
MIDDLETON ONE ROW CONSERVATION AREA CHARACTER APPRAISAL

Responsible Cabinet Member - Councillor John Williams, Economy Portfolio

Responsible Director - Richard Alty, Assistant Chief Executive (Regeneration)

SUMMARY REPORT

Purpose of the Report

1. To report the outcome of the consultation process for Middleton One Row Conservation Area Character Appraisal.
2. To seek Members' approval of the Middleton One Row Conservation Area Character Appraisal.

Summary

3. Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that it is the duty of Local Planning Authorities to formulate and publish proposals for the preservation and enhancement of any parts of their area that are Conservation Areas.
4. This is achieved through Conservation Area Character Appraisals and ultimately through detailed policy in the Local Development Framework.
5. The Environment Scrutiny Review Action Plan adopted by the Cabinet highlighted the need for Conservation Area Character Appraisals to be undertaken.
6. Through Character Appraisals, sound decisions can be made on planning applications received for development within Conservation Areas.
7. The Middleton One Row is the eighth in a programme of 16 Conservation Area Character Appraisals as shown in the timetable considered by Environment and Scrutiny on 25 February 2010.

Recommendation

8. It is recommended that Cabinet approve the attached Middleton One Row Conservation Area Character Appraisal.

Reasons

9. The recommendation is supported to provide a document to assist in the preservation and enhancement of the Middleton One Row Conservation Area.

Richard Alty
Assistant Chief Executive (Regeneration)

Background Papers

- (i) Background Paper 1: Middleton One Row Conservation Area Character Appraisal
- (ii) Background Paper 2: Middleton One Row Conservation Area Character Appraisal Key Map
- (iii) Background Paper 3: Consultation Responses and Actions table

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S17 Crime and Disorder	No issues are raised.
Health and Well Being	The Character Appraisal encourages a high standard of environment, preserving and enhancing existing.
Sustainability	The Character Appraisal encourages a high quality, sustainable environment within the Conservation Area.
Diversity	No issues are raised.
Efficiency	Conservation Area Character Appraisals assess the character and appearance of the area and look at design requirements for new development. This should lead to savings in officer time and workload later in the planning application process.
Wards Affected	Middleton St George
Groups Affected	Residents of the Middleton One Row Conservation Area.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	No
Urgent Decision	For the purpose of the 'call-in' procedure this does not represent an urgent matter.
One Darlington: Perfectly Placed	This Character Appraisal contributes towards the priorities of Greener Darlington, Safer Darlington, Healthy Darlington and Prosperous Darlington.

MAIN REPORT

Information and Analysis

10. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to designate as Conservation Areas any *areas that from time to time they determine are 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'*. Conservation Areas are places where buildings and the spaces around them interact to form distinctly recognisable areas of special quality and interest.
11. Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 emphasises that it is the duty of Local Planning Authorities to formulate and publish proposals for the preservation and enhancement of any parts of their area that are Conservation Areas. This is best achieved through Conservation Area Character Appraisals because they provide locally distinctive guidance about how best to preserve or enhance the character and appearance of Conservation Areas.
12. Planning Policy Statement 5: Planning for the Historic Environment (PPS5) stresses the need for Local Planning Authorities to make an assessment of the special interest, character and appearance of all Conservation Areas in their areas through a Character Appraisal.
13. The Environment Scrutiny Review Action Plan adopted by the Cabinet highlighted the need for Conservation Area Character Appraisals to be undertaken.
14. Darlington has 16 Conservation Areas designated between 1978 and 1997; the Middleton One Row Conservation Area was designated on 4 May 1972. The Character Appraisal for Middleton One Row is the eighth in a programme of 16 Conservation Area Character Appraisals as shown in the timetable taken to Economy and Environment Scrutiny on 25 February 2010. The target is to produce three Character Appraisals a year, thereby ensuring all Conservation Areas have Character Appraisals in place by 2012.
15. Character Appraisals are a tool to assist in the preservation and enhancement of Conservation Areas. Through Character Appraisals, areas, buildings and spaces of special landscape or historic and / or architectural character can be highlighted as possessing particular interest, and being worthy of preservation and enhancement. Features of special interest, such as historic walls, stiles, open spaces, trees or historic surfaces can be highlighted through the Character Appraisal as can features causing intrusion or damage.
16. The production of a Character Appraisal is a step in the process of preserving and enhancing the character and appearance of a designated area, providing a basis for making sustainable decisions about its future. Undertaking a Character Appraisal offers the opportunity to re-assess the designated area and to evaluate and record its special interest. A Character Appraisal is not an end in itself, the process should lead to a better understanding of the character of the area and what makes it the place it is today, and so provide the basis for a positive Management Plan of the Area and / or an Article 4 (2) Direction to remove Permitted Development Rights if this is considered appropriate. Character Appraisals provide a sound basis, defensible on appeal, for Development Plan policies and future Development Management decisions.

