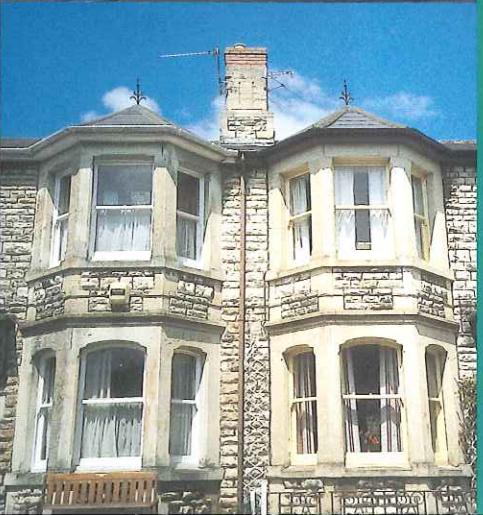
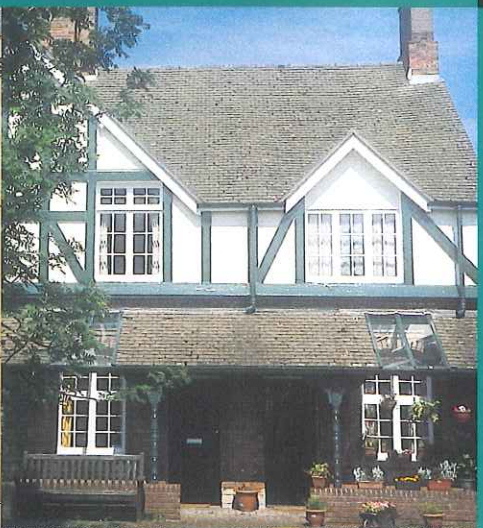




BATH & NORTH EAST SOMERSET

Living in a conservation area

PLANNING SERVICES



What is a conservation area?

Local planning authorities have a duty under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate as conservation areas any 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'.

There are over 30 designated conservation areas within Bath & North East Somerset.

What is the special character of a conservation area?

When a conservation area is designated it is the character of the area, the familiar and cherished local scene, that conservation area designation seeks to protect.

The special character of these areas does not come from the quality of their buildings alone. The historic layout of roads, paths and boundaries; characteristic building and paving materials; a particular 'mix' of building uses; public and private spaces such as gardens, parks and greens; and, trees and street furniture, which contribute to particular views – all these and more make up the familiar local scene.

Conservation areas give broader protection than listing individual buildings: all the features within a conservation area, listed or otherwise, are recognised as part of its character, as are the range of uses to which land and buildings are put.

What does conservation area designation mean?

Conservation area designation helps to protect an area's special architectural or historic interest by providing

- the basis for policies designed to preserve or enhance all aspects of the character or appearance of an area that define its special architectural or historic interest
- control over the demolition of unlisted buildings and works to trees within a conservation area
- stricter planning controls within a conservation area
- introducing a statutory requirement for the local planning authority to consider the impact of a proposed development upon the character or appearance of a conservation area

How is change managed in conservation areas?

The emphasis within conservation areas is on ensuring local character is strengthened, not diminished, by change. Sensitive management of change is essential rather than no change at all, and applications for planning permission must still be determined on their planning merits.

This can be achieved by the preparation of a character appraisal for each conservation area, policy making and by prudent development control.

What is a conservation area character appraisal?

A character appraisal is a written assessment of an area's special interest and its character or appearance.

The character appraisal will clearly outline the special architectural or historic interest that warrants the designation of a conservation area and provide a framework for future control or enhancement.

How are conservation areas cared for?

The designation of a conservation area should help to safeguard the special character particular to the locality. Designation therefore creates additional responsibilities for those involved and the Council welcomes the help and co-operation of the public in these areas. It is important that local people become involved in the care of conservation areas through residents' associations, amenity groups and local history groups to ensure standards are maintained.

Small scale enhancement schemes such as the reintroduction of traditional paving materials and more appropriate but efficient street lighting are often beneficial to the appearance of a conservation area.

There are many instances when a seemingly small alteration can damage the historic character and appearance of an area, including

- replacing natural slate or clay tiles with interlocking concrete tiles
- painting or rendering stonework or brickwork
- replacing original timber doors with 'off the shelf' plastic or tropical hardwood doors
- replacing original timber sash or casement windows with plastic or tropical hardwood windows that do not match the original glazing pattern or design
- replacing boundary walls, railings and hedges with materials not traditional in character

What is the relevant legislation?

