




Executive Decision Report

Decision maker(s) at each authority and date of Cabinet meeting, Cabinet Member meeting or (in the case of individual Cabinet Member decisions) the earliest date the decision will be taken		
	<i>Councillor Tim Ahern, Cabinet Member for Planning Policy</i> Date of decision (i.e. not before): 01/04/13 Forward Plan reference: 03935/13/P/A	
		
Report title (decision subject)	<i>AVONDALE CONSERVATION AREA DESIGNATION</i>	
Reporting officer	<i>Jonathan Bore</i> <i>Executive Director of Planning and Borough Development</i>	
Key decision	Yes	
Access to information classification	Public	

1. EXECUTIVE SUMMARY

- 1.1. This report seeks approval to designate Avondale Conservation Area. A request was made in 2012 for a new conservation area in Avondale. This proposal is supported by Councillors, Planning and Conservation officers – a view echoed by the public when consulted in October 2012.

2. RECOMMENDATIONS

- 2.1. I recommend that the Cabinet Member for Planning agrees to designate the proposed Avondale Conservation Area, as shown at Appendix 1.

3. REASONS FOR DECISION

- 3.1. In accordance with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities are required to determine which parts of their area are of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as conservation areas.
- 3.2. Following a site visit, officers in planning and conservation confirmed that this area is of special architectural and historical interest. The proposals were put to the public and the majority of responses received by the Council were in support. (Full details of the consultation are set out later in the report.) It is therefore desirable to preserve and enhance the character and appearance of this area.

4. BACKGROUND

- 4.1. Several residents, including Councillor David Lindsay and the Kensington Society, have requested that parts of Avondale, as shown in Appendix 1, are designated as a conservation area. Residents have produced a summary of the history of the area, attached as Appendix 2.
- 4.2. The area is a good example of a group of Victorian terraces, laid out and built between 1870 and 1895. The area also includes late Victorian community infrastructure which include a church and schools. The majority of the terraces have retained their original architectural character, with many of the original decorative features still in place.
- 4.3. The area is adjacent to the Avondale Park Gardens Conservation Area, a small self contained post First World War development of modest artisan cottages set around a garden square, originally designed as 'Homes for Heroes'.
- 4.4. As the proposed designation of the surrounding area relates to development of a different architectural period and character than the existing conservation area, a new conservation area is proposed to be called Avondale Conservation Area.
- 4.5. 10a-d and 16a-d Avondale Park Gardens were excluded from the original Avondale Park Gardens Conservation Area. These properties contain little special architectural or historical interest, but would be bounded by conservation areas with the new proposals. The proposed Avondale Conservation Area will therefore include these properties to ensure that any potential development is sensitive to the setting of both conservation areas, particularly with regard to possible roof extensions.
- 4.6. Residents consider that Crosfield House, backing onto Avondale Park, should be included in the conservation area. It undoubtedly has historic interest, as the extract of information detailed at Appendix 3 shows. However, officers consider that recent changes to the windows and significant roof additions have significantly harmed the character and appearance of this building. This building is also located some distance away from the proposed conservation area

boundary. It is therefore excluded from the proposed Avondale Conservation Area.

- 4.7. The Avondale Park Primary School is located to the south of the proposed conservation area. This comprises two school buildings. The school building to the north, fronting onto Mary Place, has special architectural or historical interest. However, the school building to the south was built more recently and is not considered to be of historic or architectural merit. The proposed boundary of the conservation area therefore bisects the playground and does not follow a physical boundary on the plan.
- 4.8. If designated, the Council will work with local residents to produce a conservation area appraisal.

5. PROPOSAL AND ISSUES

- 5.1. The purpose of conservation areas is to provide a greater level of protection from inappropriate development through requirements to obtain conservation area consent, stricter criteria for permitted development¹, as well as through specific policies in the Core Strategy.
- 5.2. If the area is designated as a conservation area it will have several formal consequences. Those of particular relevance for the proposed area are noted below.
- 5.3. The demolition of certain buildings is brought within conservation area control under section 74 of the Act. This means that they can only be demolished with consent of the appropriate authority ("conservation area consent").
- 5.4. It would be an offence to cut down, lop, uproot, wilfully damage or wilfully destroy any tree except with the prior consent of the local planning authority.
- 5.5. The local planning authority would be under a statutory duty (section 71 of the Act) to formulate and publish proposals for the preservation and enhancement of the area. It would also be under a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the area in exercise of its powers under the Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.
- 5.6. The permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 would be more restricted than in other areas. Conservation Areas fall in the definition of "Article 1 (5) Land" and therefore more restrictive development tolerances apply under Schedule 2 on this land. Essentially, roof extensions will no longer be permitted development, and the size of side and rear extensions that can be built under permitted development is reduced.
- 5.7. As the roofscape in the conservation area is largely unmodified, conservation area designation will go a long way to protect the character and appearance of

