

## LOCAL PLANNING GUIDANCE NOTE NO.7 CONSERVATION AREAS

---

### Background

The **conservation and enhancement of amenity, including the historic environment, has long been an important part of planning ideology** through such measures as the identification and listing of individual buildings considered to be of architectural or historic interest. (Specific advice is given in Local Planning Guidance Note 6 Listed Buildings in this series.) In 1967 the Civic Amenities Act extended the approach to relate to areas as well as buildings by introducing the concept of **conservation areas, namely localities designated as being of “special architectural or historic interest the character or appearance of which it is desirable to preserve and enhance.”** Furthermore, **proposals outside a conservation area which would affect its character** have to be viewed in this context.

In spirit, this does not mean there cannot be change in a conservation area, but rather that it should accommodate and remain responsive to present day needs, with changes being in sympathy with whatever special character the area possesses. Thus, **conservation is not synonymous with fossilisation; it is closer to evolution.** It is acknowledged that high quality, well-designed new buildings, extensions and alterations respecting their surroundings can enhance the appearance and character of conservation areas. Since conservation areas are generally the most interesting (visually and/or historically) parts of towns and villages, it will be obvious that their continuing protection and enhancement should bring benefits for local people and tourists alike. On a pragmatic note, the “status” of being within a conservation area can increase property values, and suitable alterations can bring benefits in this respect, whereas poor designs will have the opposite effect.

Conservation area designation gives control over the total or substantial **demolition** of unlisted buildings within conservation areas, by making it necessary to obtain **conservation area consent**. (This is in addition to any planning permission which may be required for development.) In parallel fashion, designation also provides additional protection for **trees** in conservation areas which are not the subject of tree preservation orders. Certain types of development which are elsewhere classified as **permitted development (PD)** may require planning permission in conservation areas, and specific PD rights can be withdrawn through a procedure known as Article 4 Directions where there is a real threat to the area’s character.

### Policy

“**Planning Policy Wales**” (2002) sets out the objectives of the Welsh Assembly Government (WAG), which are to:

- preserve and enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to
- ensure that conservation areas are protected and enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.

The Council’s **Unitary Development Plan (UDP)** contains 2 policies of particular relevance: Policy HE1 allows only proposals which are in character with the conservation area, whilst Policy HE3 states the (exceptional) circumstances in which demolitions will be allowed in conservation areas. These policies are both quoted in full in **Appendix 1**. The policies aim to maintain and improve the historic environment in (and adjacent, if affecting) the County’s conservation areas. It is not, however, the place of a UDP to propose conservation area designations or boundary changes, nor to prepare detailed proposals.

### Section 54A

There is no statutory requirement to have regard to the provisions of the UDP when considering applications for conservation area consent because the courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply, but UDPs should contain policies broadly relevant to development control decisions which should be taken into account when determining applications for conservation area consent. **If any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area or its setting, there will be a strong presumption against the grant of planning permission or conservation area consent.** In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. The courts have held that **the objective of preservation can be achieved either by development which makes a positive contribution to an area’s character or appearance, or by development which leaves character and appearance unharmed.**

## Conservation areas in Flintshire

Local planning authorities (LPAs) like Flintshire County Council have a **duty to designate conservation areas** and keep the position under review. Boundaries can be extended or reduced, additional conservation areas can be designated, and existing designations can be cancelled if the character which led to their creation has been lost. The Council's Environment and Conservation Section is currently undertaking a review based on guidelines issued by WAG, Cadw and English Heritage. It involves appraising and explaining the unique character of the conservation area, reviewing its boundary, and formulating a management plan to protect and enhance its character.

In Flintshire the Council has designated **32 conservation areas**. To understand better their nature, these can be subdivided into 3 broad groups as follows, but the powers which relate to them all are similar.

Centres of historic market towns (3):	Parts of villages (18):	Smaller designations (11):
Flint	Cadole	Gadlys
Holywell	Caergwrle	Glan yr Afon
Mold	Caerwys	Kinsale Hall
	Cilcain	Leeswood Hall
	Ffynnongroyw	Lygan y Wern
	Gorsedd	Oakenholt Hall
	Gwaenysgor	Pantasaph
	Gwespyr	Plas Bellin
	Halkyn	Plas Onn
	Hawarden	Talacre Abbey
	Llanasa	The Wern
	Nannerch (2)	
	Nercwys	
	Northop	
	Trelawnyd	
	Whitford	
	Ysceifiog	

All these boundaries can be checked in the Planning Services office at County Hall, Mold. Except for the third group, they are shown in the Proposals Map of the UDP. The Planning Services website gives further information.