Current legislation relating to conservation areas is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990

The effects of the Act are explained in

Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG 15), published September 1994; and, Circular 01/01: Arrangements for handling heritage applications – Notification and Directions by the Secretary of State; DETR Circular 01/2001; Culture, Media and Sport Circular 01/2001

What works to houses in conservation areas are controlled?

Permitted development rights granted under the Town and Country Planning (General Permitted Development) Order 1995 (Permitted Development) are limited in conservation areas. Planning permission is required for certain external works to a house within a conservation area, which would not normally require planning permission elsewhere. House extensions of more than 50 cubic metres or 10% of the original house (whichever is the greater) will require planning permission. There are also further restrictions, for example

- cladding any part of the exterior
- adding to or altering the shape of the roof
- erecting a building within the curtilage of a house, for example, a garden shed, larger than 10 cubic metres
- installing an antenna on a chimney or to a building which exceeds 15 metres in height or to a wall or roof slope which fronts a highway

You should **always** check first with Planning Services.

What works to flats and commercial properties in conservation areas are controlled?

If you are an owner or tenant of a flat or a commercial property within a conservation area you are not only governed by normal planning controls for most external alterations, but the conservation area designation will mean that particular care will be taken to ensure that, if planning permission is granted, then the character or appearance of the conservation area is preserved or enhanced.

You should **always** check first with Planning Services.

What about new development in conservation areas?

Where the Council considers new development to be appropriate, a high standard of design is expected. Contact Planning Services for initial informal design advice for development in conservation areas. The Council will require new building work to preserve and/or enhance the existing character or appearance of the conservation area, and will typically insist that planning applications include a statement explaining how the development meets these statutory tests.

Special regard should be given to such matters as scale, height, form, massing, detailed design and quality of materials in the interests of harmonizing the new development with its neighbours. Density of development is an intrinsic part of the character of conservation areas. Proposals to subdivide grounds or large gardens will not normally be permitted unless it can be demonstrated that such proposals will not harm the character or appearance of the conservation area.

What demolition in conservation areas is controlled?

Subject to some exceptions, works for the substantial demolition of all or part of an unlisted building in a conservation area require conservation area consent.

However, works which involve the removal of the fabric of only part of a building may not be regarded as works of demolition and therefore may not require conservation area consent.

Whether the works are substantial is a matter of fact and degree which will depend upon the circumstances in each case.

You should **always** check first with Planning Services when considering works of demolition.

What demolition of garden walls in conservation areas is controlled?

Consent is sometimes required for the demolition of garden walls, especially those facing a highway or public footpath. Further controls on Permitted Development rights will apply if the Council have made an 'Article 4 Direction'. Further guidance is set out in Circular 01/01: Arrangements for handling heritage applications – Notification and Directions by the Secretary of State; DETR Circular 01/2001; Culture, Media and Sport Circular 01/2001.

As circumstances may vary you should **always** check first with Planning Services.

What works to trees in conservation areas are controlled?

Local authorities are required to preserve or enhance the character or appearance of conservation areas as a whole, not just the character or appearance of buildings within them. A major element in the character or appearance of many conservation areas is the trees, gardens and other open spaces within them.

The character of a conservation area relies on people thinking of the needs of future generations. If you plant a tree you will probably not see it in all its mature glory, however you would have put something in place for others to enjoy.

Careless works to trees, such as any cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree may not only lead to the loss of the trees themselves, but may also ruin the appearance of the conservation area surrounding them and spoil the setting of any buildings nearby.

All trees with a trunk diameter of 75mm measured at 1.5m above ground level within conservation areas are protected under Section 211 of the Town and Country Planning Act 1990. Any proposed works to them will require a written notification to the Council six weeks prior to beginning those works.

If you wish to erect a shed or carry out any development under Permitted Development in a conservation area close to a tree then you are required to notify the Council in the same way as if you were carrying out works to the tree.

It should be noted that it is a criminal offence to carry out works to such trees within a conservation area without giving prior notice to the Council.

In addition, many trees within conservation areas will be subject to Tree Preservation Orders in which case a formal application will be necessary before any works can proceed. The Council will have regard to the character of the area and the significance of the tree in determining any such application.

There are exemptions from the general protection given to such trees in the conservation area, namely

- Trees that are dead, dying or that have become dangerous.
- Pruning of fruit trees in accordance with good horticultural practice.
- Trees that are the subject of a **legal nuisance**.

Where the loss of a tree is unavoidable, replanting with species that are native or traditional to the area will be encouraged.

Four websites about trees and their care

The following websites are further sources of information and include references to excellent ranges of publications.

