



STATEMENT OF CASE FOR THE LONDON BOROUGH OF CAMDEN

**Appeal by Mr G Govotsis
Site at 2 Clorane Gardens, London, NW3 7PR**

Reference: APP/X5210/A/14/2215624

April 2014

1.0 INTRODUCTION

- 1.1 The following is the council's statement of case following the appeal by Mr G Govotsis into the Council's decision to refuse planning permission (Ref: 2013/6765/P) at 2 Clorane Gardens. The description of development is:

Erection of a new dwelling, following demolition of existing, with retention of front facade (Class C3).

- 1.2 The application was submitted on 2 October 2013 AND BECAME a valid application on 22 October 2013. The application was subsequently refused on 17 December 2013 for the following reasons:

1. *The demolition of a building identified as a positive contributor would harm the character and appearance of the Redington/Frognaal Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
2. *The proposed front porch, perforated bricks to the side elevation and rear windows of the closet wing of the replacement building would, by reason of their design and materials, be incongruous additions to the property, detrimental to the character and appearance of the street scene and Redington/Frognaal Conservation Area. The proposal is thereby contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
3. *In the absence of a Basement Impact Assessment to demonstrate otherwise, there is insufficient information to conclude that the proposal will not result in a significant impact to the built and natural environments and local amenity in terms of surface flow and flooding, subterranean (groundwater) flow or land stability. The proposal would therefore be contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP25 (Conserving Camden's heritage) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.*

4. *The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.*
5. *The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (The transport implications of development) , DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework and Development Policies.*
6. *The proposed development, in the absence of a legal agreement requiring a sustainability review achieving Code Level 4 would fail to be sustainable in its use of resources, contrary to policies CS13 (Tackling climate change) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy, DP22 (Sustainable construction), and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies.*

2.0 PROPOSAL

- 2.1 The proposal seeks to obtain planning permission for the demolition of the existing building, with the exception of the front façade which would be retained, and construction of a replacement dwelling. The replacement would incorporate a number of additions which have over time been granted planning permission or been the subject of certificates of lawfulness.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is located on the south-west side of Clorane Gardens and comprises a semi- detached single family dwellinghouse that forms part of a pair with no. 4, dating from the late 1890s. The building is two storeys with a hipped roof clad in red clay tiles. The front

elevation has a loose Arts and Crafts character with a two storey bay and roughcast at 1st floor level and painted brickwork to the ground floor façade. It is likely this was red brick at ground floor level similar to the other half of the pair at no. 4. The side elevation is of red brick at ground floor level and over both storeys towards the rear, whilst the front section of the 1st floor façade is also roughcast. The building is located in the Redington/Frognaal Conservation Area and is considered to make a positive contribution to its character and appearance.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The relevant records and details are contained within the Statement of Common Ground.

5.0 PLANNING POLICY

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The London Borough of Camden Local Development Framework is made up of the London Plan (2011) and the Camden Local Development Framework (LDF). Within this the Core Strategy (2010), the Development Policies (2010) and specific supplementary planning documents/guidance are of relevance. It was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme are expressed in the reasons for refusal, and the full text of the relevant policies was sent with the questionnaire documents.

6.0 EVALUATION

- 6.1. The objections to the scheme relate to the impact of the demolition and subsequent rebuild on the streetscene and Redington/Frognaal Conservation Area, the impact of the basement, and the failure to secure a number of planning obligations. These are car-free housing, a Construction Management Plan (CMP) and Code for Sustainable Homes. Reference is made to the appellant's Hearing Statement (March 2014), and relevant paragraphs are referenced in brackets where appropriate.

Reason 1

The fallback position

- 6.2. The fallback position is a common principle when assessing the acceptability of proposals. The principle is relatively simple, and acknowledges that when concluding on the acceptability or otherwise of

a proposal it is necessary to consider what is able to be constructed now without the need for further approval from the local planning authority. This most commonly refers to what has been granted planning permission previously, and what permitted development rights exist and what they allow for. It is the latter which is of most relevance in this instance. However, a key principle underlying this is that it is not sufficient for the appellant simply to rely on the existence of the granting of planning permission or the issuing of a certificate. There has to be an assessment of how realistic it is for this fallback to be enacted. The weight to be afforded to the fallback is a function of this, and this is a key component of the assessment.

6.3. It is noted that that there is a significant planning history and that planning permission has been granted for the construction of a basement, a rear dormer, a rear extension at ground floor level, balustrading at 1st floor level and the rebuilding of the chimney stack on the flank elevation. Furthermore, various applications for Certificates of Lawful Development have been made which confirm that a wide range of alterations to the house were permitted development. These included the creation of perforated brickwork on the side elevation, the blocking up and creation of a large number of window/door openings, the addition of a porch to the front elevation, a replacement conservatory to the rear and re-roofing using existing salvaged materials.

6.4. Further to this the covering letter submitted with the planning application states that:

“...this application is related to proposed works, where on-site investigations have led to a concern that existing consents will be insufficient to cover the amount of work that may be required to replace existing compromised building fabric. Our client wishes to avoid the potential of future delay to the project should a new planning consent be required.”

6.5. The appellant's Hearing Statement (paragraph 3.3) reflects this:

“Work has commenced pursuant to the permitted development. However, upon excavation of the basement, it became apparent that the brick quality was not of a standard that would permit the substantial reclamation of the brickwork that was originally envisaged. Whilst this is to be monitored throughout the construction programme, it was felt appropriate to seek planning permission should substantial demolition be required.”

6.6. Both quotes are relevant when considering the weight to be given to the fallback position. It is not clear how works to implement what has been granted planning permission or works which are permitted development were commenced without a detailed structural assessment. This is most relevant for the basement extension, which is by definition a complex building operation. There is concern that those problems which the

appellant identifies were only flagged up once work was commenced. This is of particular concern given that the demolition of a building within a conservation area is controlled and permission must be sought from the Council. Based on the quotes above it does not appear possible that what has been approved previously can be constructed, and hence its value of a fallback is lessened to the extent that very little weight should be given to it.

- 6.7. There is also concern that the proposal is put forward as a fallback in its own right, in that it is suggested that it would only be employed if the other permissions cannot be progressed. However, determining a planning application on this basis raises complications. If the appeal is allowed it is inconceivable that it would be done so as a fallback to retaining the building. There would be no mechanism to ensure that it was treated as a 'plan B'. The issue of demolishing a positive contributor within a conservation area is significant, and the level of uncertainty this approach proposes is of concern.
- 6.8. It appears that the desire to avoid delays in developing the site is a major motivation for the appeal scheme, and as a general point this is understood. However, this is not considered relevant to the acceptability or otherwise of the development.
- 6.9. Therefore, it is the view of the Council that the permissions and permitted development rights are theoretical and if their implementation (or the manner of their implementation) would then require the substantial demolition of the building, it does not necessarily follow that the Council should grant permission for this. The policy context for the substantial demolition of a positive contributor within a conservation area is different to the issues that apply when considering individual proposals for development. In the case of the certificates of lawfulness granted there has previously been no consideration of the merits of the development at all, because the process does not allow it. In this case the cumulative impact of all of the proposals, and possibly the programming and scheduling of the works, appear to exceed the ability of the building to accommodate such a level of simultaneous development.

Assessment against the development plan and other material considerations

- 6.10. The Council consider that the building satisfies several of the English Heritage criteria for positive contributors contained within its document "Understanding Place: Conservation Area designation, appraisal and management" (attached at appendix 2). Notwithstanding any discussion regarding the involvement of Quennell or Hart in the construction of the building, the house is generally consistent with the layout, scale, form and functionality of the wider Redington/Frognal conservation area and reflects the style, materials, architectural features and detailing of many

of the other buildings that make a positive contribution to its character and appearance.

