

Title of Report	Confirmation of Article 4 Direction to remove Permitted Development Rights in the Well Street Conservation Area.		
Key Decision No	HCE S676		
For Consideration By	Cabinet		
Meeting Date	26 January 2025		
Cabinet Member	Councillor Guy Nicholson, Deputy Mayor and Cabinet Member for Housing, Planning and Regeneration		
Classification	Open		
Ward(s) Affected	Homerton, Hackney Wick		
Key Decision & Reason	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Yes</td> <td>Significant in terms of its effects on communities living or working in an area comprising two or more wards</td> </tr> </table>	Yes	Significant in terms of its effects on communities living or working in an area comprising two or more wards
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Implementation Date if Not Called In	3 February 2026		
Group Director	Rickardo Hyatt, Group Director, Group Director, Housing, Climate and Economy		

1. Cabinet Member's introduction

- 1.1. This report seeks Cabinet approval to confirm an Article 4 Direction to help protect the urban character and architectural heritage of the Well Street Conservation Area. It will ensure that original architectural features are protected and it will maintain an architectural uniformity of the built townscape.
- 1.2. At the meeting of Cabinet in July 2021 formal approval was given to the designation of the Well Street Conservation Area and the 'making' of a non-immediate Article 4 Direction to withdraw a number of permitted development rights in the Conservation Area.
- 1.3. Following a pause to the Council's Conservation Area review programme during and immediately following the pandemic, in 2024 the Council made a

non-immediate Article 4 Direction for the Well Street Conservation Area and consulted residents and occupiers within the Conservation Area for their views.

- 1.4. The proposed Article 4 Direction withdraws the Permitted Development Rights granted by the Government under Schedule 2, Parts 1 and 2, which allow development to take place without the submission of a full Planning application. By introducing the Article 4 Direction, certain works that are proposed for a building will now require a full Planning application. This will prevent inappropriate changes to buildings taking place, such as the painting of brickwork or the installation of upvc windows.
- 1.5. A full calendar year is required between 'making' an Article 4 Direction, the first step required to implement an Article 4 Direction, and 'confirming' the Direction, the second and final step to implementation. During which the views of local stakeholders within the Conservation Area are sought.
- 1.6. Having considered the views of local stakeholders, the Council is now in a position to confirm the Article 4 Direction, which will ensure that the built environment in the neighbourhood within the Conservation Area will maintain its unique architectural character and its local distinctiveness.
- 1.7. I commend this report to Cabinet.

2. Group Director's introduction

- 2.1. This report seeks Cabinet's approval to confirm the Article 4 Direction made on 09th May 2024 (Appendix 1) to withdraw the permitted development ("PD") rights granted by Schedule 2, Part 1, Class A, B, C, D, E, F, G, H and Part 2, Class A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") for Well Street Conservation Area.
- 2.2. The making of the Article 4 Direction was agreed at Cabinet on 19th July 2021 and was officially made on 9th May 2024. It is a non-immediate Direction, so a one year notification period has passed and it is proposed that the Article 4 Direction is confirmed.

3. **Recommendations**

3.1. **Cabinet is recommended to:**

1. **Approve the confirmation of an Article 4 Direction (A4D) (Appendix 1) to withdraw the permitted development (“PD”) rights granted by Schedule 2, Part 1, Class A, B, C, D, E, F, G, H and Part 2, Class A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”) for development in Well Street Conservation Area.**

4. **Reason(s) for decision**

- 4.1. This decision is required in order to ensure that the area’s heritage is fully recognised and protected and to ensure that the uniform character, appearance and original features of the area are preserved by an Article 4 Direction.
- 4.2. Consultation and engagement with stakeholders and the public is integral to all workstreams within the conservation area review programme and the responses from local residents and other stakeholders have been carefully considered in the proposed confirmation of the Article 4 Direction.
- 4.3. The Article 4 Direction will enable full consideration of proposals at the planning application stage, which will ensure careful management of development in the conservation area and prevent inappropriate changes taking place.

5. **Details of alternative options considered and rejected**

- 5.1. The alternative option is not to confirm the Article 4 Direction. This has been rejected as the area appraisal identifies a number of threats to the buildings and the overall conservation area, which householders could undertake using permitted development rights. The use of an Article 4 Direction will therefore provide increased protection against the loss of historic architectural features.

6. **Background**

- 6.1. Research undertaken for the Council’s 2017 Conservation Area Review Study indicated that it would be desirable to preserve and enhance the historic qualities of the Well Street area through designation, which subsequently occurred in July 2021.