The Arboricultural Association

www.trees.org.uk
phone 01794 368717

The Tree Advice Trust

www.treehelp.info
phone 01420 22022

The Tree Council

www.treecouncil.org.uk
phone 020 7828 9928

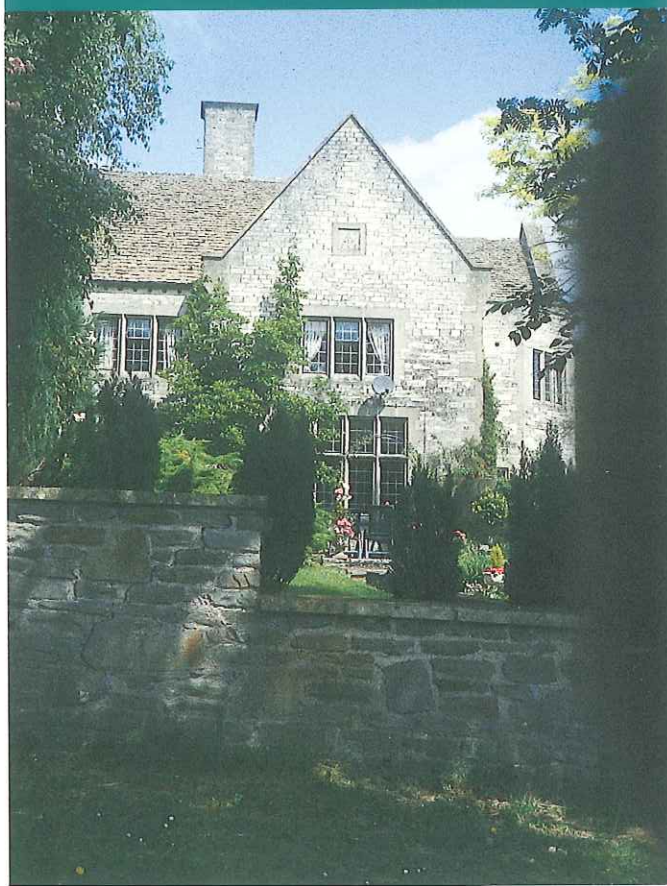
Office of the Deputy Prime Minister

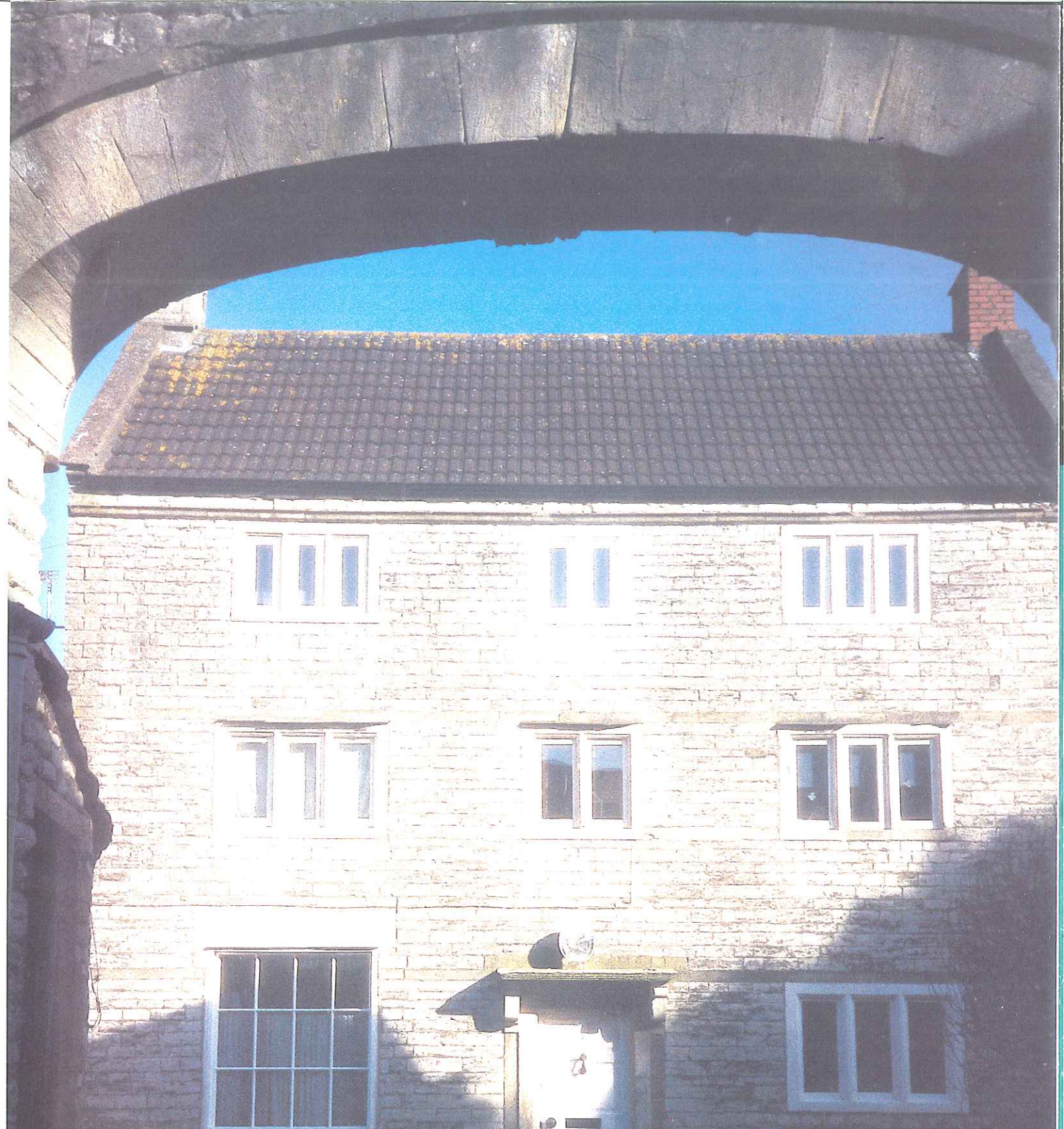
www.odpm.gov.uk
phone 020 7944 4400

These web site addresses are give for information purposes only and do not imply any endorsement of the web site supplier or the content of these external sites. The Council carries no responsibility for the accuracy of any information on the web sites concerned.

Check with Planning Services first

The above notes summarise additional planning controls which apply in conservation areas. You should, before undertaking any works to your property or to trees within the conservation area, **always** check the position first with Planning Services. Unauthorised works to property or to trees could result in legal proceedings being taken against those involved.





Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important as tangible expressions of identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the landscape. They are irreplaceable and precious.

Burra Charter 1999

Ten websites about conservation areas and their care

The following websites are further sources of information and include references to excellent ranges of publications.

Bath & North East Somerset Council

www.bathnes.gov.uk
phone 01225 477000

Building Conservation Directory

www.buildingconservation.com
phone 01747 871717

English Heritage

www.english-heritage.org.uk
phone 0117 975 0700

Georgian Group

www.georgiangroup.org.uk
phone 020 7529 8920

Heritage Information

www.heritageinformation.org.uk
fax 020 7243 5889

Institute of Historic Building Conservation

www.ihbc.org.uk
phone 01747 873133

Office of the Deputy Prime Minister

www.odpm.gov.uk
phone 020 7944 4400

Society for the Protection of Ancient Buildings

www.spab.org.uk
phone 020 7377 1644

Twentieth Century Society

www.c20society.demon.co.uk
phone 020 7250 3857

Victorian Society