the area. Permitted development rights to windows, doors and front boundaries to single dwelling houses are not altered by designation as a conservation area. An Article 4 Direction could be used in the future to remove permitted development rights to control changes of this nature if it was felt appropriate at that stage. It is not proposed as part of this decision.

6. OPTIONS AND ANALYSIS

6.1. The following options are available:

6.2. **Agree the proposed boundary and designate as set out above;**

6.3. **Designate, as set out above, subject to amendments to the boundary; or**

6.4. **Decide that the area is not worthy of designation.**

6.5. Due to the reasons set out in section 2, it is recommended to designate the conservation area. The Council has a statutory duty to identify areas of special and architectural interest; and the importance of preserving and enhancing the character of Avondale has been corroborated by Planning and Conservation officers. There may be some financial implications for property owners (set out in section 10), but these are considered to be out-weighted by the benefits to enhancing the character of the area. This view is reinforced by the high level of public support for the proposals from those living in the area, including that of local Councillors.

7. CONSULTATION

7.1. The Council consulted on the proposed designation of the conservation area for six weeks, from 11 September to the 24 October 2012. Every property within the proposed boundary was notified by letter of the consultation. Notice of this consultation was also included on the Council's website.

7.2. 23 responses were received. These are set out in full in Appendix 4. There were 20 letters in support of the proposals; these were from residents, the Kensington Society, the Norland Conservation Society and a Ward Councillor. In summary, comments in favour noted that without conservation protection much of the architectural character of the area could be lost, which at present makes a significant contribution to residential quality of life.

7.3. There were two objections from residents within the proposed conservation area. These felt that the designation would hinder much needed improvements to the area by creating an extra level of bureaucracy.

7.4. The Council's Corporate Property Department submitted comments expressing concern that the proposed conservation area boundary runs through the middle of the Avondale Park Primary School site. The proposed boundary will include the old Victorian school building, but not the modern building. The Corporate Property Department is concerned that any future improvements to the school may be affected by the inclusion of the Victorian building, which though it has

architectural and historical value, may not provide the highest quality educational space. The letter concludes to suggest that the drafting of a conservation area appraisal may include some flexibility with regard to the Victorian school building in any future redevelopment of the site.

- 7.5. If and when the conservation area is designated, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, notifications will be sent to the Secretary of State, the Historic Buildings and Monuments Commission and English Heritage and published in the London Gazette and K&C Chronicle.

8. EQUALITY IMPLICATIONS

- 8.1. Due regard has been had to section 149 of the Equality Act 2010. There are no equalities implications associated with this scheme.

9. LEGAL IMPLICATIONS

- 9.1. The Bi-Borough Director of Legal Services has been consulted and the legal implications are set out in this report.

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The Group Finance Manager, Planning and Borough Development, confirms that the cost of consultation and designation will come from existing budgets. A conservation area appraisal will need to be prepared. No commitment as to the timescale of this work can be made at this stage, without additional resources being made available. There are financial implications for property owners and those wishing to develop land in the area. Additionally, an application for Conservation Area Consent is required for substantial demolition of a building, permitted development rights are reduced and the Council must be notified of any proposals to lop or fell trees.
- 10.2. Designating the area as a conservation area will provide a greater level of protection to the existing building stock. Protecting heritage assets will also educate future generations in historic building design and layout techniques. It is considered that this area provides special architectural and historic interest the character and appearance of which is desirable to preserve and enhance.
- 10.3. All threats and opportunities identified to the proposals in this report have been considered and risk mitigation actions addressed where possible.
- 10.4. There are no diversity or personnel implications arising from the report.

Jonathan Bore
Executive Director of Planning and Borough Development

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report

Appendix 1 – Map of proposed Avondale Conservation Area

Appendix 2 – Summary of History of the Area

Appendix 3 – History of Crosfield House

Appendix 4 – Table of Consultation Responses

Contact officer(s):

Victoria Hinton, Neighbourhoods, Policy and Design

Tel: 020 7361 3265 **E-mail:** Victoria.hinton@rbkc.gov.uk
