

## Appendix A – Ffynone and Uplands Conservation Area Article 4(2) Direction consultation record

The following comments from 13 respondents have been grouped to reflect common themes.

### A.1 General support for the proposed Article 4(2) Direction

Ref	Comment	Response	Outcome
4	We are pleased with the proposal.	Support noted	No change
7	I can understand the rationale behind the proposed plans.		
8	We entirely support the action proposed and notified in your circular letter of 19th March 2018.		
12	We would like to take this opportunity to thank the conservation planners for their diligence in producing this review. We are fully supportive of the proposals to remove the Permitted Development rights.		
6	Full support for proposed Article 4(2) Direction but it is too late for front boundaries on Eden Avenue that have been removed for frontage car parking.	Support noted  The Article 4(2) Direction is not retrospective.	No change

## A.2 Comments about how the Article 4(2) relates to general maintenance

Ref	Comment	Response	Outcome
7	<p>Your letter does not highlight or detail the process should we wish to make changes such as painting the exterior or changing the windows.</p> <p>What is involved and how long would this take?</p>	<p>Where the proposed works are changes, planning permission would be required and no fee is payable for this.</p> <p>The target for determining these applications is 8 weeks.</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders outlining the process should either be sent with the confirmation letter and/or posted on the Council web site.</p>
5	<p>I note that there is further detail about the proposed directions that is not included in the consultation letter. Will the rights actually removed by the order reflect this further detail?</p>		
1	<p>We as landlords, take pride in maintaining our properties to a high standard for students and would not consider carrying out any work that would be deemed detrimental to the fabric of the building, or the boundaries and consider such a change to Permitted Development rights to be unnecessary, costly and time consuming for both the owner/ landlord and the City Council.</p>	<p>The intention of the proposed Article 4(2) Direction is not to stop appropriate maintenance, but rather to stop the erosion of character through poorly considered maintenance. The 'basic' maintenance of some HMOs including removal of architectural features is a contributing factor to the erosion of character; hence the need for the Article 4(2) Direction.</p>	<p>No change to the final Article 4(2) Direction, but a guide for owners/ householders should either be sent with the confirmation letter and/or posted on the Council web site.</p>

13	<p>If we have to apply to Swansea planning office to freshen up the outside of the building or do work on the outside of the property it is likely to lead to that work simply not being undertaken. I have no interest in adding that level of cost, time or additional paperwork and complication to proceedings.</p>	<p>It is not the intention of the Article 4(2) to control the painting of already painted houses and there would be no controls over bright primary colours. It would however control the painting of homes that are currently brick or stone to maintain the current masonry character where this exists.</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders should either be sent with the confirmation letter and/or posted on the Council web site.</p>
5	<p>The restriction includes painting, which seems too detailed a control and will make ordinary maintenance of the property (which we have done regularly over the years) more onerous. Why should I have to get permission to repaint my house on the existing colour?</p>		
4	<p>Many houses are painted in neutral colours thus forming a harmonious whole. However there is potential for residents to paint their houses in very bright primary colours with a well-meaning intention to 'brighten things up'. If this could be discouraged this would help maintain the harmony of colour schemes in a row.</p>		

<p>2</p>	<p>Many of the houses close to my flat have had UPVC windows fitted which have followed the exact style of the original windows. They preserve indoor heating and do not seem to detract from the style of the houses as they were. Does the term changing windows mean that they can no longer have energy saving modern windows and/or doors?</p> <p>We cannot live our lives in aspic and conserve energies at the same time. Most hard wood replacement windows would be far too expensive for many people.</p>	<p>The intention of the Article 4(2) is not to contribute to cold homes or fuel poverty, rather the intention is to seek a balance though further changes to maintain the character whilst addressing energy efficiency. There is scope to explore sliding sash windows in materials such as UPVC where the design is appropriate.</p>	<p>No change to the final Article 4(2) Direction, but a guide for owners/ householders should either be sent with the confirmation letter and/or posted on the Council web site.</p>
<p>4</p>	<p>Many original roofs were slate. In the past some residents have used concrete which tend to swell in wet weather and are too heavy for the original roof supports.</p>	<p>The intention of the proposed Article 4(2) Direction is not to stop appropriate maintenance, but rather to stop the erosion of character through poorly considered maintenance using inappropriate materials. The Article 4(2) would require any changes to roofing materials to obtain planning permission and inappropriate proposals can be controlled through the with-holding of planning permission.</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders should either be sent with the confirmation letter and/or posted on the Council web site.</p>