6.11. The appellant notes a number of aspects of the building which it is argued affect its interest: it is suggested that the garage and other alterations detract considerably from the building's contribution, and that the building makes the least contribution to the character and appearance of Clorane Gardens (4.15). The front garden and boundary treatment is noted as being a later alteration (4.10). However, some of these aspects could be rectified without demolishing the building. The appellant states that the front elevation is in need of repair, and this could be done without the need for this permission, as could the removal of paint from the ground floor front façade so as to reinstate the appearance of the building to match no.4. The garage alteration was made following consent being granted in 1938, well before Clorane Gardens was added to the conservation area in 1992. Therefore, it was included with the garage alteration in place, which was not considered sufficient to exclude it. The appellant does acknowledge that the side and rear elevations conform to the character of brick and tile buildings of the Edwardian period, however concludes that these elevations are of *"no heritage interest"* (4.16).

6.12. The Council does not consider that the building has no historical interest which the appellant asserts at section 4.12 of their statement. Whilst the Conservation Area Statement attributes only nos. 12-18 Clorane Gardens to Quennell and Hart, evidence submitted by an objector suggests that Clorane Gardens was built by George Hart's father Robert Washington Hart and documents the stylistic influence of Quennell. Furthermore, the Conservation Area Statement does make it clear at p4 that *"Whilst the houses in Briardale and Clorane Gardens and Platt's Lane are of a more modest scale and character than the later houses by Quennell and Hart in the wider area, they nevertheless form an important part in the history and development of the area."* The appellant's statement dismisses the building as *"a common form of semi-detached property found across the UK"* which fails to recognise the attractiveness and high quality of the individual buildings and their contribution to the coherency and harmony of this architecturally distinctive area. In terms of architectural interest it is acknowledged that the side and rear elevations are of less significance than the front. However, the integrity of a building derives from more than the retention of its front façade and the existing side and rear elevation do feature in some views from the public realm and from private views to the rear. Thus, the totality of the building, and the retention of its fabric, are considered to contribute to the significance, coherency and harmony of the group of buildings on Clorane Gardens.

6.13. Policy DP25 (part C) of Camden's LDF is clear that the Council will:

"prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a

conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention.”

- 6.14. This is reinforced by policy RF4 of the Redington/Frogna Conservation Area Statement which states that:

“The Council will seek the retention of those buildings which are considered to make a positive contribution to the character or appearance of the Conservation Areas, and will only grant consent for demolition where it can be shown that the building detracts from the character of the area. “

- 6.15. Both of these are considered in accordance with the National Planning Policy Framework (NPPF), and paragraph 134 is of most relevance. The loss of a positive contributor within a conservation area can be considered to result in either substantial, or less than substantial harm. In most cases affecting single buildings the latter applies as the loss of one single building in a large conservation area is only likely to result in small scale changes to its character and appearance. The test is therefore whether the less than substantial harm can be balanced against the public benefits of the proposal, which includes securing its optimum viable use, and this involves identifying the “exceptional circumstances” which policy DP25 refers to.

- 6.16. It was noted that when the original case officer conducted his site visit works had already begun and that the building was essentially a construction site. A later visit on 17 April 2013 confirmed that a hoarding remained around the site. The appeal scheme for rebuilding behind the front façade was submitted as a fallback position. There remain concerns that the cumulative impact of the works that have been commenced would make the retention of the remaining fabric untenable. Of more serious concern during the planning application was that the building could have collapsed, although the applicant provided reassurance that every effort would be made to retain the existing fabric of the house.

- 6.17. A key issue is the side wall of the building. The application indicates that the condition of the brickwork is very poor, particularly the dentil detail at eaves level, with spalling due to the use of hard cementitious mortar. When examined on site during the determination stage of the applications the brickwork did appear to require extensive repair. The Design and Conservation Officer queried as to why a more sequential approach could not be taken to the repair works, ie. small sections re-pointed, repaired and replaced as necessary. However, in relation to the eaves detail it seems clear that the works have been programmed so that the roof is to be removed and the brickwork replaced wholesale. The Council do not consider that this is the only feasible approach.

- 6.18. Lower down the building the applicant argues that once all of the permissions and permitted development rights have been implemented, only small fragments of brickwork will remain and that their retention is not feasible or economic – in short it appears that it becomes easier to demolish the building rather than retain it.
- 6.19. Queries were again raised by the Conservation and Design Officer as to whether some of the development was necessary, for example, whilst permission was granted to rebuild the chimney it seems that the aim of this is to reinstate appropriate detailing at high level. Therefore it does not appear necessary that the entire stack needs to be demolished in order to achieve this. There are panels of brickwork adjacent to the chimney stack that appears to be in relatively good condition and no justification was given as to why these could not be retained and repaired. Furthermore, the intention was to remove the 1st floor roughcast on the side elevation so as to reinstate an appearance similar to the neighbouring property which has red brick in this location. However, once some of the roughcast was removed this revealed yellow stock brickwork rather than the expected soft red bricks.
- 6.20. It thus seems that this elevation was always intended to be roughcast and should be retained. Therefore the applicant has failed to provide justification to remove the original yellow brick so as to reconstruct the wall in red brick and ‘reinstate’ a situation that never originally existed. When combined with the issues raised above, this would result in significantly more masonry being retained on the side elevation which would make the full demolition of this façade unnecessary.
- 6.21. Adding further to the architect’s justification for the application is the proposal to replace the roof which is shown as hatched on the demolition drawings. There is no clear reason why the insertion of the permitted dormers and roof lights would require the wholesale removal of the roof covering and timbers. It may be that the structure itself requires repair but the approach shown is unjustified and considered to be over and above what would normally be required.
- 6.22. Therefore, the Council considers that the proposed level of demolition and reconfiguration of the building is excessive and does not justify the granting of permission for the demolition and reconstruction of a building which makes a positive contribution to the character and appearance of the Redington/Frogna Conservation Area. As such the application fails to comply with policy DP25. There is no clear public benefit arising from the proposal which would be sufficient to satisfy paragraph 134 of the NPPF, or represent the “exceptional circumstances” which DP25 requires. The appellant suggests that the resulting building will replicate the existing building once the various permissions and certificates of lawfulness have been implemented. Therefore, by definition it could not be considered to secure the optimum viable use of the building in a more effective way than the existing building with the applications already approved. As such, the proposal is considered unacceptable.

Conclusion

- 6.23. The fallback position appears to create an unusual set of circumstances in this instance. If the existing permissions are considered to be a realistic fallback then the logical conclusion is that the appeal should be dismissed as retaining the existing building is considered preferable to its demolition and rebuilding. If it is not considered a realistic fallback, and the appellant's own documentation suggest that it is not, then the Council was entitled to assess the planning application by giving little weight to those relevant parts of the planning history, which also strongly indicates that the appeal should also be dismissed.
- 6.24. It is important to note that the granting of planning permission or having permitted development rights is not an entitlement to those works which are permitted. If there are circumstances which prevent them on site then this is unfortunate. However, this should not imply that a different approach should be taken to a situation where no such permissions or consents have been granted previously. It is the Council's position that it is not in the public interest for the building to be demolished and if the building cannot accommodate the alterations which have been attempted then they should not be constructed, and attempts to do so should not have been made.

Reason 2

- 6.25. Policies CS14 and DP24 seek to ensure all development is of the highest quality design and considers the character, setting, context and form of neighbouring buildings. Furthermore Policy DP25 seeks to preserve and enhance the character and appearance of Conservation Areas.
- 6.26. The Local Development Framework states that a replacement building should preserve and enhance the character and appearance of the conservation area to an appreciably greater degree, and conservation area consent will only therefore be granted if planning permission is granted for a suitable replacement building which meets these criteria. As discussed above, the house is identified in the Redington/Froggnal Conservation Area Statement as making a positive contribution to the character and appearance of the conservation area, and mirrors the attached neighbour at no.4 Clorane Gardens. As discussed above in the introduction, regardless of whether a development has been granted planning permission or a Lawful Development Certificate, the entirety of the dwelling is under assessment.
- 6.27. The first point of contention is the proposed front porch. CPG1 states that *"Characteristic doorway features, such as porches should be retained where they make a positive contribution to the character of*

groups of buildings". In this instance, the proposed front porch would undermine the balanced and harmonious appearance of the semi-detached pair of dwellings. It would be constructed of frameless glazing and horizontal dark timber boards that do not match or complement the existing house and would contrast with the neighbouring property at no. 4 which retains its original entrance consisting of a stepped entry and small projecting canopy. The appellant suggests that the proposed modern porch will reflect the change of architectural style signified by 2A Clorane Gardens. However this is illogical given that the porch is an alteration to an original feature of the building and that the key architectural relationship must surely be as part of the original composition and pairing with no.4 and not a later infill property. As such this aspect is considered to be unacceptable.

