

CONSERVATION AREAS

Guidance for owners and occupiers



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What is a conservation area?

A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. There are 42 conservation areas within East Herts.

The legislation and guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990 gives councils the power to designate conservation areas. Government guidance on how to interpret the Act is contained in the National Planning Policy Framework (2012) and associated Planning Practice Guidance (2014) and Circular 01/01: 'Arrangements for handling heritage applications - notification and directions by the Secretary of State'.

What does conservation area designation mean?

The 1990 Act requires that the Council as Local Planning Authority seeks the preservation or enhancement of the character or appearance of each conservation area. Planning proposals for change of use or for new development have to be considered in light of this requirement. Conservation area designation helps to protect an area's special architectural or historic interest by providing:

- The basis for planning policies designed to preserve or enhance all aspects of the special character or appearance of an area
- Control over the demolition of unlisted buildings
- Works to trees within a conservation area
- Stronger planning controls within a conservation area.

Whilst conservation area status may be accompanied by added controls, there are a number of benefits of living or working within a conservation area. These include:

- Preserving and enhancing the character and appearance of conservation areas maintains the attractiveness of the area, encouraging inward investment
- Conservation area property values are likely to be higher than in other areas
- Conservation areas bring a heritage dividend that supports regeneration and helps create sustainable communities
- Living or working in a conservation area can stimulate the appreciation of the area's history and civic pride.

Managing change in conservation areas

The intention of conservation area designation is not to inhibit further development, or to preserve the area unaltered, but to manage change and thereby ensure that the character of the area is not harmed or diminished by future development.

In practice, this can be achieved through the preparation of a character appraisal for each area, by preparing management proposals and by prudent development control.

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The special interest of conservation areas

Government and Historic England guidance to councils emphasise that it is the quality and interest of areas, rather than that of individual buildings, which should be the prime consideration in identifying conservation areas. When designating a conservation area the Council follows Historic England guidance, the most recent of which is Advice Note 1 'Conservation Area Designation, Appraisal and Management' (2016). Areas will be eligible for consideration for designation if they exhibit some or all of the following:

- Special architectural or historic interest
- A clear and special spatial identity
- A special townscape quality

In considering these qualities, the Council will assess the special architectural interest, physical unity, sense of place, the definition of the area, the relationship between built fabric and landscape, the quality of buildings, degree of preservation, building relationships, materials, local architectural styles, topography, archaeological significance, townscape character, public and green spaces and historic interest.

Conservation areas give broader (but less onerous/prescriptive) protection than listing individual buildings: all the features, listed or otherwise, within conservation areas are recognised as part of its character (although clearly there will be some built features that may detract from the character of an area).

Control of works to dwelling houses in conservation areas

In addition to the regular planning controls, planning permission is required for certain external works to a dwelling house within a conservation area. These include:

- house extensions to the side or greater than single storey,
- the cladding of any part of the exterior,
- any addition and some alterations to the roof,
- the erection to the side of the house of an ancillary building e.g. a garden shed,
- the erection of chimneys, flues or soil and vent pipes to front or side elevations fronting a highway.
- the installation of an antenna (satellite dish) on a chimney, wall or roof slope which fronts a highway or on a building that exceeds 15 metres in height,
- the installation of solar photovoltaic or solar thermal equipment onto wall elevations visible from a public place.

The Council is minded to make an Article 4 Direction for a number of its conservation areas, which removes permitted development rights, so that minor works, (e.g. extensions, roof works, boundaries and window and door replacements) need planning permission. This will strengthen the Council's efforts to preserve the character of these areas. You should check with the Planning Development Management Team (Tel: 01992 531 571) whether planning permission is required before making any alterations to your house.

Control of works to flats and commercial properties in conservation areas

Owners of flats or maisonettes do not have permitted development rights and there are very limited rights for commercial premises. Consequently, most external alterations (such as extensions, the erection of a satellite dish or replacement windows or doors) require planning permission.