9	<p>The restrictions on, for example changing the door, under your proposal would be more costly to the property owner, as you would insist on it being replaced like for like and this would be more costly than buying off the shelf alternatives.</p>	<p>In the case of doors, this would only be a 'change' where an original door is proposed to be removed. It would not be a change requiring permission if a modern door is proposed to be replaced.</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders outlining the process should either be sent with the confirmation letter and/or posted on the Council web site.</p>
10	<p>I suggest that the Council does not remove Permitted Development rights for maintenance of boundaries. The maintenance of walls, railings etc is vital if such features are to remain. To make maintenance subject to planning permission would add to administrative burdens, be a significant disincentive for householders to carry out routine maintenance and is not justified by evidence.</p> <p>For example, I need to paint my railings periodically to keep the rust at bay, and put stones back into my front wall where they have fallen out. A need to apply for planning permission for such basic maintenance work would be excessive.</p>	<p>The intention of the proposed Article 4(2) Direction is not to stop appropriate maintenance, but rather to stop the erosion of character through poorly considered maintenance. The 'basic' maintenance of some houses including removal of walls is a contributing factor to the erosion of character; hence the need for the Article 4(2) Direction.</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders outlining the process should either be sent with the confirmation letter and/or posted on the Council web site.</p>

9	<p>Finally the information you give is misleading in what it proposes in part 2 class A, for example, you mention the opposition to the erection of a fence. Yet the original building obviously had one which I assume was removed for the war effort. Perhaps you would like to now give me back the fence the property gave in good faith, rather than tell me I couldn't put it back without the extra expense of planning consent and the time that takes.</p>	<p>The Article 4(2) is not retrospective – it does not affect past alterations carried out as Permitted Developments.</p> <p>The control over boundaries would apply to changes such as removing walls. If there were a proposal to reinstate the metal railings then this would be supported.</p> <p>There is no charge for planning applications in relation to works where the Permitted Developments have been removed under the Article 4(2) Direction</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders outlining the process should either be sent with the confirmation letter and/or posted on the Council web site.</p>
9	<p>The effect it will have upon the value of my property. As anyone knows who has bought and sold property any restriction on "minor alterations" that would require expensive planning consent will come up on a search and will put off buyers. This reduces the value of the property.</p>	<p>The effect on the value of property is not a planning concern, however it is widely accepted that properties within Conservation Areas are often more valuable than those not in a conservation area due to the recognition and protection of heritage.</p> <p>There is no charge for a planning application in relation to a change restricted by the proposed Article 4(2) Direction.</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders outlining the process should either be sent with the confirmation letter and/or posted on the Council web site.</p>

### A.3 How will the Article 4(2) Direction be enforced?

Ref	Comment	Response	Outcome
8	May we put in a plea for adequate enforcement thereafter of the changed rules?	The first step of protecting the character through enforcement is by bringing in enforceable controls; much of the current erosion of the conservation area character is currently Permitted Development, hence the need for the Article 4(2) Direction.	
9	It seems to me the ship has already sailed on trying to keep all the houses looking the same and as they were originally. I wonder if this move is to prevent other types of development in the area, like multi able occupancy housing. We have heard rumours of builders wanting to develop land in the area. But the end result of preventing that, will be costly to those who have already purchased houses in good faith and maintained them as sympathetically and best as we can afford.	<p>Disagree – the degradation of the character of the conservation area due to the cumulative impact of minor Permitted Development changes was highlighted in the Conservation Area Review and endorsed by public and stakeholder consultation.</p> <p>The proposed Article 4(2) Direction has no bearing on the use of the houses – there are separate controls on HMOs being proposed in a Supplementary Planning Guidance document.</p> <p>Any development proposals are outside the scope of this Article 4(2) and will require full planning permission with the effect on the</p>	