- 6.28. With regard to the alterations to the side and rear, concern is also raised in respect of the perforated brickwork and proposed window within the rear elevation. As a point of clarification the reason for refusal refers to 'windows'. In actual fact the proposed window at first floor level is of concern, and is proposed to be in a position where currently there is an existing window which is part of a pair which is characteristic of the property and its period. Adding to this the proposed roof light the proposal rear would lack symmetry with its neighbour. These aspects, from a design perspective, do not respect the character and appearance of the original building, nor the neighbouring properties. Again it is acknowledged that these developments have been approved under either Lawful Development Certificate's, but as the application proposes a new dwelling then these aspects should be assessed when considering the application. These aspects of the proposal fail to comply with both Council Policies DP24 and DP25, and for this reason the proposal should be refused.

Reason 3

- 6.29. The appellant has submitted a basement impact assessment (BIA) to address this reason for refusal. Having reviewed the document the Council is satisfied that the guidance contained within Camden Planning Guidance 4 has been followed. The issues raised in the policies which form part of the reason for refusal, especially DP27, have been fully assessed and the conclusion is that proposal is acceptable. This conclusion is accepted by the Council and the reason for refusal is considered to have been addressed, and can therefore be withdrawn.

Reasons 4, 5 and 6

- 6.30. These reasons are assessed together as they are capable of being overcome through entering into a Section 106 legal agreement. The issues are:

- Car Free residential units;
- Construction Management Plan;
- Code for Sustainable Homes Level 4.

6.31. The appellant has agreed to this and a legal agreement has been entered into by both the appellant and the Council to secure these matters.

6.32. Government guidance on planning obligations is contained within the Community Infrastructure Levy (CIL) Regulations 2010 which came into effect on 6 April 2010 and the National Planning Policy Framework (particularly paragraphs 203-206).

6.33. The CIL regulations limit the use of planning obligations so that a planning obligation must only be sought where it meets all of the following tests:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

6.34. The Council considers that each of the obligations as referred to above would meet these tests for the reasons set out below:

Car Free

6.35. Policy DP18 states that the Council expects all development to be car free in areas which are highly accessible by public transport. The reasons for this are to facilitate sustainability and to help promote alternative, more sustainable methods of transport. The appeal site is located within walking distance of Hampstead and West Hampstead Underground stations, Finchley Road and Frognal Overground station, and there are bus routes along Finchley Road. There is therefore high public transport accessibility. The site is within a Controlled Parking Zone (CPZ), which exhibits parking stress. Therefore, there is considered to be justification for removing the rights of future occupiers to be able to obtain on-street parking permits. The proposal should be secured as car free by the means of a Section 106 legal agreement should the appeal be allowed, and the appellant has agreed to this. A planning obligation is considered the most appropriate mechanism for securing the development as car free as it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car free. The level of control is considered to go beyond the remit of a planning condition.

6.36. With the obligation in place this reason for refusal is considered to have been addressed.

Construction Management Plan

- 6.37. The proposal involves substantial works which will result in a large number of construction vehicle movements to and from the site. This is of concern as the site is on a residential street with on-street car parking. In cases such as this where the construction impact is particularly significant Camden will seek to ensure that the impact is properly managed by the developer through a Construction Management Plan (CMP) in accordance with policy DP21 – The transport implications of development, and DP26 – Managing the impact of development on occupiers and neighbours (specifically paragraphs 16.20 and 26.9), CPG6 – Amenity, and CPG7 – Transport.
- 6.38. The Council takes a pragmatic view on whether a condition or planning obligation is the most appropriate mechanism for securing a CMP. However, a planning obligation is considered to be the most appropriate mechanism for securing a CMP in this case simply because of the level of works being undertaken and to a considerable extent much of the activity during construction that could cause conflict with other road users or be detrimental to the amenity of the area will necessarily take place outside the curtilage of the planning unit of the appeal site. Potential impacts for the proposed construction works which should be controlled by a CMP are: traffic generation from removal and delivery of materials from site, set down and collection of skips. This could result in traffic disruption and dangerous situations for pedestrians and road users.
- 6.39. Under the Planning Act conditions are used to control matters on land within the developers' control. However, a CMP is designed to be an enforceable and precise document setting out how measures will be undertaken not just on site but also around the site in order to minimize as far as reasonable the detrimental effects of construction on local residential amenity and / or highway safety and / or traffic congestion on the nearby roads. Hence, using a condition to secure the type of off-site requirements usually included in a CMP would in this case be unenforceable.
- 6.40. Conditions can only lawfully be used to control matters on land within the developer's control. Many of the CMP provisions will relate to offsite requirements, particularly public highway (which is not land within the developers' control). As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism. The *Planning Practice Guidance* indicates that "planning permission should not be granted subject to a positively worded condition that requires the applicant to enter into a planning obligation...(and that) such a condition is unlikely to pass the test of enforceability". The reason given for this is that it is unlikely to provide certainty.
- 6.41. It is also true that as a matter of planning practice in Camden the level of detail required and secured through a planning obligation is usually

greater and more specific than through a condition. This is an important consideration in respect of a CMP which should be seeking to tailor requirements to managing the specific construction impacts arising from a particular development.

Code for Sustainable Homes

- 6.42. The final reason for refusal concerns the need to achieve Code for Sustainable Homes Level 4 for all new residential units. Policy CS13 concerns the challenges of tackling climate change, and part of this is to construct buildings in the most sustainable way possible. Policy DP22 applies this to new build housing and advises that housing constructed from 2013 is required to meet level 4. Water is one aspect of this, hence why policy DP23 is referenced in the reason for refusal.
- 6.43. The appellant has confirmed their agreement to this and the details are to be provided as part of a suitably worded planning obligation. With this in place it is considered that the reason for refusal has now been addressed.

Other matters

- 6.44. A number of suggested conditions are listed in appendix 1. Whilst it is hoped that the need for most of them is self-explanatory some detail on the justification for some is provided here.
- 6.45. The delegated report indicates that there was some concern about the lack of information on lifetime homes. This was not translated into a reason for refusal as it was felt that a new build house could be constructed in such a way as to incorporate the required standards, which are required by policy DP6. Therefore, a condition is suggested in this regard and whilst it is acknowledged that the current building does not accord with lifetime homes (due to the steps up to the front entrance and the narrow passage to the side of the house) it is important that if the appeal is allowed that the replacement dwelling be compliant.
- 6.46. The condition requiring the basement to be supervised by a qualified chartered engineer is imposed on basement extensions of the extent of that proposed by the appellant. The structural concerns highlighted indicate that it is important that this expertise is available throughout the construction process.
- 6.47. A condition is suggested that would remove permitted development rights. This is vital as without it the dwelling could then be extended considerably: the development for which approval is sought would be a new house in its own right and would not be an extension to the house that was there before. It is important that the frontage of the property is designed in an appropriate manner and maintained as such if the

benefits of the scheme, which are suggested by the appellant (albeit that they are disputed by the Council) are to be secured in the long term.

7.0 COMMENTS ON THE APPELLANT'S HEARING STATEMENT

- 7.1 The assessment above is considered to have addressed the points made by the appellant in the Hearing Statement.