- 6.2. Well Street Conservation Area is centred on an historic route connecting Mare Street and Homerton, which began as a small hamlet and grew in the 19th century. Since Victorian times, the area has been a centre for commercial and light industries and has a village-like character. Terraces of 19th century housing and shops remain to both the east and west sides of Well Street and a market continues to thrive, having first started operating in the 1850s.
- 6.3. The Cabinet approval in 2021 included the ‘making’ of a non-immediate Article 4 Direction over the conservation area in order to preserve the character and appearance of the buildings and protect original features. The proposed Article 4 Direction covers many buildings that are relatively unaltered and sensitive to further incremental changes.
- 6.4. The character and appearance of buildings and neighbourhoods can be significantly damaged by alterations carried out as permitted development. For example, the introduction of unsympathetic modern windows and porches can result in a uniform row of houses losing its character. In order to address this issue, a local authority can make an Article 4 direction that will restrict permitted development rights within a limited area. The direction can cover a single building, street or a neighbourhood. The withdrawal of permitted development rights under an Article 4 direction means that deemed planning permission is no longer granted automatically by the GPDO and that a planning application needs to be made to the Local Planning Authority (LPA) for development otherwise permitted by the GPDO.
- 6.5. An Article 4 direction does not prohibit development but enables the LPA to have some control over the proposed development. Each planning application will be considered on its merits, the LPA will assess the proposed development in the light of policies in its development plan documents and consider any other factors that are material.
- 6.6. The Council made the relevant Article 4 Direction on 9th May 2024 and full details were sent to local stakeholders on 15th May 2024 as part of a 28 day consultation. The one year notification period has now passed and the Article 4 Direction can now be confirmed.
- 6.7. The proposed Article 4 Direction will withdraw the following permitted development rights:
- 6.8. **Schedule 2, Part 1 Development within the curtilage of a dwelling house**
Class A, enlargement, improvement or other alteration of a dwelling house

Class B – additions etc to the roof of a dwelling house
Class C – other alterations to the roof of a dwelling house
Class D – porches
Class E – buildings etc incidental to the enjoyment of a dwelling house
Class F – hard surfaces incidental to the enjoyment of a dwelling house
Class G – chimneys, flues etc on a dwelling house
Class H – microwave antenna on a dwelling house

6.9. Schedule 2, Part 2 Minor Operations

Class A – gates, fences, walls etc
Class B – means of access to a highway
Class C – exterior painting

- 6.10. Local Planning Authorities are now required to charge a standard fee for planning applications in Article 4 areas. Prior to January 2018, there were no fees. As the proposed Article 4 Direction is non-immediate, the Council has not been liable to pay any compensation to parties whose permitted development rights have been removed by the Direction.

Policy Context

- 6.11. Under the National Planning Policy Framework (NPPF), conservation areas are classed as designated heritage assets. The NPPF requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 6.12. The proposal aligns with regional heritage policies in the London Plan and local policies, which seek to preserve and enhance Hackney's heritage assets. The proposal supports the policies in the Local Plan (2020), including policy LP3 (Designated Heritage Assets), which is underpinned by the 2017 Conservation Areas Review Study.
- 6.13. The Article 4 Direction will be confirmed in line with the regulations set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 'Procedure for article 4(1) directions without immediate effect.

Equality impact assessment

- 6.14. An Equalities Impact Assessment (EIA), was prepared to assess the potential impact of the Article 4 Direction on different groups within the local community to ensure there is no undue impact on any particular community groups. The EIA did not identify any negative impacts on groups that fall within one or more of the categories of 'protected characteristics' in the Equality Act 2010. The EIA can be seen in Appendix 2.

Sustainability

- 6.15. Article 4 Directions can contribute to sustainable neighbourhoods and places by highlighting local distinctiveness and character and ensuring these values are taken into account when changes affecting the historic environment are proposed in planning applications. Conservation areas are part of the local cherished scene and are valued by many residents in the Borough.
- 6.16. The Article 4 Direction will, by removing permitted development rights and requiring proper assessment through a planning application, also enable the Council to consider proposals against planning policies which seek to deliver sustainable development.
- 6.17. The requirement for a full planning application will enable environmental sustainability issues to be considered in decision making. This supports Hackney's carbon reduction ambitions and commitment to net zero. Development and refurbishment of buildings within conservation areas will be required, wherever possible, to meet the Council's relevant sustainability targets and requirements whilst respecting historic fabric and significance.

Consultations

- 6.18. Representations on this Article 4 Direction were invited from 15th May to June 12th 2024. This was advertised on the Council website, in the local press, in Hackney Gazette, in the London Gazette and by public site notices. Letters were also sent to all addresses within the conservation area boundary outlining the details of the proposed Direction.
- 6.19. One response was received, which raised concerns with the introduction of more rules, existing changes in the area that have had a negative impact on the character of the area and concerns that existing rules are not implemented and enforced. A summary of the response can be found in *Appendix 3. Table of Consultation Response*, which includes the Council's response to the matters raised. Each concern has been considered and the

Council has provided a justification for any areas of disagreement. It has not been necessary to change the wording of the Article 4 Direction as a result of the public consultation.