		character/ appearance of the conservation as a key consideration.	
13	<p>We are completely behind keeping the feel and look of the houses in the area and we would certainly support keeping any work on the exterior in line with the spirit of the original design. We only moved into our property a year ago but one of the reasons we bought the house was because we loved the look and design of it. However we are extremely opposed to this proposal.</p> <p>However, it is already a conservation area and there are already measures in place to monitor this. We feel that adding more cost, bureaucracy and time to a process that should be a collaborative exercise is frustrating.</p> <p>My dealings with Swansea council have not left me with a lot of confidence in them and I would be very wary of anything that added more input and influence from them</p>	<p>The degradation of the character of the conservation area due to the cumulative impact of minor Permitted Development changes was highlighted in the Conservation Area Review and endorsed by public and stakeholder consultation.</p> <p>The intention of the proposed Article 4(2) Direction is not to stop appropriate maintenance, but rather to stop the erosion of character through poorly considered maintenance. The 'basic' maintenance of some houses including removal of architectural features is a contributing factor to the erosion of character; hence the need for the Article 4(2) Direction.</p> <p>The first step of protecting the character through enforcement is by bringing in enforceable controls; much of the current erosion of the conservation area</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders outlining the process should either be sent with the confirmation letter and/or posted on the Council web site.</p>



	<p>as I feel this would be counterproductive.</p> <p>I genuinely believe that most people who own these houses enjoy the look and feel of them and with good guidance on what can and can't change and which features need to be retained, would do their best to keep the properties in good condition and aligned with the requirements.</p> <p>Education and communication seems a far more effective approach to me, combined with the enforcements already in place as a conservation area.</p>	<p>character is currently Permitted Development, hence the need for the Article 4(2) Direction.</p>	
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4	<p>We have some reservations about this proposal. Regulations are not applied consistently. For example, recent events at the Sancta Maria Hospital involved the destruction of a magnolia tree to construct a concrete pad for a mobile MRI scanner. We have a blossom tree in our front garden and are obliged to seek permission every year of have it trimmed by a professional arborist. It is difficult to reconcile these two applications of the regulations so totally at variance.</p>	<p>The removal of the magnolia tree at Sancta Maria within the conservation area was agreed with the Councils Tree Officer. This is not relevant to the consultation on the proposed Article 4(2) direction.</p>	<p>No change</p>
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4	<p>Another reservation is the scepticism that the planning committee will formalise this proposal and even more that it will ever be enforced. Therefore, it seems futile to participate in consultations. Residents are, quite rightly encourage to maintain their properties to a high standard while other areas are degraded by extraneous additions, for example the removal of the magnolia tree and its replacement with a concrete surface. This constantly changing contradictory scenario create a state of apprehension in residents, which is both stressful and difficult to comprehend.</p> <p>However we were pleased to receive your letter and fully support the work of the Design and Conservation Team.</p>	<p>The first step of protecting the character through enforcement is by bringing in enforceable controls; much of the current erosion of the conservation area character is currently Permitted Development, hence the need for the Article 4(2) Direction.</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders should either be sent with the confirmation letter and/or posted on the Council web site.</p>
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#### A.4 Can the Article 4(2) be applied retrospectively?

Ref	Comment	Response	Outcome
2	Does the restrictions include extensions which have had planning permission in the recent past? For example at the rear of my property is a windowless shower room – does the restriction mean that no windows can be installed?	The Article 4(2) is not retrospective – it does not affect past alterations carried out as Permitted Developments, plus the controls protecting properties affect the front (or street siding elevations). The Article 4(2)	No change to the final Article 4(2) Direction, but a guide for owners/ householders should either be sent with the confirmation letter and/or posted on the Council web site.
9	Some of the alterations you highlight have already been changed in some houses. My house for example no longer has the original roof window box. I am deeply concerned that we may be forced to replace some of these original features to match those which still have them. They were in my case taken out long before I purchased the property.	directions do not affect rear elevations.	

