

Cargate Conservation Area

Informative on Article 4 Direction

What is permitted development?

Planning legislation allows owners to make certain changes to their property without requiring planning permission. This is known as 'permitted development' and is wide ranging. Permitted development rights vary depending on the type of property and the location.

Development restricted by designation as a Conservation Area

Certain types of development are not permitted development in conservation areas and are therefore not covered by the Article 4 Direction.

In addition, flats and commercial premises do not have the same permitted development rights as houses, and planning permission is therefore required for many alterations which materially affect the appearance of the building.

What is an Article 4 Direction?

An Article 4 Direction is a tool available to the Council to restrict the changes that can be made to a property by the owner/occupier without first obtaining planning permission.

Article 4 Direction for the Cargate conservation area

The Council consulted on a draft Conservation Area Appraisal and Management Plan for the Cargate conservation area between 31 January and 13 March 2020 that proposed changes to the current conservation area boundary. The draft Management Plan identified that the introduction of an Article 4 Direction for the proposed consolidated conservation area boundary would be an important tool for protecting its character and appearance. The Council subsequently adopted the Cargate Conservation Area Appraisal and Management Plan in December 2020.

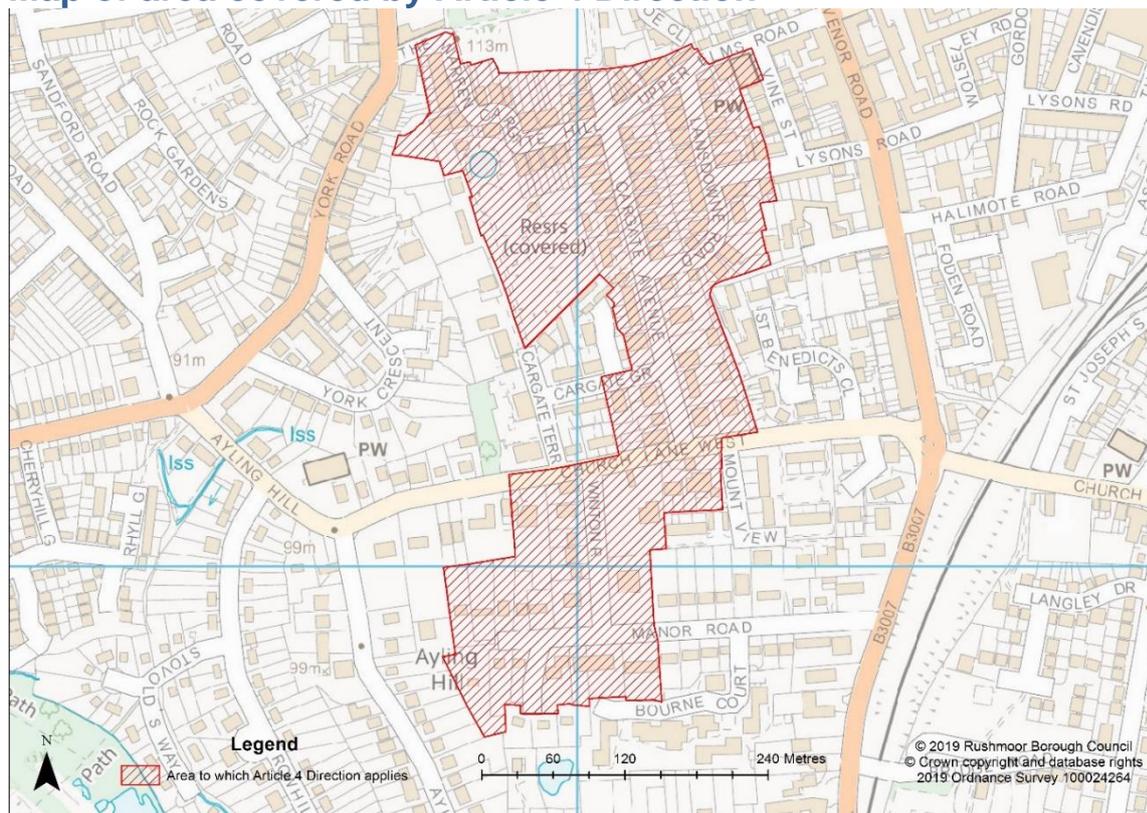
The Council 'made' an immediate Article 4 Direction on 31 January 2020 that was subject to six weeks' public consultation. From the comments received during the consultation, it was clear that some amendments to the Article 4 Direction were necessary. As a result, the Council decided not to 'confirm' (make permanent) the Direction 'made' on 31 January 2020 and instead 'made' a new immediate Article 4 Direction on 31 July 2020.

New Article 4 Direction

The new Article 4 Direction introduced the following changes:

1. The Direction applies to development involving works to dwelling houses that would be visible from the highway or public open spaces. As a result of this change, any such works specified in the Direction that would not be visible from the public highway or open spaces will continue to benefit from permitted development rights and therefore will not require planning permission.
2. The Direction now covers the replacement or alteration of doors.

Map of area covered by Article 4 Direction



Development restricted by the new Article 4 Direction

It is important to note that the additional Article 4 restrictions apply to dwelling houses where the work in question would be visible from a public highway or public open spaces. If the property is a flat or a house that has been divided into flats or put to another use, these premises do not have the same permitted development rights as houses, and planning permission is therefore required for any alterations which materially affect the appearance of the building.

The types of development restricted by the Article 4 Direction are detailed below:

- a) Any works to add, replace, improve or alter any window or door
- b) The erection of a porch outside an external door
- c) Making, enlarging, improving or altering a hard surface within the curtilage (such as a driveway)
- d) The erection, alteration or removal of a chimney or flue
- e) The installation, alteration or replacement of microwave antenna (such as TV aerials and satellite dishes)
- f) The erection, construction, improvement or alteration of a gate, fence or wall
- g) The painting of the property if it will differ from the traditional surface treatment

Exemptions

There are some exemptions to the above, including:

1. Repairs or maintenance – examples include:
 - Repairing a section of timber in a window
 - Re-pointing a chimney / brickwork

- Replacing fence posts / fence panels
2. Any alterations which took place before the Direction was made.
 3. Painting or decoration (except for previously unpainted brickwork / surfaces).

If in doubt about whether planning permission is required, please contact the Planning Department:

Email: plan@rushmoor.gov.uk
Tel: 01252 398788

Will I have to pay for planning permission?

In instances where planning permission is required solely as a result of the Article 4 Direction (for example, replacing the front windows of a house), there will be no charge.

When did the Article 4 Direction come into force?

The Article 4 Direction was made on an immediate basis and came into force on 31 July 2020. The Direction was subsequently 'confirmed' (made permanent) on 29 January 2021.

Further information

You can find further information about the Cargate conservation area here:

<https://www.rushmoor.gov.uk/conservationareas>