8.0 CONCLUSION

- 8.1 The fallback position is central to the whole argument. If it is accepted that the extensions and alterations to the existing property cannot be constructed then very little weight can be given to what they allow. The appellant's own statements indicate that they cannot be constructed, and this is the basis of the appeal scheme being submitted in the first place.
- 8.2 There are significant concerns about the loss of this positive contributor, and no convincing justification has been provided to outweigh this concern. The re-built house would contain features that would be harmful to the conservation area and are objected to.
- 8.3 The basement impact assessment is considered to have addressed the reason for refusal. The reasons for refusal about car free housing, CMP and Code for Sustainable Homes are also considered to have been addressed through the section 106.

APPENDIX 1 - CONDITIONS

Without prejudice to the views expressed above if the Planning Inspectorate resolves to grant planning permission the conditions are suggested. As development has already commenced the standard 3 year condition is not considered necessary.

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement; Photographic Survey of brickwork; EX 000; EX 100; EX 001; EX 002; EX 003; EX 004; EX 005; EX 006; EX 007; EX 008; EX 012; PA3 100; PA3 001; PA3 002; PA3 003; PA3 004; PA3 005; PA3 006; PA3 007; PA3 008; PA3 012; PA2 002; PA2 003; PA2 004; PA2 005; PA2 006; PA2 007; PA2 008; PA2 011; PA2 012; PD4 001; PD4 002; PD4 003; PD4 004; PD4 005; PD4 006; PD4 007; PD4 008; PD4 012; PA3 002; PA3 003; PA3 005 rev A; PA3 006; PA3 007 rev A; PA3 008 rev A; PA3 012 rev A; PA 101; PA3 102; PA3 103; PA3 104; PA3 105; PA3 106; PD5 002; PD5 003; PD5 005; PD5 006; PD5 007; PD5 008; PD5 012; PD2 002; PD2 003; PD2 006; PD2 008; PD2 012.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 The refuse storage shown on drawing PA3 002 shall be provided in its entirety prior to the occupation of the unit hereby approved and maintained as such thereafter.

Reason: To ensure the development provides adequate refuse facilities in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy

- 3 The development hereby approved shall not continue until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Detailed drawings, and/or samples of materials as appropriate, in respect of the following facing materials, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:
- a) a sample panel of brickwork demonstrating colour, texture, bond and pointing style
 - b) plans, sections and elevations of all new external doors and windows and units to be installed therein
 - c) all facing materials including but not limited to roughcast and roof tiles
 - d) balustrade to rear at first floor level

A sample panel of all facing materials should be erected on-site and retained until the works have been completed.

The relevant part of the works shall then be carried in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of development that safeguards the character and appearance of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The chimney hereby approved shall be constructed to match that at the adjacent property No. 4 Clorane Gardens with regards to the brickwork (colour, texture, face-bond and pointing), its profile and detailing.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Full details of the proposed boundary treatment and hard and soft landscaping to the front shall be submitted to and approved in writing by the local planning authority within 6 months of the date of this planning permission. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy CS14 if landscape details, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 9 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 10 The dwelling hereby approved shall be constructed to incorporate lifetime homes standards prior to its first occupation and shall be permanently maintained and retained thereafter.

Reason: To ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies

**APPENDIX 2 - Understanding Place: Conservation Area Designation,
Appraisal and Management – Revision Note4 (June 2012)**



ENGLISH HERITAGE

Understanding Place: Conservation Area Designation, Appraisal and Management

REVISION NOTE

June 2012

On 27 March 2012, the Government published the National Planning Policy Framework (NPPF).

The NPPF supersedes Planning Policy Statement 5: Planning for the Historic Environment (PPS5) as Government Policy on the management of change to the Historic Environment in England.

Whilst some of the references in this document may now be out-of-date, English Heritage believes this document still contains useful advice and case studies.

We are in the process of revising this publication:

- **to reflect changes resulting from the NPPF, Localism and other Government initiatives**
- **once the impact of proposed reforms on the Local Authority Planning system has been understood**

For further enquiries, please email policy@english-heritage.org.uk

www.english-heritage.org.uk



Understanding Place: Conservation Area Designation, Appraisal and Management



ENGLISH HERITAGE

This guidance is for local authorities, community groups, amenity societies, developers and their agents, consultants, and those who visit, live in, work in, or own properties in conservation areas.

FOREWORD

The contribution that historic areas make to our quality of life is widely recognised. They are a link to the past that can give us a sense of continuity and stability and they have the reassurance of the familiar which can provide a point of reference in a rapidly changing world. The way building traditions and settlement patterns are superimposed and survive over time will be unique to each area. This local distinctiveness can provide a catalyst for regeneration and inspire well designed new development which brings economic and social benefits. Change is inevitable. This guidance sets out ways to manage change in a way that conserves and enhances historic areas through conservation area designation, appraisal and management.

About this Document

This consultation document is based on *Guidance on conservation area appraisals* (English Heritage 2005) and *Guidance on the management of conservation areas* (English Heritage 2005) which were published as separate consultation documents. Comments in response to these consultations focused on the adoption of conservation appraisals and management plans within the planning system (which is a matter for local authorities and their communities). The principles of the approach were widely accepted and these documents have been used and referenced frequently in planning policy, development management and appeal decisions since their publication. This new document takes these principles and updates them after the issue of PPS5 Planning for the Historic Environment and its Practice Guide.

There have been significant legislative and policy developments since the consultation documents were published and more changes will follow. For this reason the guidance is a web-based document which provides a single source of information on conservation area designation, appraisal and management which will be revised as necessary on a regular basis.

We are therefore placing this consultation document on this website as a consultation draft of our conservation area guidance for a three month period until July 2011 and would welcome comments sent to planning.policy@english-heritage.org.uk.

This document is part of the series of HELM guides on historic characterisation which include:

[*Understanding Place: an Introduction*](#) (English Heritage 2010),

[*Understanding Place: Historic Area Assessments in a Planning and Development Context*](#) (English Heritage 2010),

and *Understanding Place: Characterisation and Spatial Planning* (English Heritage 2011 to follow) and complements

[*Valuing Places: Good Practice in Conservation Areas*](#) (English Heritage 2011) which illustrates approaches and techniques associated with constructive conservation that have assisted local authorities, civic societies and local groups to actively manage their conservation areas.

Acknowledgements

This document owes much to Anna McPherson of The Paul Drury Partnership who wrote the 2005 guidance on which this text is based. It includes new case studies and photographs sourced by Michael Munt, Historic Areas Advisor, English Heritage. It has benefited from informal discussion with Robert Lloyd-Sweet in relation to his work for The Conservation Studio and Oxford City Council who also provided information on Ealing Canalside Conservation Area Appraisal.

A Ironbridge, Telford, Shropshire.
Photo © English Heritage

C Welwyn Garden City.
Photo © English Heritage

B Gatehouse at East Tilbury
building. Photo © English
Heritage



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PART I: DESIGNATION

Introduction

1.1 Since 1967 local authorities have been able to protect areas which are valued for their special architectural or historic interest – the character and appearance of which it is desirable to preserve and enhance - through the designation of conservation areas under the provisions of Sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Part I of this document considers how local authorities might approach designation and explains the protection designation offers.

1.2 Whilst the local authority is responsible for designation, historic areas are an important resource for all of us and future generations and many conservation areas have a national as well as a local interest. For this reason the protection offered through designation is set through legislation and national policy.

Identifying Potential

1.3 Areas suitable for designation may be identified in a number of ways. Historic characterisation studies in response to development threats, for master-planning and as part of evidence collection for the local development plan, can identify areas which might have a special architectural or historic interest that has been overlooked. Local communities working on neighbourhood plans may also identify areas which have a special interest to them because of particular historic associations that were previously not understood. In every case it is important to be able to articulate the special interest and support the designation with evidence from some form of historic characterisation – ideally a conservation area appraisal.

Special Architectural or Historic Interest

1.4 There are many different types of special architectural and historic interest which can lead to designation. A conservation area might be focused on parts of a town where there are a high number of nationally designated heritage assets and a variety of architectural styles and historic associations. Others may be more homogenous, linked to a particular industry or philanthropist, for example, and/or may have a particular local interest. They can include parts of settlements where the original layout is visible in the modern street pattern, where a particular style of architecture prevails, or traditional building materials predominate. Some exceptionally are designated because of the quality of the public realm, green spaces and historic parks and gardens, and some seek to protect agricultural landscapes of special interest.