## A.5 Comments about plan

Ref	Comment	Response	Outcome
2	No Plan attached to the letter.	All properties that are the subject to the proposed Article 4(2) Direction were contacted directly via bilingual letters, so there is no legal requirement for the map to be included – it was available via a link on the Council web site.	All properties that are the subject of the final confirmed Article 4(2) will be written to and this restriction will be attached to the relevant properties as a local land charge.
11	The letter advises to see plan attached / enclosed, there was not one enclosed. Also please advise if my land and property are affected.		
5	The notice is invalid, as the plan referred to in the second paragraph showing the selected properties and the boundary of the conservation area was not attached. Without the plan there is no description of the conservation area or part of the conservation area as is required by Article 6 (2) (a) of the Town and Country Planning (General Permitted Development) Order 1995.		

5	<p>Thank you for your apology for the omission of the plan from the consultation letter and for the copy attached. Unfortunately you are wrong to assume that all the recipients of the consultation letter will have access to a website. I am 91 and had to seek help and advice on what was proposed. The map enclosed with your letter of 20 April is not headed or referenced as the plan from the consultation letter, so even finding on the website would not provide confirmation that it was the plan referred to. I understand that this does give rise to a question over the validity of the statutory notice given.</p>		
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## A.6 Other comments

Ref	Comment	Response	Outcome
6	Why is 2 Eden Avenue proposed to have Permitted Development Rights removed when this is a Listed Building and these Rights have already been removed?	The grade II listing of 2 Eden Avenue removes all Permitted Development Rights and bestows the same level of protection on boundaries which are curtilage listed.	Remove blue dot from 2 Eden Avenue.
5	It is unreasonable to include 52 Eaton Crescent in the properties subject to the order under Article 4 (2) of the Regulation. The effect of Article 3 of the Regulation is to preserve to the property owner rights of property that would otherwise be restricted by planning law. Such rights are therefore property rights to which the Human Rights Act 1998 (HRA) applies by virtue of the inclusion of Article 1 of the First Protocol of the Convention in Schedule 1 of the Act. You will be aware that that Article has a derogation in these terms "The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance	The proposed Article 4(2) direction to remove permitted development rights in relation to selected properties within the Ffynone and Uplands Conservation Area would have the effect of bringing minor changes to the street elevation building and front boundary under planning control. This doesn't mean that owners cannot change their properties, but that decisions will be made via the planning application process on a balanced basis with consideration of the wider community and conservation area character. The planning process in relation to the proposed removed permitted development rights is free. Additionally owners have right of appeal to Welsh Government if the planning application is refused. Therefore the proposed Article 4(2) direction is not in contravention with the Human Rights act. Article 4 Directions are used widely across the UK and the planning system by its	No change

	<p>with the general interest". You will also be aware that by virtue of S 6 (1) HRA, "It is unlawful for a public authority to act in a way which is incompatible with a Convention right".</p>	<p>very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.</p>	
5	<p>Commencing in 2014 an extensive investigation and consultation was conducted by The Conservation Studio, whose extensive report ("The Report") was the basis of the Council's document "ADOPTION OF FFYNONE &amp; UPLANDS CONSERVATION AREA REVIEW AS SUPPLEMENTARY PLANNING GUIDANCE &amp; PROPOSAL TO SERVE AN ARTICLE 4(2) DIRECTION" of 12 January 2016. At Appendix 1 Map 5 (at page 57 of the Report) of the report the Conservation Studio identified what they called "Proposed Article 4 dwellings". In respect of Eaton Crescent these included only the areas identified by the number 33, 35, 36 &amp; 37. None of these areas included number 52 Eaton Crescent, as can</p>	<p>The initial 2014 draft of the Ffynone and Uplands Conservation Area Review, prepared by consultants identified potential properties for the Article 4(2) Direction, but that was not exhaustive.</p> <p>Further assessment has identified that additional properties have a positive architectural character and have been maintained to a high standard, and as such were included in the further consultation on the proposed Article 4(2) Direction to protect this positive character.</p>	No change



be seen from the associated table on page 58. Indeed on the map 3 at page 55 entitled townscape analysis it can be seen that the buildings in yellow on Map 5 (to which a recommendation is made that an Article 4 order be made) correspond to those in blue on map 3, which are "positive unlisted buildings". On Map 3 52 Eaton Crescent is shown in white, designated a "neutral building".