## What are the distinctive characteristics of conservation areas?

There is no standard specification for conservation areas. **Each will have its own character, but all will have a visual quality of place.** Conservation areas are not just about buildings but also spaces, relationships between buildings, boundary features and views. Individual conservation area **appraisals** will highlight those features of distinction which caused the locality to be designated.

## Special controls

Strict controls are in force to protect the special character of conservation areas. However, in those instances where conservation area consent, listed building consent, or consent for works to trees is required there is no fee payable to the LPA, unlike a planning application.

## Development

Under the Town and Country Planning (General Permitted Development) Order 1995 planning applications are required for certain types of development in conservation areas which elsewhere are classified as permitted development. These are:

- **Roof additions, or alterations** which extend the plane of any roof slope (including dormer windows and possibly roof lights), fronting a highway;
- **Satellite antennae** exceeding the highest part of the roof, exceeding 70cm in diameter, where there is another antenna on the dwelling or within its curtilage, on a chimney, where the building exceeds 15 metres in height, and located on a wall or roof slope that fronts a highway;
- **TV aerials** which are not standard, or in the form of specialised masts, poles or flag adverts;
- **Cladding** to any part of the exterior with timber, stone, artificial stone, plastic or tiles;
- **Porches** where the externally measured floor area exceeds 3 square metres, its height exceeds 3 metres, or any part is within 2 metres of a highway;
- **Extensions** increasing the size of the original dwelling by 50 cubic metres or 10% in volume, increasing the original roof height, exceeding 4 metres in height over any part within 2 metres of a boundary, or nearer to the highway than the original dwelling, or by 20 metres (whichever is the nearest), and where the total

area of ground covered by buildings within the curtilage exceeds 50% of the total land area (excluding the dwelling);

- **Domestic outbuildings** where the provision, alteration or improvement of a shed, greenhouse and pet enclosure is over 10 cubic metres (detached outbuildings larger than 10 cubic metres are treated as enlargements to the main house), or where the outbuilding is nearer to the highway or 20 metres (whichever is nearer), or where the height of the building exceeds 4 metres for a ridged roof or 3 metres otherwise;
- **Fences, walls and gates** exceeding 1 metre in height adjacent to a highway, or 2 metres otherwise;
- **Hardstanding areas** not used for domestic purposes;
- **Access** where the highway is a trunk road or a classified road;
- **Domestic oil heating tanks** where the capacity exceeds 3,500 litres, any part exceeds 3 metres above ground level, or any part is nearer to the highway than any part of the original dwelling or 20 metres (whichever is nearer);
- **Gas tanks** anywhere.

## Demolition of buildings

**The total or substantial demolition of structures in conservation areas requires conservation area consent** from the LPA. This is sought on special forms, and is best undertaken concurrently with the planning application which proposes what is to happen to the site, thus enabling the LPA to judge whether a real improvement to the locality is intended.

An application must be made to the LPA for conservation area consent to:

- demolish a building of over 115 cubic metres. (There are a few exceptions; check with Planning Services.)
- demolish a gate, fence, wall or railing over 1 metre high where next to a highway, public footpath or bridleway or public open space, or over 2 metres high elsewhere.

It will be necessary to demonstrate:

- An assessment of the character of the building or feature to be demolished has been carried out and it does not make a positive contribution to the conservation area's character;
- The building is structurally unsound;
- The building would be uneconomic to repair;
- The efforts made to retain the building/feature.

**Consent will not normally be given unless an acceptable form of redevelopment has been agreed by the LPA** in the form of a planning permission. This is why it is important to submit the planning application concurrently with the conservation area consent. Failure to do so will mean delays.

On the other hand, conservation areas sometimes contain some poor quality buildings, the removal of which would enhance the area, providing of course that the site is suitably treated and not left untidy.

## Trees

Works to trees - lopping, topping or felling - require the giving of **six weeks notice** to the Council, with a reasoned justification. This is not limited to those covered by tree preservation orders (TPOs). The Council will take into account the visual, historic and amenity contribution of trees in conservation areas, and may decide to make a TPO to give greater protection to important trees. Specific consent is necessary for works to trees covered by a TPO. New planting or replanting may be appropriate where consistent with the character and appearance of the area. The **LPG Note 4 Trees and Development** in this series gives more information.

## Advertisements

When considering advertisement applications in conservation areas, the LPA will pay special attention to the desirability of preserving or enhancing the character or appearance of the area and will carefully control design, including the use of materials, scale and siting of development, lighting, and style of advertisements. Modern large illuminated plastic type advertisements will not normally be acceptable in conservation areas, where corporate identity is less important than protecting the area's special character. Further advice will be contained in the forthcoming **LPG Note 16 Advertisements**.

## Article 4 Directions

In exceptional circumstances, to help protect features that are key elements of the character and appearance of particular conservation areas and where there is a real and specific threat, the LPA can withdraw specific PD rights through the use of Article 4 Directions. In Flintshire, the Council has not used this measure.