Risk assessment

- 6.20. The confirmation of the Article 4 Direction seeks to mitigate the risks associated with inappropriate changes to buildings within the conservation area.
- 6.21. The only risk remaining is that the Secretary of State cancels or modifies the Direction once it has been confirmed, although this is unlikely as no response was received in the making of the Direction.

Next Steps

- 6.22. Subject to approval of the confirmation of the Article 4 Direction, the next steps in the confirmation process are outlined below:

Confirmation Stage	Dates
Cabinet approval	26 January 2026
Confirmation and sealing of the Article 4 Direction	w/c 23 February 2026
Notification of residents and other stakeholders	w/c 23 February 2026

7. Financial implications

- 7.1. The Article 4 Direction aims to withdraw certain permitted development rights in Well Street Conservation Area to prevent loss of original features and maintain uniformity within the townscape.
- 7.2. The report outlines the background, reasoning, policy context and impacts of the proposed Article 4 Direction. It highlights the potential negative impacts on the conservation area if these permitted development rights are not withdrawn. The report also details the consultations, risk assessments, and the legal and governance considerations associated with the confirmation of the Article 4 Direction.

- 7.3. The recommendation is for the Cabinet to approve the confirmation of the Article 4 Direction, which would effectively remove a number of automatic permitted development rights in Well Street Conservation Area.
- 7.4. There are no direct financial implications to the report's recommendation other than business as usual. Future planning applications in the area to be covered by the proposed Article 4 Direction will now attract a planning application fee. The administrative cost of processing these applications will be met from existing revenue budgets and from income received from planning application fees.

Financial Implications prepared on behalf of the Group Director Finance & Corporate Resources by Victor Austin, Group Accountant
Email: victor.austin@hackney.gov.uk
Date: 3 December 2025

8. **Legal implications**

- 8.1. Article 4(1) of the The Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the GPDO'), enables permitted development rights granted under the GPDO to be withdrawn by an Article 4 Direction ("A4D") provided that the Local Planning Authority considers it expedient that development should not be carried out unless permission is granted following the submission of a planning application.
- 8.2. Cabinet is authorised to make a determination on whether to approve the confirmation of the proposed Article 4 Direction by virtue of Article 5 of the Council's Constitution, which states that the Mayor and Cabinet shall carry out all of the local authority's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution.
- 8.3. On 24th February 2020 Cabinet approved the making of an Article 4 Direction to withdraw the permitted development rights under Schedule 2, Part 1, Class A, B, C, D, E, F, G, H and Part 2, Class A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").
- 8.4. The Article 4 Direction was made on 9th May 2024. Following the making of the Direction, notice was published in the Hackney Gazette and London

Gazette, and on public notices in the conservation area. The notice specified that the Direction would not come into force until the 9th May 2025.

- 8.5. Before an Article 4 Direction takes effect, it must be confirmed by the local planning authority. In deciding whether to confirm a direction the local planning authority must take account of any representations received. Eleven responses were received to the consultation, four in support of the proposals and seven raising a number of concerns. All responses were from local residents. Those representations have been considered and, for the reasons given in this report, confirmation of the direction is recommended.
- 8.6. Once the direction has been confirmed, the local planning authority must give notice of such confirmation and the date in which the direction will come into force and send a copy of the direction to the Secretary of State. The notice requirements are the same as those which applied when the direction was made.
- 8.7. The confirmation date will exceed a period of 12 months since the Article 4 Direction was made. This means that the council will not be liable to pay any compensation to parties who may be adversely affected by the withdrawal of the permitted development rights, the subject of this Article 4 Direction.
- 8.8. The withdrawal of permitted development rights under the confirmed Article 4 Direction will mean that deemed planning permission is no longer granted automatically by the GPDO and that a planning application will need to be made to the Local Planning Authority (LPA) for development that would otherwise have been permitted by the GPDO. The Article 4 direction will not prohibit development but enables the Council to exercise planning control over the proposed development. The planning application will be considered on its merits and the Council will assess the proposed development in the light of policies in its development plan documents and consider any other material factors.

Legal implications prepared on behalf of the Director of Legal, Democratic & Electoral Services by Patrick Rodger, Senior Lawyer, Legal Services
Email: Patrick.Rodger@Hackney.gov.uk
Date: 2 December 2025

9. **HR/OD implications**

- 8.9. There are no Human Resource or Organisational Development implications as a result of this report.

HR/OD implications prepared on behalf of the Director of HR/OD by Steve Swain, Strategic HR OD Business Partner
Email: steve.Swain@hackney.gov.uk
Date: 28 November 2025

Appendices

- Appendix 1 - Notice of Making
- Appendix 2 - Equalities Impact Assessment
- Appendix 3 - Table of Consultation Responses

Background document

Cabinet Report:
Designation Of Well Street Conservation Area And Approval Of
Non-Immediate Article 4 Direction (July 2021)