New development in conservation areas

Where the Council considers new development to be appropriate in a conservation area, a high standard of design is expected that preserves or

enhances the character or appearance of the area. Where there is a strong homogenous architectural style new development should normally accord with that character. Where the conservation area has evolved over many years and has a variety of styles reflective of the differing eras in which they were built, a contemporary approach is likely to be favoured. In all cases special regard should be given to such matters as urban context, density, scale, height, form and massing as well as detailed design and quality of materials. The Council will be concerned to ensure that the design principles to be found in 'By Design' (see Gov.uk website) and other guidance produced by Design Council CABE or Historic England informs the proposed new development. The Council offers a fee-charging pre-application advice service to assist householders and developers with their proposals (see the Council's website at <https://www.eastherts.gov.uk/preapplicationservice>).

The Council will require all new building work to be designed so as to preserve or enhance the existing character or appearance of the conservation area.

Control of demolition in conservation areas

Designation introduces a requirement for planning permission to be obtained from the Council for the total or substantial demolition of unlisted buildings of 115 cubic metres or greater and some boundary walls (see below). Applications for demolition must be accompanied by proposals for a suitable replacement building or development of the site.

Control of demolition of boundary walls in conservation areas

Planning Permission is also required for the demolition of walls which are in excess of 1 metre high where abutting a highway (including a public footpath or bridleway), waterway or open space, or for the demolition of walls more than 2 metres high elsewhere. The removal of front boundary walls and provision of hard surfacing to facilitate parking within front gardens often has a detrimental impact on the character of a conservation area and in most cases permission would not now be given. It is always advisable to check whether permission is required when considering demolition. A request for pre-application advice can save time and effort by clarifying this issue at an early stage.

Planning permission for demolition

In assessing whether or not to grant planning permission for demolition the local planning authority must have regard to the desirability of preserving or enhancing the character or appearance of the conservation area in which the building/structure is situated and the contribution that the building makes to the special interest of the area. Where the building is identified within the Conservation Area Character Appraisal as making a positive contribution to its special interest, it is highly unlikely that the Council will give consent for its demolition.

The local planning authority or the Secretary of State may take enforcement action or institute a criminal prosecution if demolition works are carried out without first obtaining the necessary permission. It should be noted that if the property is a listed building, in ecclesiastical use, or a scheduled monument, different legislation applies involving stronger controls.

Works to trees in conservation areas

A major element of the character and appearance of many conservation areas is the trees and gardens within them. Therefore, ill-considered works to trees may not only lead to the loss of the trees themselves, but also harm the appearance of the area and spoil the setting of any buildings nearby.

Trees within conservation areas with a trunk diameter of 75mm or more measured at 1.5m above ground level are protected. Any works to them, which includes pruning and felling, will require a written notification to the council six weeks prior to commencing those works. There are some exemptions to the above, including the pruning of fruit trees in accordance with good horticultural practice to prevent or control a legal nuisance. Where the loss of a tree is unavoidable and it was one of an avenue of identical specimens, replanting must be with a matching tree species. Where planting is more varied, a native species traditional to the area would be appropriate.

The relevant legislation regarding both trees covered by Tree Preservation Orders and trees growing within designated conservation areas can be found at the following:
<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Agricultural hedges are often a feature of the urban fringe or rural character of conservation areas. Advice on the Hedgerows Regulations 1997 can be found at the following:

<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>

Further advice on trees and agricultural hedges can be obtained from the Council by emailing operations.admin@eastherts.gov.uk or by telephoning 01279 655 261 Option 4.

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Caring for conservation areas

It is important that everyone with a stake in a conservation area plays their part in its care. The active involvement of local amenity groups, residents' associations and local people are essential to ensure that the relevant conservation area is monitored, maintained and infringements reported.

To support its conservation areas the Council publishes the following:

1. Conservation Area Character Appraisals. These give all stakeholders a clear understanding of what the special interest of each area is, which buildings make a positive contribution and what forms of development may be appropriate.
2. Conservation Area Management Proposals. These detail the opportunities for improvements in each conservation area and the actions the Council proposes to take.

The above documents can be downloaded from the Council's website –
<https://www.eastherts.gov.uk/conservationareas>

Further advice on planning and conservation can be obtained from:

Development Management,
East Herts District Council,
Wallfields,
Pegs Lane,
Hertford
SG13 8EQ
Tel: 01992 531 571