## Planning applications

The Council's aim is to maintain, enhance and improve the appearance and character of the conservation area, including sites outside of the conservation area but which impact upon it. Planning proposals which fail to do so will be refused.

In all cases where development is proposed in or close to a conservation area, contact an officer from the Development Control Section of Planning Services, who will be happy to give advice at an early stage before a planning application is made.

It is generally preferable for both the applicant and the LPA if related applications for planning permission and conservation area consent are considered concurrently. Proposals for development in a conservation area must be in the form of a full application rather than an outline consent, and should always include a full design statement.

It is recommended that a **suitable architect** is retained to produce the scheme. The RIBA will be able to provide lists of local practices:

- Royal Institute of British Architects, 66 Portland Place, London. W1 1AD (Telephone 020 7307 3700)

### Listed buildings

By their very nature, conservation areas usually contain listed buildings, to which additional special considerations apply. Our accompanying **LPG Note 6 Listed Buildings** provides advice.

### Enhancement

LPAs should formulate and publish **proposals for the preservation and enhancement of conservation areas**, a measure which places the emphasis on **positive management**. Townscape audits and character appraisals can also assist in this respect. The Council has embarked upon this process with a prototype study, and intends to examine first those conservation areas where pressure for change is most marked.

The Council seeks to enhance the appearance of its conservation areas through:

- The careful exercise of development control, in line with the UDP policies;
- Environmental improvements through its capital programme (obviously subject to funds);
- Working in partnership with other organisations;
- Giving advice and information;
- Giving grant aid advice.

The **Holywell Townscape Heritage Initiative seeks to regenerate the town** - which has an outstanding historic character - through high quality restoration of buildings and spaces and by bringing unused floorspace back into use. The Environment and Conservation Section of Planning Services leads a partnership project, supported by Cadw, in which grants (usually 50% of eligible costs) are available for selected projects of repairs and renovations within the town centre, targeted towards particular buildings. Repairs are based on sustainable principles, using well-proven and traditional repair techniques.

### Grants

Grant aid may be available for **sensitive repair and restoration work**. The grant picture can vary from time to time, and it is worth checking with officers of the Environment and Conservation Section in Planning Services (telephone 01352 703215) to find what might be available, without prejudice. In the past the Council has operated the **Flintshire Historic Buildings Repair Grant**, a discretionary grant applicable to suitable buildings within conservation areas, the purpose of which is to help achieve positive objectives.

To put the position into perspective, however, one should keep in mind the many developments proposed in conservation areas against the finite supply of funds. The following bodies also may be relevant in this respect:

- **Cadw: Welsh Historic Monuments**, (Crown Building, Cathays Park, Cardiff CF1 3NQ, telephone 02920 500200) is an executive agency of WAG. They are able to make grants and loans from the Historic Buildings Council funds towards the cost of works (usually external) judged to make a significant contribution towards the preservation and enhancement of the conservation area;
- The **Wales Tourist Board** (Brunel House, 2 Fitzalan Road, Cardiff CF24 0UY, telephone 02920 499909) may provide grant aid towards the cost of bilingual signs, since these can contribute towards the local character and the image of Wales;
- The **Welsh Development Agency** (Plas Glyndwr, Kingsway, Cardiff CF10 3AH, telephone 01443 845500) may provide financial assistance for enhancement schemes which can be shown to benefit the local economy.
- The **Welsh Language Board** (Siambrau'r Farchnad, 5-7 Heol Eglwys Fair, Caerdydd CF10 1AT) can give grants to promote and facilitate the use of Welsh, including bilingual signs.

In general, enhancement work on conservation areas, either in the form of schemes undertaken directly by public bodies (the Council and its partners) or private sector developments encouraged by public funding through grants and loans, is of value because it can help improve the quality of life for local people and add interest for tourists and other visitors.

## **Appendix 1: The relevant UDP policies**

### **Policy HE1 Development Affecting Conservation Areas**

Development in or affecting the setting of conservation areas will only be permitted if it preserves or enhances the character or appearance of the designated area.

### **Policy HE3 Demolition of Listed Buildings or Buildings in Conservation Areas**

Demolition of listed buildings or buildings in conservation areas will only be permitted where:

- a. it would have no adverse impact upon its surrounding area or the character of a conservation area;
- b. the building is so unsound as to constitute a danger to the general public, is beyond economic repair and that viable alternative uses cannot be found; and
- c. in all cases the County Council have agreed a detailed programme and plans for the redevelopment or restoration of the site.

In the case of the owner being unable to finance the necessary repair and retention of the building in its existing use, the building must be offered for sale or lease at a reasonable price without success for at least two years.