D Petergate, York.
Photo: © English Heritage

E Radcliffe Camera, Oxford.
Photo: © English Heritage

York and Oxford city centre conservation areas are visited by millions of tourists every year and the protection offered by designation is of national, even international importance.



1.5 Conservation area designation is not generally an appropriate means of protecting the wider landscape. Conservation area designation can in some circumstances be an effective way to protect open areas particularly where the character and appearance relates to historic fabric (to which the principle protection offered by conservation area designation relates), or a spatial element, such as a design form or settlement pattern. Conservation area designation solely for the special interest of green space is most likely to be useful for the following, particularly if they are: on the English Heritage *Register of parks and gardens of special interest*; parkland associated (or formerly associated) with buildings and containing structures or trees eligible for Tree Preservation Orders; designed landscape; and areas where man-made components are a particularly significant element, such as ridge and furrow, which might form the immediate setting and landscape backdrop of smaller rural settlements. However a designation made solely to protect veteran trees is unlikely to achieve this aim because the criteria for TPOs generally exclude trees which are 'dead, dying or dangerous'

Benefits of Appraisal

1.6 Part 2 of this document sets out how an appraisal might be carried out effectively. An appraisal of an area undertaken prior to designation will lead to an understanding and articulation of its character which can be used to develop a robust policy framework for planning decisions. An adopted appraisal will be material to appeal decisions and to Secretary of State decisions relating to urgent works to preserve an unlisted building in a conservation area.

1.7 An appraisal will help local authorities to develop a management plan for the conservation area because it analyses what is positive and negative, and identifies opportunities for beneficial change or the need for additional protection and restraint. It is important to bear in mind that designation in itself will not protect an area from incremental change which can erode its character. The information in the appraisal will also be helpful to those considering investment in the area and can be used to guide the form and content of new development.

1.8 Guidance on managing conservation areas through local planning policies, additional protection measures, regeneration and enhancement schemes and other management strategies is set out in Part 3.

1.9 Appraisals have a wider application as educational and informative documents for the local community. A good

character appraisal sets out how the area or place has evolved as an exciting, but unfinished story and draws out the key elements of the quality and character of the place.

1.10 Ideally, an appraisal will have been prepared prior to designation of all conservation areas, or extensions to existing conservation areas, as a matter of course in order to inform the designation process. Where conservation areas were designated some time ago, this has probably not been the case. Undertaking an appraisal in these circumstances offers an opportunity to re-assess the designated area and to evaluate and record its special interest.

Community Involvement

1.11 Under section 70(8) of the Planning (Listed Building and Conservation Areas) Act 1990 in addition to notifying the Secretary of State and English Heritage, a local planning authority is required to give notice of intended designation through a notice placed in the London Gazette and a local newspaper. However, over the last few years local communities have become more proactively involved in identifying the general areas that merit conservation area status and defining the boundaries. The values held by the community are likely to add depth and a new perspective to the local authority view. Conservation appraisals which have been initiated by community groups have demonstrated that informed residents can undertake a great deal of the initial survey work. English Heritage has recently published guidance on heritage content of [community led plans](#) in rural areas and has funded the development of a [toolkit currently being used in Oxford](#) to assist groups of local residents to evaluate the heritage within their area.

1.12 From their survey data the local community and/or the authority can develop a full appraisal in draft form. Publishing the draft appraisal on the council's website, accompanied by an electronic comments sheet/feedback

In **Cranbrook**, a small town in Kent, the Conservation Area Advisory Committee, comprising representatives of local interest groups, the business community, relevant professionals including architects and parish and borough councillors drew up the appraisal informed by the relevant English Heritage guidance. The Appraisal has subsequently been adopted as a [Supplementary Planning Document](#) which has strengthened its status in the planning system.

form can involve the wider community before the appraisal is too far advanced to exclude further influence on the outcome. It is usual to include a report on how community involvement and public consultation has been undertaken in the appraisal itself and explain how the input from the community was evaluated and how it has been taken into account in defining the special interest of, and recommendations for, the area.

Finalising and Reviewing the Boundary

1.13 The boundary of the conservation area will be identified through the appraisal and guidance on this is set out in part 2 at paragraph 2.2.26. Before finalising the boundary it is worth considering whether the immediate setting also requires the additional controls that result from designation, or whether the setting is itself sufficiently protected by national policy or the policies in the development plan. This would also be a consideration when deciding whether to include a historic park and garden as inclusion of the English Heritage *Register of parks and gardens of special historic interest* does not confer any statutory controls.

1.14 In areas designated many years ago original interest may have been so eroded by the cumulative effect of piecemeal change or by single examples of poorly designed development that some parts of the area are no longer special, and boundary revisions are needed to exclude them. In some cases the conservation area designation may need to be re-considered.

1.15 Conversely, it is now recognised that the boundaries of some conservation areas designated many years ago may have been drawn too tightly. For example the full extent of historic rear plots, which are often of archaeological interest and an essential part of the framework of an historic town, were omitted, or the Victorian or Edwardian phases of development, parks, cemeteries and historic green spaces now considered of special interest, were excluded. In such cases the existing boundary may need to be extended.

1.16 The local authority must follow the same publicity procedures to vary or cancel a designation as they do to designate but it is advisable to take a more proactive approach which involves the community at an early stage as well as following formal procedures.

Review

1.17 Section 69(2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local authorities to carry out reviews 'from time to time' but there is no indication in law how often this might mean. Good practice is generally accepted to be every 5 years.

1.18 The review may also highlight areas where additional protection or remediation is required, such as Article 4 directions (see Annex 1) or an Urgent Works Notice (see paragraph 3.21). Regular reviews will ensure protection is maintained and threats and opportunities identified. The character and appearance of most conservation areas, the special interest that warrants designation, generally does not change rapidly, particularly if appropriate management procedures are in place. The outcome of the review might typically result in an addendum to the existing appraisal, recording what has changed, confirming (or redefining) the special interest that warrants designation, setting out any new recommendations and revising the management strategy. The updated appraisal and related management proposals can then be re-adopted by the local authority.

Protection Offered by Designation

1.19 Conservation area designation introduces controls over the way owners can alter or develop their properties. However, owners of residential properties generally consider these controls are beneficial because they also sustain, and/or enhance, the value of property within it, ([as a recent survey of estate agents indicates](#)).

1.20 These controls include:

- the requirement in legislation and national planning policies to preserve and/or enhance (set out in detail in Annex 2 and Table 1);
- local planning policies which pay special attention to the desirability of preserving or enhancing the character or appearance of the area
- control over demolition of unlisted buildings
- control over works to trees
- fewer types of advertisements which can be displayed with deemed consent
- restriction on the types of development which can be carried out without the need for planning permission (permitted development rights).

