



## **Conservation Area Controls**

### **Guidance Note**

This note seeks to outline the main changes to permitted development that has been introduced on 1<sup>st</sup> October 2008 through The Town and Contry Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The government has given a range of minor developments planning permission so that you don't need to apply to the Council for planning permission for them. This is called permitted development.

The changes only apply to:

- Private single dwellings and their lawful curtilage (that is the land that was given planning permission to be used with the dwelling - commonly called its garden)
- Works that are for residential purposes only - any non-residential activity (such as running a business from your home) is not covered by the above Order.

The following categories of development are permitted by this Order within a Conservation Area:

#### **(A) Extensions/conservatories (Class A):**

- Not forward of the principal elevation or side elevation fronting a highway (previously permitted if more than 20m from highway).
- No higher than highest part of roof (no change).
- No more than half the curtilage would be covered by additions or other buildings (no change).
- In Conservation Areas, there is no permitted development for rear extensions of more than one storey; no cladding of the exterior and no side extensions.
- Single-storey rear extension must not extend more than 3 metres for a semi/terraced property or 4m for a detached house and be no higher than 4m.
- If within 2 metres of the boundary – eaves height no greater than 3m.
- Maximum eaves and ridge height should be no higher than the house.

#### **(B) Alterations to Roof (Class B)**

- In Conservation Areas, there is no permitted development roof alterations under Class B.

- (C) **Other Roof Alterations** e.g. rooflights (Class C)
- Must not protrude more than 150mm beyond the roof plane be higher than the highest part of the original roof or consist of the installation, alteration or replacement of a chimney, flue or soil and vent pipe, solar photovoltaics or solar thermal equipment.
  - Any window located on a side elevation roof slope must be obscure-glazed and non-opening below 1.7m above floor level.
- (D) **Porches** (Class D)
- No changes.
- (E) **Outbuildings, structures, oil or gas storage containers etc within curtilage of a house** (Class E)
- Not forward of principal elevation.
  - To be single-storey only with maximum eaves height of 2.5m and maximum height of 4m if ridged roof and 3m in any other case, except if within 2m of a boundary when maximum height would be 2.5m.
  - No more than half the curtilage would be covered by additions or other buildings (no change).
  - Not within curtilage of a listed building.
  - Capacity of the storage container must not exceed 3,500 litres.
  - In Conservation Areas, buildings, enclosures, containers and pools at the side of properties are not permitted by this Class and will require planning permission.
- (F) **Hardsurfacing** (Class F)
- Where situated on land between a wall forming the principal elevation of a house and a highway and the area of ground covered by the hard surface, or the area of hard surface being replaced, would exceed 5 sq.m, the hard surface must be made of porous materials, or provision made to direct run-off water to permeable or porous area or surface within the curtilage of the dwelling.
- (G) **Installation, alteration or replacement of a chimney, flue or soil and vent pipe.** (Class G)
- Must not exceed highest part of roof by 1m or more.
  - In Conservation Areas, must not be installed on a wall or roof slope fronting a highway or forms the principal elevation or a side elevation of the house.
- (H) **Microwave antenna** (Class H)
- In a Conservation Area, planning permission will be required if located on a chimney, wall or roof slope which faces onto, and is visible from a highway. (No change).
- (I) **Verandas, balconies or raised platforms** (decking) (Class I)
- No higher than 300mm above ground level and no more than 50% of garden area.

(J) **Solar photovoltaics or solar thermal equipment.**

- This is covered by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 which came into force on 6<sup>th</sup> April 2008.
- In a Conservation Area, planning permission will be required if located on a wall or roof slope forming the principal or side elevation of the dwelling and would be visible from a highway or if located on a wall or roof slope for a building within the curtilage and would be visible from a highway.
- Must be only one stand alone solar equipment, no higher than 4m but must not be within 5m of the boundary or within the curtilage of a listed buildings and in the case of a Conservation Area, must not be visible from the highway.
- In a Conservation Area any flue forming part of a biomass heating system or part of a combined heat and power system must not be installed on a wall or roof slope forming the principal or side elevation of the dwelling and would be visible from a highway.

**Note:** The above categories and conditions do not necessarily mean that the development will not require planning permission as “permitted development” rights may have been withdraw by planning condition on a planning permission and interpretation of some of the criteria may still be challenged through the courts or at appeal in the future as there has been criticism of the wording contained in the Order.

**2. Other Controls within a Conservation Area.**

**Demolition**

**If you live in a conservation area**, then you need to apply for conservation area consent if you wish to:

- Demolish a building with a volume of more than 115 cubic metres.
- To demolish a gate, fence, wall or railing over 1 metre high next to a highway (including a public footpath or bridleway) or public open space; or over 2 metres high elsewhere.

**Removal of Rights**

Where a local authority is concerned that certain types of permitted development may be undertaken that would have an adverse impact on the character of a conservation area, (e.g to protect special features within an area such as traditional window details, locally distinctive external colour schemes, historic materials or architectural details) it may apply special controls (Article 4 direction) to that conservation area, making it necessary to apply for planning permission to carry out any of the works specified in the direction.

**Trees**

You need to give the local planning authority **six weeks notice** before you carry out **any work** to a **tree within a conservation area**.

## **Neglected property**

If a property, and/or land within the curtilage of the property, within a conservation area is neglected, a local authority can serve a notice on the owner requiring that remedial action is undertaken.

Where an unoccupied property remains neglected, and the local authority considers that it is important for maintaining the character or appearance of a conservation area, the local authority can ask the Secretary of State to authorise it to carry out urgent works for the preservation of the building and to recover the costs from the owner.

## **Advertisements**

Advertisement consent may be required for certain types of advertisements that do not need consent elsewhere. Local Planning Authorities can seek to designate, subject to Secretary of State approval, "Areas of Special Control of Advertisements" which provides a lower maximum height limit and a smaller size of letters or characters on all advertisements displayed with "deemed consent". Some classes of advertisement, in particular general poster hoardings, may not be displayed at all unless an advertisement application has been made and granted "Express Consent".

**Note:** This information has been extracted from guidance notes and circulars issued by Central Government and is intended for guidance purposes only; it should not be taken as a definitive interpretation of the current regulations. Specific enquiries about the need for planning permission, conservation area consent or express consent should always be directed to the Planning Services Section.