

WIRRAL COUNCIL

PLANNING COMMITTEE

19 JULY 2011

SUBJECT:	PROPOSED BOUNDARY EXTENSIONS TO OXTON VILLAGE CONSERVATION AREA
WARD/S AFFECTED:	OXTON
REPORT OF:	KEVIN ADDERLEY
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR PHIL DAVIES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to:

Inform the Members of the results of the public consultation relating to the proposed boundary extension to Oxtton Village Conservation Area undertaken (21st March -2nd May 2011) and to seek approval of those extensions.

A copy of a proposed boundary extensions to Oxtton Village Conservation Area are attached in appendix 1.

2.0 RECOMMENDATIONS

- 2.1 For Members to approve the proposed boundary changes for Oxtton Village Conservation Areas in accordance with the maps in Appendix 1.

3.0 BACKGROUND

- 3.1 Oxtton Village Conservation Area Character Appraisal was adopted by the Council in 2010. Section two of the Character Appraisal proposed two recommendations: boundary amendments and Article 4 Directions. A full-colour version of the adopted Appraisal can be viewed on the Council's website at: <http://www.wirral.gov.uk/my-services/environment-and-planning/built-conservation/conservation-areas/oxtton-village> This report sets out the findings and conclusions from the public consultation for the proposed boundary extensions. Article 4 Directions will be investigated in a separate consultation exercise.

4.0 REASONS FOR RECOMMENDATIONS

- 4.1 The public consultation on the proposed boundary extensions to Oxtton Village Conservation Area covered four new areas:

Area 1: Normanston Road & Derwent Road
Area 2: Birch Road & Fairview Road
Area 3: Village Road & Wellington Road
Area 4: Talbot Road, Mill Hill and Ingestre Road

- 4.2 Each new area has its own special contribution, which may be an extension of the existing character, or something of its own, as described in Section 2 of the Character Appraisal. Together they augment the character of the village as a whole and, by being given additional protection it is hoped to strengthen the character into the future.

5.0 PUBLIC CONSULTATION

- 5.1 A formal public consultation exercise was conducted to solicit the views of residents, owners and relevant internal departments on the matter of the proposed boundary extension were initiated on the 21st March 2011.

- 5.2 360 letters were sent out outlining the proposal along with a leaflet explaining the consequences of living in a Conservation Area to all properties within the proposed boundary extensions to the Conservation Area as well as those immediately outside of it. Local Councillors, the Oxton Society and other Council departments were invited to make comments. A copy of the resident letter is attached as Appendix 2. The letter requested that any views or comments on the matter were to be submitted to the Council by May 2, 2011, this provided a 6 week period.

6.0 CONSULTATION RESPONSES

- 6.1 The Council received a total number of twenty-seven responses from individual addresses (7.5%) from residents and property owners. **The full responses to the public consultation are attached in Appendix 3.**
- 6.2 Although the public consultation exercise received a low level of response in terms of the number of letters received. Out of the 360 letters sent out, there were 23 objectors and 4 supporters. There were no objections received from Council Members or Wirral Council Departments.
- 6.3 The four supporters that welcomed the Conservation Area status expressed their comments:
- 6.4 **Local Residents:**
- The additional planning constraints outweigh the benefits of living in a Conservation Area.
 - Fine examples of Edwardian architecture; if they are not included they would be vulnerable to developers."
- Oxton Society:**
- Additional areas will strengthen the coherence of the area.
 - Important features maintain the character of the area as a whole.
- 6.5 The comments received from twenty five objectors can be summarised into 4 main points:
- a) **Increased cost and maintenance of their property**
 - b) **Permission needed to change material of windows, doors, roof tiles**
 - c) **Permission needed to carry out tree work**
 - d) **The inclusion of modern houses**
- 6.6. **a) Increased cost and maintenance of their property:**
- Objectors shared similar concerns over practical matters of cost and re-instating original features to their property. Conservation Area status does not mean every building will be preserved and no changes allowed. Change is inevitable and may be necessary for the day-to-day life, prosperity and enhancement of an area. The designation would impact therefore not so much through restricting development, but in ensuring that the development which takes place respects its context. Such care does not necessarily imply increased costs of development as much can be achieved through the careful quality design of development in its scale, form, siting and materials.
- 6.7 **b) Permission needed to change material of windows, doors, roof tiles:**
- Objectors expressed concerns over permission needed for minor alterations. There appears to be a misconception that conservation area status will somehow not allow change to happen in Oxton village. Although permitted development rights are reduced, individual householders will still be able to make minor alterations e.g. new windows and doors without the need for consent.
- 6.8 Under Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, a general planning permission is granted for a range of minor developments, subject to limits and conditions designed to protect amenity and the environment.

- 6.9 “Permitted development” rights are, however, more restricted in Conservation Areas than elsewhere. Certain types of development: these include the addition of dormer windows to roof slopes, various types of cladding, rendering, and the erection of satellite dishes fronting a highway, side extensions and a reduction in the size of permitted extensions.
- 6.10 Experience has shown however that conservation area designation without the introduction of an Article 4 Direction, often fails to fully protect the character and appearance of designated areas. This is true in some of the existing conservation areas where incremental change to features such as windows, doors and slate roofs, has considerably undermined the conservation area designation. Any such directions would be the subject of separate reports and consideration at a later date.

