

The City Planning Officer presented the following Report:

CITY OF BIRMINGHAM

PLANNING DEPARTMENT

PLANNING COMMITTEE

5th June, 1975.

Article 4 Direction -
Old Yardley Conservation Area

SEE APPENDIX

RECOMMENDATION:

1. That your Committee as Local Planning Authority authorise the making of an Article 4 Direction relating to Old Yardley Conservation Area, in order to require applications to be submitted for permitted development of Class I (1-5 inclusive) and Class II (1, 2 and 3).
2. That the Direction referred to at 1 above be submitted forthwith to the Secretary of State for the Environment for confirmation.

BACKGROUND INFORMATION:

Yardley old village is one of the City's most significant Conservation Areas and retains much of the character and atmosphere of a rural village. The character of the area depends very much on the inter-relationship of varied architectural styles and detailed features of each of the buildings.

At present, unless a building is Statutorily Listed there is no way of controlling minor operations such as the renewal of doors or windows which could be carried out in unsuitable materials or unsympathetic styles. Since these operations and others such as external painting of facades and erection of extensions are classed as permitted development they do not require planning permission. Without your Committee having power to control such minor works the character of the Conservation Area could be jeopardised.

At their meeting on 18th February the Conservation Areas Advisory Committee agreed that an experimental Article 4 Direction be applied in a selected Conservation Area which would have the effect of controlling these operations. Old Yardley Conservation Area has been chosen since it is envisaged that the Department of the Environment may be prepared to give a Conservation Area grant providing that they consider the Conservation Area to be "outstanding".

A public meeting was recently held in the Old Yardley Conservation Area and all residents in the area were invited to attend. At the meeting the effect of an Article 4 Direction was explained and the comments of the audience were invited. Your Chairman asked the meeting to indicate whether they would be in favour of an Article 4 Direction being imposed and the reaction was positive.

It would, therefore, seem desirable that such a Direction be made by your Committee as Local Planning Authority and submitted to the Secretary of State for the Environment for his confirmation.

PLANNING COMMITTEE

5th June, 1975.

Classes of Permitted Development to be
controlled by an Article 4 Direction in
respect of Old Yardley Conservation Area

Class I - Development within the curtilage of a dwellinghouse.

1. Erection of extensions.
2. Erection of porches.
3. Erection of garden buildings for the enjoyment of the occupiers of the dwellinghouse, other than a dwelling or garage.
4. Construction of a hardstanding for vehicles.
5. Erection of fuel storage tanks for domestic heating.

Class II - Sundry minor operations.

1. Erection of gates fences walls or other means of enclosure.
2. The construction of a means of access to a highway.
3. The painting of the exterior of a building.

CITY OF BIRMINGHAM

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS
1973 to 1974

ARTICLE 4 DIRECTION

OLD YARDLEY CONSERVATION AREA

WHEREAS The City of Birmingham District Council being the local Planning Authority for the District of Birmingham are satisfied that it is expedient that development of the descriptions set out in the Schedule hereto should not be carried out on the land shown coloured pink and edged red on the plan annexed hereto unless permission therefor is granted on application made under the Town and Country Planning General Development Order 1973 as amended (hereinafter called "the Order")

NOW THEREFORE the said Council in pursuance of the powers conferred upon them by Article 4 of the Order hereby direct that the permission granted by Article 3 of the Order shall not apply to development on the said land of the descriptions set out in the Schedule hereto

SCHEDULE

1. DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

~~(i)~~ The enlargement improvement or other alteration of a dwelling where:-

- (a) the cubic content of the original dwellinghouse (ascertained by external measurement) is not exceeded by more than fifty cubic metres or one tenth whichever is the greater, subject to a maximum of one hundred and fifteen cubic metres
- (b) the height of the building as so enlarged altered or improved does not exceed the height of the highest part of the roof of the original dwellinghouse

- (c) no part of the building as so enlarged altered or improved projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway—