www.victoriansociety.org.uk
phone 020 8994 1019

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Where to get copies of legislation

Print copies of the legislation can be obtained from The Stationery Office Ltd (phone 0870 600 5522). Alternatively copies of the legislation can be accessed through the internet as set out below.

Planning (Listed Building and Conservation Areas) Act 1990

www.hmso.gov.uk/acts/acts1990/Ukpga_19900009_en_1.htm

Planning Policy Guidance Note 15: Planning and the Historic Environment (September 1994)

www.odpm.gov.uk

Circular 01/01: Arrangements for handling heritage applications – Notification and Directions by the Secretary of State; DETR Circular 01/2001; Culture, Media and Sport Circular 01/2001

www.odpm.gov.uk

Contact Planning Services for advice

Bath & North East Somerset Council's Planning Services is always happy to give information, advice and guidance on the care of conservation areas, listed buildings and trees.

For information, advice and guidance on Conservation Area Consent, Listed buildings and Listed Building Consent, contact

Historic Buildings Team 01225 477547

For information, advice and guidance on works to trees within Conservation Areas contact

Tree Officers 01225 477520

For information, advice and guidance on Planning Permission contact

Planning Officers 01225 394100

For information, advice and guidance on Archaeology contact

Archaeological Officer 01225 477651

For information, advice and guidance on Planning Policy contact

Planning Policy Officers 01225 477548

All the above teams are located at Planning Services, Trimbridge House Trim Street, Bath BA1 2DP

This paper was written by Planning Projects & Partnerships Team 01225 477583

A guidance note, 'Owning a listed building' is available from the Planning Projects & Partnerships Team.

This publication can be provided in audiotape, large print, Braille and computer disk versions in English and also translated into other local community languages if necessary

For further information contact the Projects and Partnerships Team, Planning Services on 01225 477583