

CABINET MEETING: 12 JULY 2018

**LLANDAFF AND CARDIFF ROAD CONSERVATION AREAS:
REMOVAL OF PERMITTED DEVELOPMENT RIGHTS FOR THE
PARTIAL DEMOLITION OF FRONT BOUNDARIES**

**TRANSPORT, PLANNING AND SUSTAINABILITY (COUNCILLOR
CARO WILD)**

AGENDA ITEM: 11

Reason for this Report

1. To seek Cabinet approval to serve Article 4(2) Directions to remove permitted development rights afforded to single dwelling houses for the whole or partial demolition of a gate, fence, walls or other means of enclosure within the curtilage of a dwelling house fronting a relevant location (which means a highway, waterway or open space) within the Llandaff Conservation Area and the Cardiff Road Conservation Area.

Background

2. In order to preserve the character or appearance of conservation areas, the Council is able to remove various dwellinghouse permitted development rights under Article 4(2) of the Town and Country Planning (General Permitted Development Order) 1995 (GPDO).
3. It has become apparent that the existing protections in place to prevent boundary wall removals (primarily to allow off street parking) are not sufficient in order to effectively manage change within the two Llandaff conservation areas.
4. In order to address this, additional Article 4(2) Directions are proposed to remove permitted development rights for the partial demolition of any means of enclosure within the Llandaff and Cardiff Road Conservation Areas (Class B of Part 31 of Schedule 2 of the GPDO). Alterations will then require planning permission (no fee is payable for these applications).

Issues

5. Letters will be sent to the owners and occupiers of all affected dwelling houses and press notice will be issued. A statutory time period of twenty-one days will be allowed for representations on the Article 4(2) Direction to be made in writing to the Council .

6. In accordance with the relevant legislation, the Article 4(2) Direction has to be confirmed by the Council within six months of the date of service of the Direction.
7. Representations received within the consultation period will be reported to Cabinet as and when confirmation of the orders is sought.
8. Llandaff Councillors Philippa Hill-John and Sean Driscoll are aware of the intention to serve the Direction and are supportive.

Reason for Recommendations

9. Approval of the recommendation to serve Article 4(2) Directions to remove these permitted development rights will assist in the management of change in order to preserve the character of these conservation areas.

Financial Implications

10. No direct financial implications are expected to arise from this report. The management of any resulting future applications will be met from within existing resources.

Legal Implications

11. In addition to designating an area as a Conservation Area under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990, the Council has the additional power to serve an Article 4(2) Direction under the Town and Country Planning (General Permitted Development) Order 1995 ("the Order").
12. Welsh Government Circulars provides guidance on the use of Article 4(2) Directions and the procedure for making them.
13. A Direction under the Article 4(2) restricts the scope of the permitted development rights in relation to a Conservation Area. By withdrawing the deemed permission under the Order, its effect is that an application for express planning permission has to be made for those development proposals excluded under the Direction. If the permission is refused or granted subject to those other than in the Order, the landowner is entitled under the Order to claim compensation for abortive expenditure and any loss or damage caused by the loss of rights.
14. It should be further noted that the Council has six months from the date of service of the Direction to confirm it otherwise it expires. The Order confers no power upon the Council to confirm the Direction with variations. It must, therefore, be confirmed in the same terms on which it was initially drawn and consulted upon.

RECOMMENDATIONS

Cabinet is recommended to approve and authorise the service of additional Article 4(2) Directions for the Llandaff and Cardiff Road Conservation Areas to remove permitted development rights afforded to single dwelling houses under Class B of Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) for the demolition of the whole or part of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling house fronting a relevant location.

SENIOR RESPONSIBLE OFFICER	ANDREW GREGORY Director Planning, Transport & Environment
	6 July 2018

The following appendices are attached:

- Appendix 1a– Draft Guidance Note for Residents – Llandaff
- Appendix 1a– Draft Guidance Note for Residents – Cardiff Road
- Appendix 2a – Draft Article 4 Direction - Llandaff
- Appendix 2b – Draft Article 4 Direction – Cardiff Road

The following background papers have been taken into account:

- Background Paper 1 – [Cardiff Road Conservation Area Appraisal \(2006\)](#)
- Background Paper 2 – [Llandaff Conservation Area Appraisal \(2006\)](#)