

## Living in a Conservation Area – a guide

### 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”. This means that when a conservation area is designated, the City Council has recognised that the area has a special character and identity which is worth protecting.

There are 25 designated areas within Chelmsford City which includes the historic village centres, such as Pleshey, Little Waltham and Writtle, parts of the City Centre and other areas of character, such as the St Johns Hospital and the Chelmer and Blackwater Navigation. Great Baddow conservation area was designated in 1969.

The City Council is required by legislation to “preserve or enhance” the character of each conservation area and all new proposals which affect that special character have to be considered in the light of this requirement. What is expected is a sensitive management of change within an area through the planning process rather than no change at all. This can be achieved by the preparation of a character appraisal for each conservation area, policy making, by prudent development management and where necessary enforcement. Character appraisals clearly define and analyses the special architectural or historic interest that warrants the area’s designation, providing a framework for future control and enhancement. The council have a programme of updating its conservation area appraisals, Great Baddow will be reviewed in due course.

The current legislation relating to conservation areas is contained within the

- Planning (Listed Buildings and Conservation Areas) Act 1990.
- National Planning Policy Framework (March 2012) and the associated Planning Practice Guidance.

The National Planning Policy Framework set out the Government’s planning policies for England and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the development plan.

The Government states that its overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

Historic England produces guidance on various topics to inform best practice conservation, see: <https://historicengland.org.uk/advice/your-home/>

### What does designation mean?

When a conservation area is designated it is the character of the area, the familiar and cherished local scene that the designation seeks to protect. Designation introduces a general control over the demolition and partial demolition of unlisted buildings, some garden walls and some types of minor development that would not normally require planning permission - as specified in the Town &

Country Planning (General Permitted Development) Order, as well as protecting trees. Such control provides the basis for policies designed to preserve and enhance all the aspects of character or appearance that define an area's special interest.

#### Article 4 Directions

Minor development such as domestic alterations and extensions can normally be carried out without planning permission under the provisions of the General Permitted Development Order (GPDO). However, in some circumstances unrestricted exercises of these 'permitted development rights' can harm the significance of a conservation area. In certain circumstances article 4 directions can be used to limit the extent of works which can be undertaken without the need for planning permission.

#### Planning Permission

If you are an owner or tenant of a commercial property or a flat you are already governed by normal planning controls and most external alterations will require planning permission.

In addition to the normal planning controls, planning permission is required for certain other external works to a dwelling house within a conservation area.

You should check the information on the Planning Portal when considering works

<http://www.planningportal.gov.uk/permission/>

Where permitted development rights have been removed, planning applications to carry out work specifically affected by an Article 4 Direction do not attract a fee.

#### Demolition in a Conservation Area

Planning permission is required from the local planning authority if you wish to demolish totally or substantially part of an unlisted building.

The need for planning permission does not apply to the following:

- (a) Any building with a total cubic content not exceeding 115 cubic metres (as ascertained by external measurement) or any part of such a building, other than a pre-1925 tombstone;
- (b) any gate, wall, fence or means of enclosure which is less than one metre high where abutting on a highway (including a public footpath or bridleway), waterway or open space, or less than two metres high in any other case;

<http://www.planningportal.gov.uk/permission/commonprojects/demolition>

#### Design of New Development

Where Chelmsford City Council considers new development to be appropriate, a high standard of design is expected in accordance with design guidance in the Chelmsford Local Plan 2008 (currently being revised). In most cases only fully detailed planning applications will be considered. The plans, drawn to an appropriate scale (1:50 in most instances) should therefore include elevations of

adjoining buildings to show the context of the proposal, detailed siting, external appearance, choice of materials and colours, landscaping and means of access.

Initial informal advice for development in conservation areas can be obtained from the Planning Department by submitting enquiries in writing, together with any relevant drawings and information that can assist a Planning Officer and a Conservation Officer to discuss the proposal before offering advice. Certain types of advice requires a fee, further information can be found at:

<https://www.chelmsford.gov.uk/planning-and-building-control/planning-permission/decide-if-you-need-pre-application-advice/>

New development should be of high quality and respect the overall character found in the particular conservation area or part of it, rather than be designed in isolation or necessarily imitate earlier styles. The character of a conservation area is determined by factors such as existing pattern of development, architectural form, local materials and any open spaces, trees, hedges and landscape or townscape features.

#### Public Consultation

Applications for planning proposals in conservation areas are advertised on site and in the local newspaper. Comments from interested persons and the parish council are copied to the relevant case officer or where relevant to the planning committee.

#### Chelmsford Local Plan

This document contains the current planning policies that apply within the City, as well as guidance on historic buildings, the design of new development, alterations and extensions to buildings and other related topics on conservation and design.

#### Alterations Works

Certain alteration and extension works will require the specific consent of the council. Other works may be carried out as permitted development, subject to certain criteria. Further information can be found at [www.planningportal.co.uk](http://www.planningportal.co.uk).

Repairs should generally seek to retain historic detailing and materials. Historic windows and joinery is often an important feature and should be repaired wherever possible. Traditional materials are available to match historic finishes. It is advisable to use builders or craftsmen with experience of working on historic buildings for traditional repairs.

#### Trees

It is the character and appearance of conservation areas as a whole that the local authority is required to preserve and enhance, not just that of buildings within them. A major element in the character and appearance of many areas is the trees and gardens within them. Therefore, ill-considered works to trees may not lead to the loss of the trees themselves, but also ruin the appearance of the area surrounding them and spoil the settings of any buildings nearby.

Accordingly, anyone wishing to carry out works to a tree in a conservation which is not already protected by a Tree Preservation Order (TPO) must complete a Notification of Proposed Works to

Trees in Conservation Areas (CA) and allow 6 weeks before the work to the tree(s) commences, since during that time have legal protection equivalent to a TPO, during which time the Council may consider it appropriate to make an Order..

Those trees that are exempt are those which are dead, dying or dangerous, are less than 75mm (3") diameter at 1500mm (5'0") above ground level.

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

Helping to preserve and enhance

The designation of a conservation area should help to preserve the special character particular to its locality. It is important, therefore, that local people are involved to ensure standards are maintained and enhancement targets achieved.

Designation therefore creates additional responsibilities for those involved and the City Council welcomes the help and co-operation of the public in these areas.

Street Lighting and Paving

Essex County Council has a responsibility for highways are consulted on all planning applications. Where high works are proposed the City Council seeks to influence the specification of the works to preserve or enhance conservation areas.

Listed Buildings

Some buildings, which are deemed to be of 'special architectural or historic interest' are listed buildings. Strict criteria are used to protect the most important buildings from a national perspective.

Any alteration to a listed building, whether internal or external, requires listed building consent to be obtained. Unauthorised works to a listed building are criminal offence and can carry heavy penalties.

The overriding objective is to protect the significance of the building, which may include its external appearance and setting, as well as its plan form and internal features.

Any object attached to the listed building, or within its curtilage and built before 1<sup>st</sup> July 1948, are also deemed as listed. Railings, boundary walls and outbuildings will therefore normally be treated as listed.

Listed buildings can be searched at <https://historicengland.org.uk/listing/the-list/>, there are three grades of listing – I, II\* and II, identifying important, but the vast majority are grade II listed.