

A - Z OF TERMS RELATING TO CONSERVATION AREAS

Advisory Groups, Panels or Committees

Government policy encourages local authorities to set up conservation area advisory committees. Local authorities may have one conservation advisory committee to cover all their conservation areas and listed buildings, or committees for individual conservation areas if they are large. Most advisory committees consist of a mixture of representatives from local groups and representatives from national amenity societies and professional bodies. The purpose of the committee is to provide the council with advice on conservation area management plans and enhancement proposals, as well as on all applications for conservation area consent, planning permission and listed building consent.

Amenity Notices Section 215 of the Town & Country Planning Act 1990

A useful way for councils to take action in conservation areas, and indeed any space visible from the public highway. Because they apply to 'any land' and not just buildings, they can be used to deal with other problems such as broken walls and fences, accumulated rubbish or overgrown gardens and hedges. More information can be found in *Town & Country Planning Act 1990, Section 215: Best Practice Guide*, ODPM (now CLG) 2005, which can be found on the CLG website www.communities.gov.uk

Appraisals

Conservation area appraisals identify what is special and needs protecting and help in the area's management. They can, and should ideally, be carried out with the involvement of the local community, so that the appraisal is owned by the whole council and the community who live and work in the area. There are various ways to carry out appraisals, depending on the sort of area it is. An appraisal needs to combine historic records and maps with a visual analysis of the present state of the area. Further guidance is given in *Guidance on conservation area appraisals*, English Heritage 2006.

Article 4 Directions

Article 4 of the Town & Country Planning (General Permitted Development Order) 1995 (as amended) enables local planning authorities to make 'directions' withdrawing certain permitted development rights that the Order permits such as the right to change windows and doors. 'Article 4(2)' of the General Permitted Development Order allows Councils to take away that right ('permitted development right') from houses within conservation areas. This would involve the service of a legal notice ('Article 4(2) Direction') upon property owners and occupiers informing them of the rights which have been amended. Planning permission would then be required for the specified alterations however the planning application fee is waived. Article 4(1) of the GPDO can be used to withdraw permitted development rights on any type of

land or building, but they need to be approved by the Secretary of State for Communities and Local Government, via the Government Regional Office. See *Guidance on the management of Conservation Areas*, English Heritage 2006.

It is worth noting that these permitted development rights do not apply to flats or commercial properties – planning permission is required for alterations which ‘materially affect the external appearance of the building’.

Building Regulations

Nearly every building project, no matter how small needs to comply with the Building Regulations. They exist to ensure the health and safety of people in and around all types of buildings, so ensure safe construction techniques and completed structures. They also provide assessment for energy conservation and access to and use of buildings. Even works that are “permitted development” will require Building Regulations approval from the council’s Building Inspectors. In conservation areas when refurbishing an unlisted building the issue of the energy efficiency of the existing windows may well be raised by the Building Inspector, and the Inspector needs to be convinced of the historic merit of the building to allow any exemption from the requirements to upgrade the insulative properties of the windows (which normally means their replacement).

Characterisation and Area Assessments

Historic landscape characterisation and area assessments are two techniques developed by English Heritage to study historic areas as part of the appraisal process. Essentially they look at how many layers of the history are still present.

Conservation Area Consent

Conservation area consent is required for the demolition of buildings or structures over a certain minimum size in conservation areas. Failure to apply for consent before demolishing a building or structure is a criminal offence.

Designation of conservation areas

Local planning authorities designate conservation areas to protect parts of their area that they have assessed as being of special architectural or historic interest. In some exceptional cases the Secretary of State for Communities and Local Government and English Heritage can designate areas. Normally council officers will identify the area and define its special interest and boundary, then identify all the addresses within the area. Public consultation is required before the preparation of a report to the appropriate council committee, and the report to the committee must include the consequences of designation as well as the results of the consultation, and notification of the committee date needs to be published at least three days prior. If the committee resolves to approve the designation at the meeting then that is the date of designation, but the council needs to place a notice in the local newspapers and the London Gazette and inform English Heritage and their Government Regional Office.

Enforcement

Where works have taken place in a conservation area that the local planning authority considers needed conservation area consent or planning permission (for CAC this would mean the unauthorised demolition of a building and for PP this would mean works that required planning permission because they affected the character or appearance of the CA), the local planning authority may issue an enforcement notice. The owners then have a right of appeal against the notice, but if not upheld or appealed and the unauthorised work is not rectified the council may either put it right themselves and seek to recover the costs or prosecute.