Comparing these Maps 3 and 5 of the Report with the plan that should have been attached to the Notice, which is available on the council's website (though such availability does not correct the defect of its omission from the Notice), it is clear that a very large number of houses in Eaton Crescent identified as neutral on Map 3 are to be subject to the Order, despite the fact the council's own consultants have only identified a much smaller cohort of buildings as being important enough to warrant an Article 4 order. In the circumstances the council has no evidential basis on which it can rely to establish that 52 Eaton Crescent

	<p>(inter alia) has to be controlled in accordance with the general interest. Without such an evidential basis the council cannot show that it is reasonable to restrict my property rights as owner of the property.</p>		
5b	<p>The plan shows that on this side of Eaton Crescent only my property and my adjoined neighbour's property are marked in blue, as opposed to red. Blue appears more restrictive than red as the key shows blue to indicate control of properties and boundaries, whereas red indicates only control of boundaries. It is not clear what the difference is, but I assume there is a separate form of notice for the "red" properties.</p> <p>My house is very similar to a number of other properties and my concern is that you have singled this property out for the removal of more property rights than you have taken from the other similar properties. I fear that this may affect any future sale of the property, as well as burdening me with administration and extra cost</p>	<p>The pair of properties on Eaton Crescent were highlighted for the 'higher' level of protection to the front elevations due to the full retention of original architectural detailing which was considered to be a positive feature of the conservation area.</p> <p>However they are not unique; they are part of a wider group of identical pairs of identical houses albeit many of the others have been altered to differing degrees. The Article 4(2) proposal was to protect the front boundary walls of these other properties and with the benefit of further reflection, they should all have a consistent level of protection which relates to the boundaries only.</p>	<p>Amend Article 4(2) in relation to 50/52 Eaton Crescent to protect boundaries only and change blue dot on plan to red dot for this pair to match the other similar gable fronted semidetached properties.</p>

	<p>in undertaking ongoing maintenance.</p> <p>In view of the singling out of two properties from a number of similar properties, the balancing process you describe at your paragraph 3a does not seem to have been applied appropriately.</p> <p>I note that my response will be taken into account as part of the consultative process and hope that the proposed notices will be amended, so that my property will be given "red" status in common with other properties in this part of Eaton Crescent.</p>		
9	<p>No compensation in terms of for example a reduction in council tax is offered and all the costs of maintenance would fall to the householder. No financial help would be offered, as I know from previous experience of buildings with planning restrictions, to changes that would be insisted upon.</p>	<p>There is no linkage to Council Tax payments.</p> <p>Should consent be refused or granted subject to conditions, an applicant might seek to use the compensation provisions of Section 108 of the Town and Country Planning Act 1990. There is no specific budget for compensation claims and in any case this is expected to be unlikely.</p>	<p>No change to the final Article 4(2) Direction, but a guide for householders outlining the process should either be sent with the confirmation letter and/or posted on the Council web site.</p>

3	<p>I don't understand the meaning of this letter. I have been complaining about the White House Hotel extension. They have created extra rooms from 9-15 bedrooms. There isn't sufficient on street parking and there is competition for this from residents, workers and hotel guests.</p> <p>The same is happening at Alexandra Hotel at the start of Sketty Road where additional bedrooms will impact on car parking.</p>	<p>This issue relates to the change of use of the White House Hotel. This is outside the scope of the current Article 4(2) Direction consultation.</p>	<p>No change</p>
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