

Frequently Asked Questions: Radlett Bungalows Article 4 Directions



What is an Article 4 direction?

Planning permission is often required to extend a property. However, sometimes a planning application is not required because of what is known as 'permitted development' (PD) rights, which are set out in national legislation and have typically allowed for some extensions to individual homes. An 'Article 4 direction' is a planning tool used in local areas to remove PD rights for a particular type of development. They are used exceptionally where there are local concerns about the impact of a specific PD right.

In Hertsmere, for example, they have been used to avoid unsympathetic extensions to houses in conservation areas which would otherwise not require planning permission. They do not necessarily prevent development from happening, but require that people apply for planning permission for certain things which allows a greater degree of control. A legal process, including public consultation, has to be followed in order to introduce an Article 4 direction.

Why have you introduced these Article 4 directions?

The government recently increased the amount of development which can be undertaken without the need for planning permission, subject to certain technical criteria. This includes allowing the creation of an additional storey on top of single-storey homes with the overall roof height able to be increased by up to 3.5 metres. There are new PD rights which allow this to be used as either additional living space or as a separate flat.

The Radlett Neighbourhood Plan was adopted in 2021 following a local referendum, and identifies a number of bungalows and groups of bungalows as making a positive contribution to the character of the area. These Article 4 Directions will help manage future changes to those particular bungalows.

What does the Article 4 direction mean for me?

Once the Article 4 direction comes into effect (in May 2024) you will need to apply for planning permission if you wish to add an extra storey to your bungalow, whether for extra living space or to create another self-contained residential unit at first floor level.

This will not affect the ability to extend your home under other permitted development rights and for which planning permission is not required. For example, conventional loft conversions (including adding rooflights and dormer windows), and rear/side extensions can still be carried out without the need for a planning application (subject to the relevant permitted development legislation).

What is restricted by this Article 4 Direction?

There are three specific clauses in the new PD rights which this Article 4 Direction seeks to control. These PD rights relate to the upwards extension of houses:

Part 1, Class AA - enlargement of a house by constructing additional storeys;

Part 20, Class AC – creation of new residential units on top of an existing terraced or semi-detached house; and

Part 20, Class AD – creation of new residential units on top of an existing detached house

Did I receive a letter about this last year?

You may have received a similar letter in May 2022 asking for comments on an Article 4 Direction which was due to come into effect in May 2023. Due to an administrative error, a limited number of properties were not correctly identified in both the written schedule and the map which comprise the Direction, resulting in a few of those addresses not being notified. A small number

of two storey houses have also been removed which were erroneously included in the Direction. The updated Direction replaces the previous one issued.

When does the Article 4 Direction come into effect?

The Article 4 Direction is due to take effect in May 2024. This will allow time for further public consultation, and for us to consider whether any changes are needed.

Who produced the Radlett Neighbourhood Plan?

The production of the Radlett Neighbourhood Plan (RNP) was initiated by Aldenham Parish Council in 2012 who established a local steering group to oversee its preparation. Following consultation on a draft neighbourhood plan, an independent public examination was held at which it was agreed the plan could go to local referendum. Around 75 per cent of the votes cast supported the use of the RNP to help decide planning applications in the area; there was a turnout of 44 per cent for the referendum. The RNP now forms part of the statutory planning framework for the area and is used, alongside the Local Plan for the whole borough, in assessing local planning applications.

What does the RNP say about bungalows?

The RNP seeks to ensure that planning applications for development (e.g. extensions, re-builds) protect or enhance the positive contribution of bungalows which have been identified for their individual and/or group value. In particular, proposals to replace an existing bungalow which has been identified in the plan *'must be broadly commensurate in terms of its existing ridge height and respect its wider setting...and be in keeping with key features typical of local bungalows'* (Policy HD7, RNP).

Do the Article 4 directions affect the whole borough?

No, they only affect specific bungalows in Radlett identified in the Radlett Neighbourhood Plan; please see the attached map to see all bungalows covered by similar Article 4 directions. We have made three Article 4 Directions, which can be viewed on our website at www.hertsmere.gov.uk/RadlettArticle4

Have other councils introduced similar Article 4 Directions?

Yes, a number of councils across England have introduced similar Article 4 Directions to control the heights of buildings in certain areas.

How can I respond to the public consultation on this matter?

Any comments or queries regarding the introduction of the Article 4 Direction should be made by email to local.plan@hertsmere.gov.uk or in writing to the below address by **12pm on Thursday 11th May 2023**.

Planning Strategy Team
Hertsmere Borough Council
Civic Offices
Elstree Way
Borehamwood
WD6 1WA

All comments received will be taken into consideration in deciding whether or not to confirm the direction or whether to make any changes. If the direction is confirmed we will write to you again to notify you of this decision and any changes made.