Table I Protection offered by Designation

Means of Protection	Explanation	Sources of information
National Planning Policy (see Annexe 2)	Conservation areas are designated heritage assets and as such there is a national presumption in favour of their conservation.	Planning Policy Statement 5: Planning for the Historic Environment (PPS5) sets out the Government's planning policies on the conservation of the historic environment. PPS5 Practice Guide
LDF and development management decisions	Local Authorities are required by SS72 of the Planning (listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when drawing up plans or considering development proposals both within the designated area and outside it if they would affect the setting or views into or out of it	Planning Policy Statement 5: Planning for the Historic Environment (PPS5) PPS5 Practice Guide
Restrictions on Permitted Development Rights(see also Article 4 Directions in Annex 1)	A wide range of minor works are permitted to commercial, residential and other properties without the need for formal planning permission. These are known as 'Permitted Development' (PD) rights and are granted by the Secretary of State nationally through the Town and Country Planning (General Permitted Development) Order (GPDO). In conservation areas these rights are restricted where development might be visible from the public realm.	CLG technical guidance on PD rights
Control over demolition	Conservation Area Consent is required to demolish a building or structure in a conservation area with some exemptions set out in paragraph 31 of Circular 1/01.	Circular 01/01
Control over works to trees	Under section 211 of the 1990 Planning Act any one proposing to cut down, top or lop a tree in a conservation area (with the exception of trees under a certain size, or those that are dead, dying or dangerous) is required to give 6 weeks notice to the local planning authority. The purpose of this requirement is to give the authority the opportunity to make a tree preservation order which then brings any works permanently under control.	DCLG guidance
Restrictions on outdoor advertisements	Certain categories of advertisement which have 'deemed consent' under the Advertisement Regulations are restricted within conservation areas. These include illuminated advertisements on business premises and advertisements on hoardings around development sites. In addition balloons with advertisements are not exempt from the need for advertisement consent in conservation areas.	Restrictions on outdoor advertisements

PART 2: APPRAISAL

SECTION 1: OVERVIEW

Introduction

2.1.1 The benefits of appraisal have been set out in paragraphs 1.6–1.10 of this guidance. In this section the approach is set out in detail. Whilst the amount of detail may seem daunting at first, particularly when there are a number of conservation areas requiring appraisal, it need not be an overly long or costly task. Experienced practitioners have been known to complete an appraisal in little more than a week. The objective is to understand and articulate exactly why the area is special and what elements within the area contribute to this special quality and which don't. The best conservation appraisals convey this information succinctly and in plain English which is accessible to all users. With scarce resources it may be wise to complete appraisals for a number of conservation areas to a reasonable level of detail rather than try to cover every last detail for one conservation area.

Research

2.1.2 The techniques for tracing the historic development of an area and assessing the condition of the historic environment and heritage assets within are set out in [Understanding Place: Historic Area Assessments in a Planning and Development Context](#) English Heritage 2010 and in greater detail in [Understanding Place: Historic Area Assessment: Principles and Practice](#) English Heritage 2010. When considering the analytical framework the following issues will be of particular relevance to conservation area appraisal:

- current and past land use
- communication types and patterns.
- social and economic background
- aspect, geology and relief
- distribution, type and condition of designated and non-designated heritage assets
- density, types and forms of buildings, gardens and green spaces
- place names and earliest references.

2.1.3 Documentary and other sources might include:

- OS and other maps
- trade directories
- aerial photographs
- historic environment record (HER) data
- historic characterisation studies

Further information on using these sources can be found in section 4.4 [Understanding Place: Historic Area Assessment: Principles and Practice](#) English Heritage 2010.

Fieldwork

2.1.4 Tips on fieldwork are set out in section 4.3 [Understanding Place: Historic Area Assessment: Principles and Practice](#) English Heritage 2010. It is important to remember that an area may have a different character depending on the season or time of day. Where time is constrained and only limited survey time is available it may be difficult to encapsulate this variety in the report but it is something to be aware of. Residents and people working or visiting the area may have their own perspective on what is special and stopping to talk when asked about the survey can add an extra dimension to the study and may reveal information or values which have been overlooked. Make a dated photographic record of buildings at this time.

Presentation

2.1.5 Graphic presentation makes an immediate, easily understandable impact which is far more accessible for users and usually results in a more succinct document. Issues which are not easily presented graphically will of course need to be explained in complementary text. Illustrations might include any, or combinations, of the following:

- a map that places the conservation area in its wider setting, whether within a larger settlement, or in the context of a rural landscape hinterland;
- a map or sketch that demonstrate the area's historical development and identifies places or buildings with particular historical associations;
- a map illustrating current uses, for example, related to different historic building types (residential, commercial, industrial);
- a townscape analysis map showing, for example, spatial issues such as important views into and out of the conservation area, landmarks, and open or green spaces; or temporal issues, such as the extent to which pre-urban landscape features (such as the lines of former field boundaries) survive in the current townscape;
- a map showing listed, locally listed buildings and unlisted buildings or groups of buildings that contribute positively to the character or appearance of the area, scheduled monuments and areas of archaeological interest (this could be combined with the townscape analysis map, depending on the size and complexity of the area)
- photographs or drawings of buildings and characteristic local details.

Adoption

2.1.6 Once consultation has been completed and the appraisal and the resulting management proposals have been revised to take account of public responses, they can be adopted formally in accordance with the local authority's internal procedures. Many authorities find a single A4 summary sheet for each conservation area a useful addition to the full document.

2.1.7 The decision on whether the appraisal should be adopted as part of the Local Development Framework (LDF) is a matter for the local planning authority. Some authorities, [Tunbridge Wells](#) for example, have adopted conservation appraisals and management plans together as Supplementary Planning documents (SPD) whereas others regard the appraisal itself as part of the evidence base and adopt the management plan including development management policies in the LDF as SPD. Inspectors have accepted appraisals as material considerations of considerable weight in appeals whether or not they have been adopted as SPD.



Chester Rows. Photo © English Heritage

SECTION 2: CONTENT

2.2.1 The content suggested below can be adapted to suit local circumstances. Some authorities, such as the Yorkshire Dales National Park Authority, have developed their own [templates](#) to use which can be a useful tool when carrying out a number of appraisals over a short time.

The Introduction

2.2.2 This will explain the background to the appraisal and describe the general identity and character of the conservation area and when it was designated, its place within the wider settlement or surrounding landscape, the scope and nature of the appraisal and the dates of survey, adoption and publication. Any significant sources of information might also be mentioned.

The Planning Policy Context

2.2.3 It is useful to set out the national and local policy framework to provide a context for the appraisal. A brief explanation of what a conservation area is, how and why it is designated and a summary of the implications of designation is useful for members of the community looking at the appraisal for the first time. It provides a context and helps the reader to understand the rationale behind the approach. This part might include information about the public consultation.

The Definition (or Summary) of Special Interest

2.2.4 This is where the 'special architectural or historic interest' of the area that warrants designation, the 'character or appearance of which it is desirable to preserve or enhance', is defined. If character areas or zones have been identified these will be described in detail and the special interest of each area evaluated further on in the document (see paragraph 2.2.18) the sum of these values can be articulated in this section. The values attributed to the area by the local community and all those with a stakeholder interest (ideally through involvement at the earliest stages and at the very least through the formal consultation) will be an important consideration.

2.2.5 Key elements in defining the special interest are likely to be:

- the relationship of the conservation area to its setting and the effect of that setting on the area
- the still-visible effects/impact of the area's historic development on its plan form, character and architectural style and social/historic associations

- how the places within it are experienced by the people who live and work there and visitors to the area (including both diurnal and seasonal variations if possible)
- architectural quality and built form
- open spaces, green areas, parks and gardens, and trees
- designated and other heritage assets, their intrinsic importance and the contribution they make to the area
- local distinctiveness and the sense of place which make the area unique.

Ways to assess these elements are described in more detail below.

Assessing Special Interest

Location and Setting

2.2.6 If there is [historic landscape characterisation](#) coverage it will assist with this part of the appraisal. General character and plan form needs to be described eg linear, compact, dense or dispersed. As a conservation area usually only covers part of a village, town or city, it is helpful to include the geographical and historical context in relation to the character and appearance of the whole settlement. In addition to a factual description of the location of the conservation area and its wider setting brief references to economic profile, general condition and existing or potential forces for change might usefully be included.

2.2.7 Views of rivers, the sea, and surrounding hills and glimpses of landscape from urban streets, open spaces, church towers and prominent public buildings, or a uniform building height resulting from either past influences or planning restrictions, can contribute significantly to the atmosphere of a place. Therefore identification and mapping of panoramas, vistas, view points, and landmark buildings is likely to be an essential part of understanding and recording character. Distant views of the settlement and those in the approach to it may also contribute. Where adjacent Areas of Outstanding Natural Beauty (AONBs) or Areas of High Landscape Value penetrate or abut the built-up area, it is helpful to explain the importance of such designations.