And the erection of a garage stable loose-box or coach house within the curtilage of the dwellinghouse—

2. ~~(ii)~~ The erection or construction of a porch outside any external door of a dwellinghouse where:-

- (a) the floor area does not exceed 2 square metres—
(b) no part of the structure is more than three metres above the level of the ground—
(c) no part of the structure is less than two metres from any boundary of the curtilage which fronts on a highway—

3. ~~(iii)~~ The erection, construction or placing, and the maintenance improvement or other alteration within the curtilage of a dwellinghouse of any building or enclosure (other than a dwelling garage stable loose-box or coach house) required for a purpose incidental to the enjoyment of the dwellinghouse as such including the keeping of poultry bees pet animals birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse where:-

- (a) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway—
(b) the height does not exceed in the case of a building with a ~~pitched~~ ^{ridged} roof 4 metres or in any other case 3 metres—
(c) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed one half of the total area of the curtilage excluding

the ground area of the original dwellinghouse.

4 ~~(iv)~~ The construction within the curtilage of a dwellinghouse of a hard standing for vehicles for a purpose incidental to the enjoyment of the dwellinghouse as such.

5 ~~(v)~~ The erection or placing within the curtilage of a dwellinghouse of a tank for the storage of oil for domestic heating where -

(a) the capacity of the tank does not exceed three thousand five hundred litres.

(b) no part of the tank is more than three metres above the level of the ground.

(c) no part of the tank projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway.

being in each case development comprised within Class I referred to in the First Schedule to the said Order and not being development comprised within any other Class.

2. SUNDRY MINOR OPERATIONS

1 ~~(i)~~ The erection or construction of gates fences walls or any other means of enclosure not exceeding one metre in height where abutting on a highway used by vehicular traffic or two metres in height in any other case and the maintenance improvement or other alteration of any gates fences walls or other means of enclosure so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.

2 ~~(ii)~~ The formation laying out and construction of a means of access to a highway not being a trunk or classified road where required in connection with development permitted by Article 3 of and Schedule I to the order (other than under Class II ⁽²⁾ of the said order)

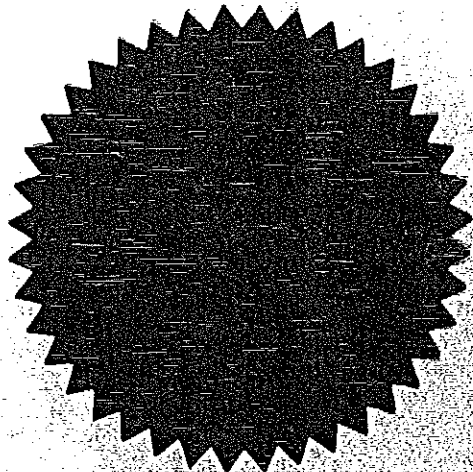
3

~~(1st)~~ The painting of the exterior of any building or work otherwise than for the purpose of advertisement announcement or direction—

being in each case development comprised within Class II referred to in the First Schedule to the said Order and not being development comprised within any other Class—

Given under the Common Seal of the City of Birmingham District Council this *four* day of *November* One thousand nine hundred and seventy-five

THE COMMON SEAL of THE CITY
OF BIRMINGHAM DISTRICT COUNCIL
was hereunto affixed in the
presence of:—



Gerard Pott
Deputy City Solicitor

5319

DOE 22468
The Secretary of State for the Environment
hereby approves the foregoing direction
subject to the modifications shown in red
ink thereon.

Signed by authority
of the Secretary of
State

Mr. [Signature]
An Assistant Secretary
in the Department of
the Environment.

9th March 1976

OLD HADLEY CONSERVATION AREA

DIRECTION under ARTICLE 4 of the TOWN AND COUNTRY
PLANNING (GENERAL DEVELOPMENT) ORDER 1973 as amended

Exd: JAB/CAB