Floorscape and street furniture

These are the two main elements that make up the Public Realm (see below). If you think of outdoor spaces as rooms, then the floorscape is the floor covering and street furniture the furniture. In a living room you choose the best floor covering for the room to set off the décor and appropriate furniture which you carefully arrange attractively to make the room look as its best. This is what should happen in our streets – floor covering should match or be appropriate to whatever local buildings are made from, the local stone or brick. Street furniture should be of an appropriate design, be kept to a minimum, and be carefully arranged.

Guidance on management of and appraisal of conservation areas

See the two English Heritage publications: *Guidance on the management of conservation areas* and *Guidance on conservation area appraisals*. (Google) Many local authorities produce management and design guidance for individual conservation areas.

Historic Street Furniture

Historic street furniture such as drinking fountains, cattle troughs, lamp columns, bollards, post boxes, milestones and rural fingerposts, together with monuments and memorials, make a major contribution to local identity. Local groups have an important role to play in identifying examples and working to ensure their long-term preservation and routine maintenance.

Litter Abatement Notices

Under Section 91 of the *Environmental Protection Act 1990* anyone aggrieved by litter can apply to the Magistrate's Court for a litter abatement notice. If the owner fails to comply with the notice, they are guilty of an offence and liable on summary conviction to a fine, together with a further daily fine for each day the offence continues.

Local amenity societies and groups may find this a useful tool for encouraging landowners to clean up neglected road verges and railway embankments where accumulated litter has become a damaging eyesore.

Management Plan

Local authorities are required to "formulate and publish proposals" and a Conservation Area Management Plan is a tried and tested way of ensuring that all relevant considerations have been taken into account. A

comprehensive Management Plan includes policies for enhancing the conservation area's streetscape, highways, landscapes and public spaces. Management plans help ensure that the special character is protected when making decisions on planning applications or in identifying projects to improve the public spaces.

Management Strategy

Essentially the same as a management plan, although a management plan deals principally with the controls in a conservation area and will sometimes include a forward programme while a management strategy will always include positive enhancement proposals.

Outstanding conservation areas

A term no longer in current use. It was used to describe certain conservation areas that had been assessed by English Heritage's predecessor as being of sufficient quality to be eligible for a partnership grant scheme. Some areas that were given this title still use it to underline the area's importance.

Permitted Development

Under planning legislation (General Permitted Development Order 1995 as amended in 2008) owners of single dwelling houses have the right to alter them in certain ways without needing planning permission from the council. For example, a house can have its windows, front door or roof covering changed, its front garden paved over or its front elevation painted in a striking colour without the need for consent. In conservation areas, such alterations can be very harmful to the character and appearance of the area.

Planning Portal

The Planning Portal is the UK Government's online planning and building regulations resource for England and Wales. The site can be used to learn about planning and building regulations, apply for planning permission, find out about development near you, appeal against a decision and research government policy. www.planningportal.gov.uk

Public realm

Public realm is the term used for the spaces between and within buildings/built up areas that are publicly accessible, including streets, alleys, squares, forecourts, parks and open spaces.

Regulation 7 Direction Removing Deemed Consent

This useful part of the Town & Country Planning (Control of Advertisements) England Regulations 2007 allows local planning authorities to apply to the Secretary of State CLG for a direction removing the rights of estate agents to put whatever boards they want up in a defined area, normally part of a conservation area. They may be restricted to a single board per property or to boards of set dimensions. The fact that estate agents boards are damaging the character and appearance of a conservation area first needs to be demonstrated.

Repairs Notices

Can be used by the council to force an owner to carry out emergency works to halt further decay of a listed building.

Stopping the Rot

Local amenity societies and groups can identify neglected buildings in conservation areas, and, where appropriate, encourage the local authority to take statutory action. See English Heritage's guidance on our website under Heritage at Risk > Buildings at Risk > Reducing the Risk, which has a link to detailed *Stopping the Rot* guidance in the guidance library on www.helm.org.uk.

Trees in conservation areas

Trees in conservation areas have some extra protection, though not as much as if they were covered by a tree preservation order. Before the intended works are carried out to the trees, the council must be given 14 days notice of what you intend to do, which gives them time to go and see the site and agree to the works or suggest an alternative approach or serve a Tree Preservation Order.

Unauthorised Works

Unauthorised demolition of a whole building or structure in a conservation area is a criminal offence. Other works of development that have been carried out with the necessary planning permission can also be regarded as unauthorised works and the local planning authority can serve an enforcement notice requiring the works to be undone.

Urgent Works Notices

These allow councils to carry out emergency work on neglected listed buildings in conservation areas.

World Heritage Sites

Normally most if not all of a World Heritage Site is covered by separate conservation areas.