Historic Development

2.2.8 Map regression (comparing successive historic maps, including the Ordnance Survey sequence) is a starting point for the historical analysis. Beyond the earliest detailed maps, archaeological and urban morphological methods

F The Quay, Wivenhoe, Essex.
Photo © English Heritage



Wivenhoe's location on the Colne estuary is of prime importance to the economic history and development of the town and the rising ground contributes greatly to its character and townscape. The view from the South into Wivenhoe of the quayside forms a strong boundary at the southern edge, particularly since there is no settlement immediately visible on the opposite bank. The Quay is an attractive mix of old and new buildings with a maritime flavour lent by the bow and oriel windows and balconies, as well as painted weatherboarding. Further west the old shipyard, now developed for housing, picks up the style of the Quay with weather boarded houses in a vernacular style and various colours. Despite this, however, the redeveloped upriver shipyard squeezes the conservation area on its western edge. To the east, the other shipyard is currently under development and its design attempts to create a better relationship with the existing quay area.

Location: Paragraphs 6.2 and 6.3 [Wivenhoe Conservation area appraisal and management guidelines 2007](#) (Colchester Borough Council)

G Shire Hall, Chelmsford, Essex.
Photo © English Heritage



In 1199 a charter was granted by King John for a weekly market to be held. Further charters gave the right to sell off plots of land for building and for an annual fair. The site of the market was an elongated triangle, stretching from Springfield Road up to the parish church (now the cathedral). Long, narrow rectangular plots stretched down from a High Street frontage to the River's edge. The market place is still instantly recognisable in the current High Street layout. Some of the narrow plots also survive. The continuous retail use of the High Street from the medieval period means that the historic street pattern has been retained, although most of the buildings have been replaced, several times in some instances. The centre of the market place was progressively infilled from the fourteenth century with permanent buildings. Chelmsford's central position in the county and being on the primary route to East Anglia allowed it to prosper during the medieval period. Inns, hostels, blacksmiths and carriage makers served the needs of travellers. The fertile agricultural land around the town made it the natural centre for trading. The plentiful water supply available allowed various industries to develop, including brewing, flour milling and tanneries.

Historic Analysis: Paragraphs 7.5-7.7 [Chelmsford Central Conservation Area Character Appraisal 2007](#) (Chelmsford Borough Council)

can help to reconstruct the earlier stages of historical development, which often still have an influence on the current townscape. Paragraph 2.32 [Understanding Place: Historic Area Assessment: Principles and Practice](#) English Heritage 2010 sets out useful questions to ask when considering historic development of an area.

2.2.9 The twentieth century is often the most undervalued and vulnerable period of building and landscaping and it will be important for the appraisal to recognise, where appropriate, the contribution made by more recent buildings. Some conservation areas are made up largely or even entirely of twentieth century development. Examples include Letchworth and Welwyn Garden Cities.

2.2.10 Once this analysis has been completed the results can be shown on a map which illustrates key periods in the area's history and highlights the survival of those historic elements which have determined the form of the conservation area today. These might include a medieval road pattern, former defensive lines, watercourses, burgage plots or other significant boundaries, estate walls, formal layouts, and the relationship of buildings to open spaces. The influence of new lines of transport, such as canals and railways, can also be shown. Supporting text can summarise the settlement's history, showing how this has shaped the development of the area and how its effect is evident in the plan form. It may be helpful to provide a list of books and other sources where the local history is described in more detail.

2.2.11 Historic associations will also be important and the museum record office and local library may have information on these. Local knowledge may play as important part as formal records in developing this part of the appraisal, especially where dealing with relatively modern landscapes. The extract from Chelmsford Central Conservation Appraisal in the box opposite describes the historical associations and the way the history can be recognised in the existing built form.

2.2.12 Archaeological remains, whether above ground structures, earthworks, or buried deposits, often contribute directly to the sense of place evident in the present day-area. They also represent a potentially rich resource for future research, interpretation and education. Historic characterisation approaches such as intensive or urban surveys described on page 6 [Understanding Place: An Introduction](#) English Heritage 2010 can provide further information and this is usually held in the local HER.

To identify archaeological potential, it may be helpful to include a map or deposit model showing archaeologically sensitive areas. The extract from Ealing Canalside Conservation Area Appraisal in the box below identifies the extent of surviving archaeological evidence and the potential for further sites to be discovered.

The nature of the canal's construction means that it is likely to have removed archaeological remains of earlier activity within its core, although the course of the towpath may provide a strip of relatively undisturbed land with potential to preserve archaeological remains in areas that otherwise have been significantly disturbed by development for heavy industry and dense suburban housing. Prior to the construction of the canal the area was relatively sparsely populated farmland with dispersed settlement and this is likely to be the case through much of its history of human habitation. The presence of a scheduled moated site just to the north of the canal at Sudbury Golf Course, however, does suggest that its course might encounter a limited number of interesting sites of earlier settlement and other activity.

Archaeological Assessment: Paragraph 3.2 [Canalside Conservation Area Character Appraisal 2008 9](#) (Ealing Borough Council)

Architectural Quality and Built Form

2.2.13 In this part of the appraisal describe any dominant architectural styles, the prevalent types and periods of buildings, their status (ie statutorily or locally listed) and essential characteristics, and their relationship to the topography, street pattern and/or the skyline. Individual buildings or groups that contribute positively to the character or appearance of the area and those that are distinctive, because they are rare or unique, can be identified on a map. The range of prevalent and traditional materials in the area for buildings, walls, and ground surfaces may be characteristic of the local vernacular and it will be important to note the textures and colours and the ways in which they have been used. Surviving historic surfaces and historic or unusual street furniture are likely to contribute to the character and special interest.

2.2.14 Surviving or former uses within the area might also have influenced plan form, urban grain and building types. For example, grand terraces with mews, villas set in generous gardens, workers' back-to-back housing, or industrial buildings connected with particular activities,

I Original black and white tiles on the path in the Victoria Street Conservation Area. Photo © English Heritage



As within this conservation area as a whole, there is a huge variety of detail found in this part of it, that creates a high level of local identity. This includes decorative brick and terracotta string courses, patterned window and door heads and ornamental key stones. Some of the properties in West Road have ornate balconies. Sash windows and panelled doors prevail. Bargeboards, ridge cresting and large chimney stacks with oversailing courses add interest and variety to the eaves and roof line. Some original railings and brick boundary walls survive and some have been reinstated with modern copies. Some paths still have their original black and red tiles.

Architectural Detail: [Victoria Street Conservation Area: Appraisal and Management Plan 2009 - York Road, Queens Road, West Road](#) (St. Edmundsbury Borough Council)



Many of the historic buildings within the Norman core of the town centre are timber framed although this is not always obvious. Being a fashionable town in the 18th and early 19th centuries, Bury St Edmunds underwent 'Georgianisation' with the frames being faced over and jetties underbuilt, often in brick. Red brick, popular in the earlier part of the 18th century, and gault brick, favoured in the later Georgian and Regency periods, are both found there. Painted plaster is also a prevalent finish. The public buildings in the market place are built of gault brick with stone dressings and embellishments. Stone is not local to Suffolk and is only found on the earlier prestigious buildings like Moyses Hall, or in small quantities for quoins and window and door surrounds. Tile hanging is found on a few buildings in the town centre. Despite the variety of roof profiles in the conservation area, the predominant material is the clay plain tile, which suits the steep roof pitches. To a lesser degree, pantiles and slates are also found, particularly on shallower roof slopes. Following the fire in 1608 thatch ceased to be used in the town and there are no thatched buildings surviving.

Materials: [Bury St. Edmunds Conservation Area: Appraisal and Management Plan 2007](#) (St. Edmundsbury Borough Council)

local trades or specialised markets. The effect or influence of historic patronage might be evident and described (eg estate workers' housing, a philanthropic model settlement, etc.).

Open Space, Parks and Gardens and Trees

2.2.15 This part of the appraisal describes open spaces within or immediately outside the conservation area, the way they are enclosed, and the visual and/or other sensory contribution they make to the character of the place. The relationship between public space (such as a market place, street, square, public garden or car park) and private space (gardens, courtyards or playing fields), the qualities they offer and the ways in which the spaces were and are used, and the identification of key settlement edges are all part of this analysis.

