

# LIVING IN A CONSERVATION AREA

## A GUIDE FOR OWNERS AND OCCUPIERS



### WHAT IS A CONSERVATION AREA?

Conservation Areas are “Areas of Special Architectural or Historic Interest, the character or appearance of which it is desirable to preserve or enhance”.

The following historic towns/villages in West Somerset contain Conservation Areas.

Alcombe, Holford, Minehead (four Areas), Old Cleeve, Stogumber, Stogursey, Watchet, and, within the Exmoor National Park, Dulverton, Porlock, Wootton Courtenay.

### CONSERVATION AREA CONSENT

The consent of the Local Planning Authority is required for the demolition of most buildings in a Conservation Area. The total or substantial demolition of any building with a cubic content exceeding 115m<sup>3</sup> (about the size of a double garage) will require the written consent of the Local Planning Authority.

#### **Walls and Boundary Features**

Conservation Area Consent is also required for the demolition of any gate, wall, fence or railing which exceeds one metre in height adjoining a highway, waterway or public open space, or two metres in height in any other case. **For the avoidance of doubt, please consult the Development Control team before carrying out any demolition works in a Conservation Area.**

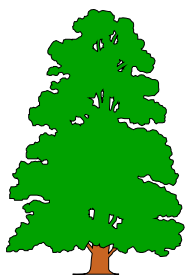
**There is a general presumption in favour of retaining buildings that make a positive contribution to the character or appearance of a Conservation Area.** Conversely, the demolition of a building that makes a negative contribution to the area may be welcomed where it offers the opportunity to enhance the character of the area.

#### **PPG15 Planning and Historic Environment**

4.17 Many Conservation Areas include gap sites, or buildings that make no positive contribution to (or indeed detract from) the character or appearance of the area. Their replacement should be stimulus to imaginative, high quality design and seen as an opportunity to enhance the .....

4.18.1 Local Planning Authorities will often need to ask for detailed plans and drawings of proposed new development, including elevations that show the new development in its setting, before considering a Planning Application ... Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis ... the scale and spacing of window openings and the nature and quality of materials.

## Works to Trees



Anyone intending to cut down, top, lop or uproot any tree in a Conservation Area must give the District Council six weeks notice in writing of their intention to do so.

This gives the District Council the opportunity to consider making a Tree Preservation Order where appropriate. This requirement does not apply to trees that have a trunk diameter of less than 75mm (3") when measured 1.5 metres above ground level.

## **PLANNING PERMISSION**

In most cases, the need to apply for Planning Permission is unaffected by Conservation Area designation. However, any application will be decided with reference to PPG15 Planning and Historic Environment, to ensure that new development is sympathetic in its scale, form, materials and detailing.

**In addition to existing planning controls, the following works will require Planning Permission where they are carried out in a Conservation Area:**

### **Extensions**

An extension to a dwelling that will exceed the cubic content of the original by more than 50m<sup>3</sup> or 10%, whichever is greater.

### **Loft Conversions**

Enlarging a dwelling via an addition or alteration to the shape of its roof. Roof lights do not usually require permission.

### **Cladding**

Cladding any part of the exterior of a dwelling with artificial or real stone, timber, plastic or tiles.

### **Outbuildings**

Providing an outbuilding within the curtilage of a dwelling with a cubic content greater than 10m<sup>3</sup>.

### **Satellite Dishes**

Mounting a satellite dish on a chimney, on a building more than 15m in height, or on a wall or roof slope fronting onto a highway.

## **BUILDING REGULATIONS**

### **Conservation of Fuel and Power**

Under Approved Document L1B: Conservation of Fuel and Power in Existing Buildings (2206), historic buildings in Conservation Areas enjoy flexibility within the regulations "where compliance with the energy efficiency requirement would unacceptably alter their character or appearance".

This flexibility may be particularly pertinent where works to improve the thermal efficiency of a property might involve the removal of original single glazed windows.

### **Access and Use**

Under Approved Document M: Access to and Use of Buildings (2004), historic buildings in Conservation Areas enjoy flexibility within the regulations, to improve access "provided that the work does not prejudice the character of the historic building".

## **Disability Discrimination**

The Disability Discrimination Act 1995, which came into force in October 2004, requires all businesses providing services to the public to make reasonable adjustments to their premises to make them both accessible and usable by disabled people.

Planning permission for these 'adjustments' may not be given for buildings in a Conservation Area, where the works would detract from the special character of the area. In such cases it may not be considered 'reasonable' for such adjustments to be made.

## **ARTICLE 4 DIRECTIONS**

Where there is proven public support, the District Council may remove certain "Permitted Development Rights" from dwellings in a Conservation Area. This is done by making a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.

An Article 4 Direction can be applied across all or part of a Conservation Area. It can address any form of 'permitted development' that might harm the character of such an area, such as the replacement of windows or roof surfaces, or the painting of bare brick or stone facades.

None of the District's Conservation Area presently contain Article 4 Directions. **Please note that flats and commercial premises have NO Permitted Development Rights.**

## **URGENT WORKS**

The Local Planning Authority has powers to preserve buildings that make a particularly positive contribution to a Conservation Area. Where such a building is unoccupied, and where works appear urgently necessary to preserve the character of the Conservation Area, the Secretary of State may direct that the Local Authority may undertake Urgent Works to the building under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **WHAT ABOUT LISTED BUILDINGS?**

**Listed Buildings are subject to separate and much stricter controls than buildings in a Conservation area.**

Listed Building consent is required to carry out any works to such a building, externally or internally, that might affect its special interest. Please consult the Development Control Team if you are considering undertaking works to a Listed Building.



## **CONTACT US**

Please contact the District Council if you wish to discuss a Planning Application before you submit it, or if you are in any doubt as to whether you need consent for building works. **Application forms for Conservation Area Consent, Planning Permission or Works to Trees can be downloaded from our website: [www.westsomersetonline.gov.uk](http://www.westsomersetonline.gov.uk)**

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