appraisals 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 Appraisals and Management Proposals will 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 contained within Environment, Planning and Regeneration Directorate's 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 Article 4(1) Direction.

7. LEGAL ISSUES

- 7.1 In line with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council designated Hendon Church End and Hendon The Burroughs Conservation Areas in July 1983.
- 7.2 The preparation of the Hendon The Burroughs 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 1987, does not reflect the wording of the current General Permitted Development Order 1995 (as amended by the GPDO 2008) and therefore the opportunity arises to update the Direction 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, Part 3, 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 boundaries of the conservation areas, a report to Cabinet will not be necessary.

9. BACKGROUND INFORMATION

- 9.1 The Conservation Area Character Appraisals for Hendon Church End and Hendon The Burroughs define the special character of both conservation areas and identify those buildings, spaces and other features considered to be important. When adopted, each Appraisal will become a key tool for making planning decisions within that particular conservation area. It will be a material consideration when assessing planning applications and for appeals. Consequently, it will be extremely useful for residents, planning officers and applicants. 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 areas. The economic prosperity of both conservation areas can be improved by asserting their significance as Heritage Assets. By improving the appearance of the two conservation areas, the opportunities for further economic activity and employment creation can be enhanced.

Hendon Church End

- 9.2 Hendon Church End has St Mary's Parish Church, dating from the 13th Century, at its heart, and links Church Road to the south with Watford Way to the west. The location at the top of the hill affords good views north-west across the borough. Within the conservation area there are four important statutory listed buildings which contribute significantly to the character of the area. They are the Parish Church, the Church Farm House (both grade II * listed), the Milking Parlour and the Daniel Almshouses (grade II listed). There are also two locally listed buildings, namely the Church House and the Chequers public house.
- 9.3 The area is often used as a quick vehicular route to Watford Way, which can lead to congestion at times, with heavy traffic passing through the conservation area. Along with two popular pubs, one of which has private parking spaces to the rear, there is also the Age Concern Meritage Club which is a day centre for elderly people, offering social and leisure activities along with meals and other services. Within the Meritage complex there is also a Citizen Advice Bureau and a newsagent. There is a small car park outside the Church House, opposite the church. Schools often make use of the churchyard green for sports days and other local events are also held on the green.

Hendon The Burroughs

- 9.4 The Burroughs is linear in its form, linking Watford Way to the south with the rest of the Hendon ward further north. The main type of development found within Hendon, The Burroughs Conservation Area, is terraced residential dwellings, although there is also a collection of offices, six shops and a former public house. There are a number of important statutorily listed buildings towards the southern end of the Conservation Area and these include two terraces of Georgian houses on the eastern and western sides of The Burroughs. There are also two terraces of Victorian houses in the northern part of the Conservation Area, one of which is locally listed. The Conservation Area also includes the former fire station, which has since been replaced by a modern station outside the Conservation Area. There are two public car parks on the western side of The Burroughs.
- 9.5 The administrative centre of Hendon lies just outside of the Conservation Area, to the north, where several significant listed buildings such as the Town Hall, Public Library and fire station are to be found. The Burroughs acts as a busy vehicular route from Watford Way resulting in high levels of congestion, especially at peak times. Due to the siting of Middlesex University's campus further north along The Burroughs, the area is also a highly used pedestrian route for students coming to and from the University and Hendon Central Underground Station.

Management Proposals

- 9.6 The purpose of the Management Proposals is to identify a series of initiatives which can be taken to achieve the preservation and enhancement of the conservation areas, based on the assessment of their special character, which has been provided by the Character Appraisals.

This satisfies the statutory requirement of section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 namely:

“It shall be the duty of the local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any part of their area which are conservation areas.”

- 9.7 It is proposed to make additions to the Council’s Local List of Buildings of Architectural and Historic Interest and to identify other buildings which are considered to make a positive contribution to the distinctive character and appearance of the conservation areas (see Appraisal map). The additions to the local list include the following:

Hendon The Burroughs

- No. 79 The Burroughs – a former lodge to St Joseph’s Convent. Early 20th century.

Hendon Church End

- The Greyhound Inn, Church End - a Victorian Pub dating from 1898.
- The Model Farm house, Church End – part of the remnants of Hinges Farm. Mid to late 19th century.

Article 4 Direction

- 9.8 An Article 4(1) Direction, approved in July 1987, currently applies to two terraces of Victorian houses in the Hendon The Burroughs 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 July 1987. 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.

- 9.9 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. Without introducing controls over these categories of minor

development, the character and appearance of the individual properties could be harmed by unsympathetic changes.

9.10 The following properties are proposed to be covered by the updated Article 4(1) Direction:

- No. 1-8 Burroughs Gardens
- 63-77 (odd) The Burroughs

10. LIST OF BACKGROUND PAPERS

10.1 Draft Character Appraisal, Management Proposals and Appraisal maps for Hendon Church End.

11.2 Draft Character Appraisal, Management Proposals and Appraisal maps for Hendon The Burroughs.

11.3 English Heritage Guidance on Conservation Area Appraisals, and the Management of Conservation Areas (February 2006).

11.4 NPPF (National Planning Policy Framework) - March 2012

11.5 DPR dated 2nd July 2012 authorising public consultation on both Character Appraisals and Management Proposals.

11.6 DPR dated 16th November 2012 adopting the Hendon Church End and Hendon The Burroughs Conservation Area Character Appraisals and Management Proposals. The DPR also recommends that the Sub-Committee approve the update to the Article 4(1) Direction.

Cleared by Finance (Officer's initials)	MC
Cleared by Legal (Officer's initials)	CH