

# Conservation Areas:

## Frequently Asked Questions

### **What is a Conservation Area?**

A Conservation Area is 'an area of special architectural or historic interest, the character an appearance of which it is desirable to preserve or enhance' (Civic Amenities Act, 1967). A Conservation Area has a distinctive character, whether defined by a high quality townscape or other features that contribute to its unique sense of place. Bristol currently has 33 Conservation Areas, the majority of these were designated during the 1970s and 80s, the most recent four in the late 1990s.

### **What is defines *special interest*?**

It is the overall character of the area, and not individual buildings, that policies and legislation relating to Conservation Areas seek to protect. Although high quality townscape can be a contributing factor, the special interest of Conservation Areas can come from: historic road patterns, plots and boundaries; characteristic building materials or construction techniques; building uses; green spaces; trees and street furniture; or distinctive views.

### **What is the implication of being in a Conservation Area?**

Being in a Conservation Area means the City Council will take special care to ensure the character and special interest of that area is protected and enhanced. In order to do this the Council has powers under the Planning (Listed Buildings and Conservation Areas) Act, 1990, to require property owners to apply for Planning Permission to do certain works. The Planning Authority will consider the potential impact of a proposed development and its effect on the character or appearance of a Conservation Area. There is greater control over the demolition of unlisted buildings and works to trees within a conservation area, which will require separate Conservation Area Consent.

### **What is a Conservation Area Character Appraisal?**

Since 2006 the City Council has committed to undertake a full review of the City's existing 33 Conservation Areas, through the production of a Character Appraisal for each area – the format of which would follow best practice as set out in English Heritage guidance 2006. Character Appraisals are not intended to be policy documents in their own right but a record of positive/negative features that will inform sound decisions on

the future management of a Conservation Area. Although not forming part of the Local Development Framework, the consultation and adoption process for each appraisal will afford it enough weight to be a material consideration in making development control decisions, and at appeal.

### **What works to houses in a Conservation Area are controlled?**

Permitted development rights granted under the Town and Country Planning (General Permitted Development) Order 1995 are limited in conservation areas. Planning permission is required for certain external works to a house within a conservation area, that would not normally require planning permission elsewhere. House extensions of more than 50 cubic metres or 10% of the original house (whichever is the greater) will require planning permission. There are also further restrictions, for example:

- cladding any part of the exterior
- adding to or altering the shape of the roof
- erecting a building within the curtilage of a house, for example, a garden shed, larger than 10 cubic metres
- installing an antenna on a chimney or to a building which exceeds 15 metres in height, or to a wall or roof slope that fronts a highway.

### **What works to flats and commercial properties are controlled?**

If you are the owner or tenant of a flat or a commercial property within a conservation area you are not only governed by normal planning controls for most external alterations, but the Conservation Area designation will mean that particular care will be taken to ensure that, if planning permission is granted, then the character or appearance of the Conservation Area is preserved or enhanced.

### **What about new development in Conservation Areas?**

Where the Council considers new development to be appropriate, a high standard of design will be expected. The Council will require new building work to preserve or enhance the existing character or appearance of the Conservation Area.

Special regard should be given to such matters as scale, height, form, massing, detailed design and quality of materials in the interests of harmonising the new development with its neighbours. Density and grain of development is an intrinsic part of the character of conservation areas.

### **What about demolition in Conservation Areas?**

With few exceptions, works for the substantial demolition of all or part of an unlisted

building in a Conservation Area require Conservation Area Consent.

However, works that involve the removal of the fabric of only part of a building may not be regarded as works of demolition and so may not require conservation area consent.

Whether the works are substantial is a matter of fact and degree which will depend upon the circumstances in each case.

### **Can I put a satellite dish on a property in a Conservation Area?**

The installation of a satellite dish on an unlisted building within a Conservation Area, or within the cartilage of a dwelling-house, would not require planning permission if the following conditions are met:

1. The dish does not exceed 90 cm in any direction
2. No part of it must exceed the highest part of the roof
3. It is not installed on a chimney
4. It is not on a building exceeding 15 m in height
5. It is not on a wall or roof slope fronting a highway (including a footway)
6. It is located so that its visual impact is minimised
7. It is removed as soon as it is no longer required
8. There is not already a dish on the building or structure

If any of these does not apply, a specific planning application would be required, and it is unlikely that permission would be granted.

### **What about demolition of garden walls?**

Planning permission will sometimes be required to demolish a front garden wall in a conservation area, if the Council has made an Article 4(2) Direction. Planning permission is also required to form a vehicular access off a classified road. Whether or not permission is required, the advice in the Council's Policy Advice Note should be followed. (see Planning Advice Note No.6, 'Off Street Residential Parking in Conservation Areas').

### **Can I prune or fell a tree in a Conservation Area?**

Local authorities are required to preserve or enhance the character or appearance of conservation areas as a whole, not just the buildings within them. An important element in the character or appearance of many conservation areas is the trees, gardens and other open spaces within them.

Careless works to trees, such as cutting down, topping, lopping, uprooting or willful damage or destruction of any tree may not only lead to the loss of the trees themselves, but may also ruin the appearance of the surrounding conservation area as well as the

setting of nearby buildings.

All trees with a trunk diameter of 75mm measured at 1.5m above ground level within conservation areas are protected under section 211 of the Town and Country Planning Act 1990. Any proposed works to them will require a written notification to the Council six weeks prior to beginning those works.

It should be noted that it is a criminal offence to carry out works to such trees within a conservation area without giving prior notice to the Council.

In addition, many trees in conservation areas will be the subject of Tree Preservation Orders, in which case a formal application would be necessary before any works can begin. The Council would have regard to the character of the area and the significance of the tree in determining any such application.

There are exemptions from the general protection given to such trees in a conservation area:

- Trees that are dead, dying or have become dangerous
- Pruning of cultivated fruit trees

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