6.11 **c) Permission needed to carry out tree maintenance:**

One of the main reasons for objection was the protection of trees. Residents did not want to have to ask permission every time they wanted to do work to their trees. A key feature of Oxtown Village Conservation Area is the strong presence of mature trees. These trees are on property frontages and in back gardens where they are evident on the skyline above the buildings. Many branches and tree crowns overhang pavements and roads lending a special character to those roads.

- 6.12 Trees make an important contribution to the environment, creating a varied, interesting and attractive landscape. Trees should be protected where ever possible, they-

- ⇒ Enhance views
- ⇒ Help define character and promote a “sense of place”
- ⇒ Add colour and seasonal interest
- ⇒ Support a wide variety of wildlife

- 6.13 Cutting down trees, groups of trees and woodland can destroy the settings of buildings or parts of an area. Also, proposals for extensions or new buildings can sometimes threaten trees. To undertake work to trees in a Conservation Area a Tree Work application must be submitted (no fee) giving 6 weeks notice before work is carried out.

6.14 **d) Inclusion of modern houses**

Concerns were expressed that houses that date from the 1960s display little architectural merit and they did not warrant inclusion within the Conservation Area. In response there are particular sites of modern houses both in areas 2 and 3. However as the Character Appraisal states:

“The modern development does not have a significant impact on the character of the area, and is similar to other recent development along Arno Road already within the existing boundary. Therefore its inclusion is recommended in preference to an island [being created] within the area”.

7.0 **POLICY IMPLICATIONS**

- 7.1 National Policy: Planning Policy Statement 5 (PPS5): Planning for the Historic Environment sets out the Government’s objectives for the historic environment and the reasons for its conservation. This document is integral to plan making and is an important material consideration, alongside adopted local planning policies, when assessing development that will affect a heritage asset, including Conservation Areas.
- 7.2 Local Policy: Wirral’s UDP Policy CH01: The Protection of Heritage, CH2: Development Affecting Conservation Areas, Policy CH3 Demolition Control with Conservation Areas and Policy CH7 Oxtown Village Conservation Area. These policies are an important material consideration with all development proposals; the local

authority will pay particular attention to the protection of Wirral's heritage assets.

- 7.3 It should be noted that UDP Policy CH7 will remain in force unchanged within the existing Conservation Area but which will effectively be superseded by the latest appraisal or management plan which will now be the overriding material considerations within the newly designated areas, until a more up-to-date policy can be included in an appropriate site-specific Development Plan Document.
- 7.4 The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69, states that every Local Planning Authority shall from time to time determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and, shall designate these areas as Conservation Areas. It shall be the duty of a Local Planning Authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as Conservation Areas; and, if they so determine, they shall designate those parts accordingly."
- 7.5 Section 71 of the Act states that it shall be the duty of a Local Planning Authority "From time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are Conservation Areas."
- 7.6 Section 72 of the Act states that "In the exercise, with respect to any buildings or other land in a Conservation Area, of any functions under or by virtue of any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 7.7 English Heritage's "Understanding Place: Conservation Area Designation, Appraisal and Management" (2011) provides a comprehensive discussion on the benefits of good practice in Conservation Areas.

8.0 FINANCIAL AND STAFFING IMPLICATIONS

- 8.1 For the owners and occupiers in the four new areas there are implications through having to submit additional information to the Council when submitting a planning application where planning permission is required. A higher standard of design and materials are required within a Conservation Area in order to protect and enhance the special character of the area. However, for many owners this might be considered to be outweighed by the fact that development management aimed at protecting and enhancing the area, is on balance, a positive outcome.
- 8.2 Additional workload as regards the management and protection of trees within the designated areas will result in additional officer time in terms of processing and assessing applications to carry out works to trees. The special character of the area to an extent is typified by mature gardens and trees and therefore any additional resources, in terms of officer time, justified.
- 8.3 One of the real issues may be enforcement and policing. However, any enforcement matters that do arise will need to take their place within the enforcement compliance strategy in terms of priority. Whilst this will be an additional burden for enforcement, it is anticipated that in some cases the Conservation Areas may be self policing, although this is difficult to predict with any certainty.

9.0 EQUAL OPPORTUNITY IMPLICATIONS / EQUALITY IMPACT ASSESSMENT

- 9.1 There are no implications arising directly from this report under this heading.

10.0 HEALTH IMPLICATIONS / IMPACT ASSESSMENT

- 10.1 There are no implications arising directly from this report under this heading.

11.0 COMMUNITY SAFETY AND LOCAL AGENDA 21 IMPLICATIONS

- 11.1 There are no implications arising directly from this report under this heading

12.0 ANTI-POVERTY IMPLICATIONS

12.1 There are no implications arising directly from this report under this heading

13.0 SOCIAL INCLUSION AND HUMAN RIGHTS IMPLICATIONS

13.1 There are no implications arising directly from this report under this heading

14.0 LOCAL MEMBER SUPPORT IMPLICATIONS

14.1 This document will be of interest to the assigned Members to the Oxton Conservation Area.

15.0 BACKGROUND PAPERS

- English Heritage Guidance on the Management of Conservation Areas (2006)
- The Town and Country Planning Act (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
- PPS 5: Planning and the Historic Environment

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APPENDICES

1. *Consultation Map*
2. *Copy of resident letter*
3. *Responses to consultation*

REFERENCE MATERIAL

Oxton Village Conservation Area Character Appraisal:

<http://www.wirral.gov.uk/my-services/environment-and-planning/builtconservation/conservation-areas/oxton-village>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee (item 60): Proposed Adoption of the Oxton Conservation Area Appraisal - ADOPTED	10 August 2010