

What is a Conservation Area?

A Conservation Area is defined as an area of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'.

What the controls in a Conservation Area ?

In Conservation Area there are a number of controls in addition to the normal planning requirements. These include demolition control, extra restrictions on permitted development to varying degrees and trees are protected.

Demolition Control

People are often confused by Conservation Area Consent. It is for demolition only as the controls on alteration and extension are dealt with by Planning Permission. The Shimizu case has confused the definition of demolition and you should always check with your local conservation officer as whilst is only required for total or substantial demolition, this can include relatively small works. In any case, works including those relatively small can be classed as alterations which require planning permission.

Freestanding building with a volume of more than 115 cubic metres or walls or fences below a certain height. However these may be controlled by an Article 4 Direction so it is important that you always check with your local planning authority in writing before carry out work as it is an offence to demolish without the necessary consent.

Extensions & Alterations

In regard to extensions and alterations, the rules have recently changed but up to date regulations can be seen at the website www.opsi.gov.uk in regard to latest Amendment to the Town and Country Planning (General Permitted Development) Order and the planning portal at www.planningportal.gov.uk provides the latest guidance on this. There also may be an Article 4 Direction which controls certain works such as replacement windows, reroofing etc. These vary according to each local authority and each area, so it is important to check before considering any work.

How do I find out if I live in a Conservation Area?

You would need to contact your local planning authority to find out if you live in a Conservation Area. New Conservation Areas are constantly being designated and boundaries extended and there is no obligation to consult or tell residents that an area has been designated, so it is important to check the current status of your area before carrying out work.

Protection of Trees

Trees in Conservation Areas are protected from felling or lopping and you must make an application to give six weeks notice in writing to the local planning authority. This applies to all trees more than 7.5 cm in diameter, measured at 1.5 metres above ground level. If a tree is protected but is dead, dying or dangerous then the normal notification process is waived although you must give the local planning authority five days notice of your intentions to carry out work. You can carry out work without prior notice if the danger is immediate. Evidence such as photographs or a tree surgeon's report is strongly recommended as you may be required to prove that the tree was dead, dying or dangerous at a later date. You should always contact the local authority's tree officer as soon as possible to see what they require in such cases. There also may be an existing Tree Preservation Order where works are controlled.

During this six week period for tree notification it will be considered whether the works are acceptable and whether a Tree Preservation Order should be made. Unauthorised works to a tree are an offence and prosecution can result in a heavy fine and requirement to replant. It is important therefore to always discuss your proposals with the local authority tree officer and obtain consent.

Advertisements and Shopfronts

There are also extra controls over advertisements in conservation areas and inappropriate signs which do not require consent can be removed by the use of discontinuance notices. It is therefore important to agree what is appropriate with the local planning authority, even where a sign may have deemed consent.

Flats and Commercial Buildings

Whilst dwellinghouses may have certain permitted development rights, flats and commercial premises have no such permitted development rights. An application should always therefore be made for planning permission for any alterations such as changing windows or roofing materials, as well as extensions.