Methodology

17. Defining the ‘special interest’ of an area is the main purpose of a Character Appraisal and is gained from the area’s character and appearance but other senses and experiences, local environmental conditions and historical associations can be drawn on.
18. Historic street patterns (building plots, layouts and the relationship of buildings to open spaces), archaeology (including any Scheduled Monuments), buildings (listed and unlisted), spaces and townscape, materials, green spaces, uses and the built environment and landscape can all contribute towards the character of an area.
19. The document is an assessment of the area’s special architectural and historic interest, based on careful analysis of the area as a result of time spent in the area and academic and journalistic sources.

Boundary Additions

20. Potential boundary Additions are considered when a Character Appraisal is drafted.
21. When we engaged with the public on a draft Character Appraisal, we proposed 4 no. boundary additions. Public comments were mixed with two thirds of respondents supportive and one third not supportive of proposals to extend the Conservation Area boundary.
22. After consideration, officers are recommending not to proceed with proposed extensions of the Conservation Area boundary at this time, for reasons of expediency:
 - (a) The proposed boundary additions were minimal so would not provide sufficient benefit to justify resources required (there is a financial cost to advertise the extended boundary in London Gazette and in one local newspaper as required).
 - (b) The proposed boundary additions are currently adjacent to the Conservation Area so currently have protection because development on such sites would be considered to affect the setting of the Conservation Area.
23. We can reconsider boundary additions at any time in the future, when expedient.

Potential Article 4 (2) Direction

24. An Article 4 (2) Direction would remove residents’ ‘permitted development rights’ (their allowance to undertake some minor works to their homes without the need to apply for planning permission). This would mean residents would need to apply for planning permission for small changes in form or material to external elevations fronting a highway, watercourse or public open space; however there would be no fee for an application made as a result of an Article 4 Direction. Like-for-like repairs and reinstatement of historic or architectural features will be encouraged and works that do not preserve or enhance the Conservation Area are unlikely to receive planning permission.
25. The benefits of an Article 4 (2) Direction are improved planning control that residents can think the Council already has, which may enhance the quality of an area and, as English Heritage’s survey of estate agents has evidenced, can improve house prices. The downside may be some restrictions on alterations to residents’ houses and the potential for more

involvement with the Council's planning department (although planning applications required only as a result of an Article 4 [2] Direction are free of charge).

26. The potential for an Article 4 (2) Direction was included within the draft Character Appraisal to gauge opinion and the level of support. Just over 61% of respondents supported a potential Article 4 (2) Direction. Officers will consider progressing this in the future, but it would be the subject of an additional consultation process involving residents and ward members, so there would be a further opportunity to ask questions and provide comment.

Participation and Engagement

27. Internally, emails and a link to the electronic copy of the draft Character Appraisal and Key Map were sent to senior officers within Planning, Highways, Building Control, Estates and the Communications Section. Ward Members Councillors York and Doris Jones were sent a copy of the draft Appraisal via email.
28. Externally, public participation and engagement is an integral part of the Character Appraisal process to encourage valuable public understanding and 'ownership'. The formal consultation period ran from Monday 24 May 2009 until Friday 9 July 2010, during which people were encouraged to comment on the draft Character Appraisal and Key Map.
29. Residents within the Conservation Area were a high priority and were likely to want more input than those living elsewhere in the Borough. Therefore an informal drop-in event was held at Middleton St George Community Centre between 18:00 and 20:00 on Thursday 10 June 2010. At the event there was a rolling Powerpoint presentation, display boards, copies of the draft Character Appraisal and comments forms; attendees were encouraged to ask questions and make comments.

Key Findings from the Consultation

30. The drop-in event held at Middleton St George Community Centre attracted approximately 35 people.
31. 12 formal responses were received in the form of completed comments forms, letters and emails all from members of the public. Two thirds of respondents were supportive of the proposed boundary additions and just over 61% of respondents supported a potential Article 4 (2) Direction. Some comments were made about minor errors and mistyped words, which have been addressed in the finalised Character Appraisal. Additional information has been included within the finalised Character Appraisal, such as information about Tree Preservation Orders and their inclusion on the Key map, at respondents' request.
32. Key issues raised by respondents include ensuring the character provided by historic properties is not lost; the infilling of open space or subdivision of large rear gardens for new houses; protecting the 'One Row' vista; the repair and use of St Lawrence's Church and whether the Character Appraisal will improve decision-making and enforcement within the Conservation Area. A summary of respondents' comments and our response to them, including whether the Character Appraisal has been altered as a result of comments, can be found in Background Paper 3.

Conclusions

33. The attached Middleton One Row Conservation Area Character Appraisal is the eighth in a series of Character Appraisals concerning the 16 Conservation Areas in the Borough. The final document was amended following comments from members of the public. This document will provide a useful tool in assisting the preservation and enhancement of the Middleton One Row Conservation Area through development management.
34. It is the intention of officers to further explore the potential for an Article 4 (2) Direction in the Conservation Area, in consultation with the residents and Ward Members.