



# Elmbridge Borough Council

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## Conservation Areas and their Designation – Frequently Asked Questions

### What is a Conservation Area?

A conservation area is legally defined as ‘An area of special architectural or historic interest – the character of which it is desirable to preserve or enhance’, Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conservation areas are based on areas of architectural and historic interest which will include individual buildings, groups of buildings or landscape features. It is the quality and interest of areas in their entirety, rather than that of individual buildings or features, which defines the special character of a conservation area.

Space between buildings – roads, footpaths, greens, squares, courtyards, paving and historic surfaces, ponds, rivers together with enclosing features – buildings, trees, hedges, walls, railings, and also details such as street furniture and signage – all contribute to the ‘special interest’, identity and individuality of a conservation area. Views into, within and out of conservation areas can be important and sometimes a defining characteristic.

A conservation area is designated when the character or appearance of a place is considered special and worthy of preservation or enhancement. A designation gives a layer of legislative protection intended to ensure change is well-managed and the area’s special sense of place is protected for future generations.

Conservation area designation can help to protect the 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 (as defined by the conservation area appraisal which should accompany any designation)
- control over the demolition of unlisted buildings and works to trees
- stricter planning controls
- a statutory requirement for the local planning authority to consider the impact of proposed development on the character of the area

### What is the designation process for Conservation Areas and how long does it take?

The process usually starts with a request for an area to be assessed for the purposes of potential designation. This can come from anyone and the Council also have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to review the Borough to ensure that all areas that fall within the criteria of having special architectural or historic value are designated as conservation areas. The Council receives a number of requests from local residents and amenity societies to designate new conservation areas and undertakes an initial investigation to assess whether a site is worthy of further investigation.

These are reported to the Planning Committee who agree the shortlist of nominations; many of the initial candidates are not considered to be worthy of further investigation.

An investigation involving heritage professionals, local residents, amenity societies, council officers and other interested parties is then initiated and the findings considered. The Council then publishes a Consultation Conservation Area Character Appraisal and Management Plan for comment. This is then subject to a six week period of public consultation and documents are made available online and in printed form. Following consultation all the comments are assessed and the document amended if necessary. A report is then presented to the Planning Committee and full Council for decision on whether to designate as a conservation area. If approved, the Council has to advertise the designation of the new conservation area in the London Gazette and local newspapers as appropriate.

### **Does this mean our houses will be listed?**

No. The inclusion of a building or buildings on the National Heritage List for England more commonly known as 'listed buildings' is a completely separate process to that of the designation of a conservation area. The listing of buildings is undertaken by The Department of Culture, Media and Sport who are advised on whether a building should be added to 'The List' or not by Historic England. The Council is consulted on potential listings but does not make the final decision.

Generally the constraints on owners of listed buildings, is greater than owners of houses within conservation areas. The inclusion of your house within a conservation area does not mean it is listed, however, there may be a presumption in favour of retaining buildings which make a positive contribution towards the character and/or appearance of a designated conservation area.

### **Will I be able to extend my home?**

Designation does not restrict development per se and there is a national presumption in favour of sustainable development. When considering planning applications there is a higher expectation in terms of design and the use of materials maintain and enhance the character of a conservation area. This is pertinent to those buildings which are considered to make a positive contribution towards the character and appearance of a conservation area. There are more restrictions on the size of a potential extension which can be constructed without planning permission on buildings within conservation areas compared to those outside it. Each application would be assessed on its merits and on a case by case basis and it worthwhile having an early discussion with planning and conservation officers before submitting a planning application. Within a conservation area planning permission is required to demolish all or a substantial part of a building as well as applying for a planned replacement to give some certainty and control over major change.

In practice, it will be very difficult to extend the houses within the Templemere estate without either compromising the architectural character and quality of the existing building and due to the design potentially impacting on the amenities (right to light for example) of neighbouring properties. In each case, any proposed extension would be considered on its own merits and it would need to meet and exceed the test as set out in national and local planning policy of preserving the character and appearance of the conservation area. It is worth noting that this will also be true of proposed developments which are considered to fall within the setting of the conservation area.

### **Will I be able to change the windows/doors?**

Planning permission is not required for:

- Repairs, maintenance and minor improvements, such as repainting windows and door frames
- Insertion of new windows and doors that are of a similar appearance to those used in the construction of the house

However windows and doors to any houses within a conservation area are important features which can often provide a real sense of authenticity and character. The Character Appraisal will provide guidance about how elements such as materials, proportionality and colour make up this character. It is also acknowledged that new technology can provide visually acceptable options which improve security and thermal efficiencies. The Appraisal document will enable owners to consider these elements in order to make the right decision for their property and its setting.

The Templemere Residents' Society Ltd has produced an excellent guide which can help owner/occupiers use contractors familiar with the appropriate design of replacement door or window.

If in doubt as to whether planning permission is required, you are advised to either seek specialist planning advice or apply for a Lawful Development Certificate. Please note that this is separate to any requirement to obtain permission with regard to any covenants on the property or land.

### **Will I be able to undertake work in my garden?**

Yes. Day to day maintenance of your garden and the planting of flowers, small shrubs and the use of garden furniture will be unaffected by the conservation area designation. If there is a tree in your garden, please see below for more information. If you are planning on planting new substantial tree, you may wish to discuss this with the Council's tree officer and/or the Residents Society.

### **Will I be able to undertake internal changes to my property?**

Yes, the internal layout of your house will be unaffected by the designation of a conservation area.

### **The houses within my area are subject to covenants – would conservation area designation have an impact on these?**

No. Any covenants which affect your property or the land upon which your property stands are completely separate to the conservation area designation and its implications. Whilst in some instances they can be complementary and in-fact are one of the main reasons why the area has maintained its special character they are completely separate and have different mechanism for decision-making and enforcement.

### **Will designation affect my property value?**

Research, conducted by the London School of Economics in 2012 found that:

- Houses in conservation areas sell for a premium of 9% on average, after controlling for other factors.
- Property prices inside conservation areas have grown at a rate that exceeded comparable properties elsewhere by 0.2% a year.

- Especially in areas with higher house prices and low deprivation, strong planning control was often linked back to protecting the coherence of a neighbourhood.

For more information, please visit:

<https://historicengland.org.uk/research/current-research/social-and-economic-research/value-and-impact-of-heritage/value-conservation-areas/>

### **Are there additional planning controls in a designated conservation area?**

Yes, there are additional planning controls in designated Conservation Areas which includes:

- Control over demolition of unlisted buildings and structures;
- Control over works to trees which are not subject of a Tree Preservation Order;
- Restriction on the types of development which can be carried out without the need for planning permission (permitted development rights), including roof extensions, cladding, satellite dishes on front elevations and some types of extensions.

### **Trees**

In a Conservation Area, anyone proposing to carry out works on trees must serve on the Council six weeks' notice of the intended works. The notice should contain sufficient information to identify the trees, details of proposed works and reasons.

The Council has six weeks in which to respond and work should not commence until the Council has commented, or the six weeks has expired, whichever takes place first.

### **Will action be taken retrospectively on changes already taken place (specifically to doors and windows)?**

No. No action will be taken on any windows or doors which have already been changed or replaced with other designs.

### **Will we still be able to organise summer fetes and other communal activities?**

Yes, conservation area status would not interfere with these activities

### **Where can I obtain more information on conservation area designation and management?**

The Council's website is a good source of information and has useful links to external bodies, such as Historic England. There are a number of conservation area appraisals and management plans on Elmbridge Borough Council's website. These provide examples of how management policies have been drafted for designated areas within the Borough.