The quantity, layout and design of landscape and green space in all its forms are inseparable from the vision, planning and execution of the Garden City. Hedging is the main form of enclosure for both public and private open space. Lime, Horse Chestnut, Lombardy Poplar and Hornbeam trees, rose and shrub beds are set formally within the open spaces of Parkway and Howardsgate and provide a complementary setting for the rigid formation of the buildings in the town centre. Along the length of Howardsgate, the composition of geometrically placed hedges, rows of perimeter lime trees, paved walkways and open spaces achieves a spacious and distinctive urban character, which is further enhanced by specially designed de Soissons street lights and advertising kiosks.

Landscape and Green Space: Section 7.7 [Welwyn Hatfield Borough Council: Welwyn Garden City conservation area Appraisal 2007](#) (Hatfield Borough Council)

2.2.16 Some open spaces, parks and gardens may be included on the English Heritage *Register of parks and gardens of special interest*. Domestic gardens, especially planted front gardens, can make a significant contribution to the character of many conservation areas. Trees, hedges, boundaries and street greenery are important elements of many conservation areas, not only in public places, but on private land as well. Identification of important single trees and groups and a description of their location and species, age and assessment of condition and potential lifespan will assist in developing a strategy for protection, maintenance and replanting (see paragraph 3.18 in part 3).

2.2.17 Some conservation areas are notable for their biodiversity value. Protected species and habitats need

to be addressed when reviewing buildings and sites and planning works.

Character Zones

2.2.18 In larger conservation areas, discernible character areas or zones are often evident. These may already have been defined by using a historic characterisation approach such as [Historic Area Assessment](#) and may reflect the predominant historic character that survives from earlier periods, for example, areas of Georgian, Victorian or later residential development, or the original function, class distinctions, design or current uses. The areas where industrial, commercial, civic or transport-related activity is prevalent can also be identified. The sub-areas may overlap or have 'blurred edges', for example where a 19th century development is partly on historic urban plots and partly in former fields. There can be 'zones of transition' between areas of consistent character.

2.2.19 If character areas are identified and illustrated on a plan, the appraisal will provide not only a detailed description of the physical constituents but also an evaluation of the significance of the sub-area concerned and a summary of its special interest. Where this approach is adopted, the character areas will be considered in the context of the area as a whole, or of the wider settlement, if the conservation area covers only a part of it.

2.2.20 If there are no recognisable zones the appraisal might highlight the influence that change over time has had in the development of the area as a whole, particularly if there is diversity and contrast in architectural styles. Note might also be made of the impact of different national and international planning and architectural movements on the area.

Positive Contributors

2.2.21 Most of the buildings in a conservation area will help to shape its character. The extent to which their contribution is considered as positive depends not just on their street elevations, but also on their integrity as historic structures and the impact they have in three dimensions, perhaps in an interesting roofscape, or skyline. Back elevations can be important, as can side views from alleys and yards. It will be helpful to identify those key unlisted buildings that make an important contribution to the character of the conservation area, as well as those which clearly detract from it and could be replaced. A checklist of questions to help with this process can be found in the box on the page opposite.

K A typical score in The Denes, Lowestoft, Suffolk.
Photo © English Heritage



The Denes character area is an area of the Denes to the north of the Beach Industrial Estate. Situated at the base of the cliff below Arnold's Walk, this area has been used throughout Lowestoft's history for industrial and maritime activities due to its proximity to the seashore. In the 19th century, the area developed as the northernmost part of the beach village, with the construction of housing and other amenities. The area retains much of its historic character and provides a direct physical link to the now largely lost beach industries of Lowestoft. In morphological terms, this development can still be traced in the form of the character area. 20th century housing remains around the base of Lighthouse Score, retaining the presence of residential buildings within the score. To the south of this, the courtyard footprint of former industrial buildings is retained within modern development, whilst the characteristic elongated form of the warehouses survives running east-west from Whapload Road. To the east, the character area is formed by open land with views towards the sea wall, a historic characteristic of the Denes.

Character Zones: [North Lowestoft Conservation Area Appraisal and Management Plan 2009](#) (Waveney District Council)

Table 2 Check list to identify elements in a conservation area which may contribute to the special interest.

A positive response to one or more of the following may indicate that a particular element within a conservation area makes a positive contribution provided that its historic form and values have not been eroded.

Checklist

Is it the work of a particular architect or designer of regional or local note?

Does it have landmark quality?

Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?

Does it relate to adjacent designated heritage assets in age, materials or in any other historically significant way?

Does it contribute positively to the setting of adjacent designated heritage assets?

Does it contribute to the quality of recognisable spaces including exteriors or open spaces with a complex of public buildings?

Is it associated with a designed landscape eg a significant wall, terracing or a garden building?

Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?

Does it have significant historic association with features such as the historic road layout, burgage plots, a town park or a landscape feature?

Does it have historic associations with local people or past events?

Does it reflect the traditional functional character or former uses in the area?

Does its use contribute to the character or appearance of the area?

Locally Important Buildings

2.2.22 Recommendations for new locally listed buildings could form part of the appraisal. If there is no 'local list', the appraisal might recommend the introduction of local criteria for identifying important unlisted buildings, as at [Bassetlaw](#). Local constructional or joinery details, including characteristic historic shop-fronts, and unusual local features often make a vital contribution to local distinctiveness.

An Audit of Heritage Assets

2.2.23 An audit of heritage assets will be helpful in larger, more complex areas, where there is a wide range of historic structures, and/or in areas with an industrial heritage. A description of condition will be important. The results are probably best tabulated and included as an appendix to the appraisal, and/or on a map. Where significant change to public space is proposed, an audit of the public realm may be appropriate and the appraisal might usefully note if such an audit needs to be undertaken (Part 3 paragraph 3.5).

An Assessment of Condition

2.2.24 The appraisal also offers the opportunity to record the general condition of the area, that is both its economic vitality and the physical condition of the historic buildings, other heritage assets and the public realm. It can be used to identify buildings at risk, or in a serious state of disrepair, or where a major land/property owner or developer is pursuing an obvious policy of deliberate neglect, or where the loss of front gardens to hard standing for cars, the loss of traditional architectural features and fenestration, or the existence of gap sites is eroding special character. In some cases, it may be appropriate to map and photograph surviving original architectural features and fenestration – distinctive local detailing, doors, windows, roof coverings, trees - to aid future monitoring and enforcement. [Understanding Place. Historic Area Assessment: Principles and Practice](#) English Heritage 2010. Paragraph 2.4.2 sets out some useful questions to help with this part of the appraisal.

2.2.25 Generic issues that underlie obvious problems such as:

- the effects of heavy traffic;
- a low economic base resulting in vacancy and disrepair of buildings;
- pressure for a particular type of change or development as well as specific examples (such as buildings at risk, or uncontrolled, inappropriate advertising) will provide evidence and identify the need for additional controls, particularly Article 4 directions, to prevent further erosion

of the area's special interest, (see part 3 and annex 1), and potential capacity for beneficial change.

Identifying the Boundary

2.2.26 An important aspect of the appraisal (and review) process will be considering where the boundaries should be drawn (and whether the boundaries of an existing conservation area should be re-drawn). An explanation of why the boundary is drawn where it is (or extensions are suggested, in the case of existing conservation areas), what is included and what is excluded, will be helpful. The position of the conservation area boundary will to a large degree be informed by the considerations identified in paragraph 2.2.15. Spaces will make a contribution in giving enclosure, but also in framing views of assets and defining settings. The desirability of a unified approach to their management including long term use and boundary treatments suggests that in almost all situations the conservation area boundary runs around rather than through a space or plot. It will generally be defined by physical features and avoid for example running along the middle of a street. However,

the inclusion of the boundary wall of a property when the remainder of the property is not included can in itself cause problems when applying conservation area policies in development management decisions.

A Plan for Further Action and Generic Guidance

2.2.27 This section of the appraisal presents an overview and summarises the main problems and pressures identified in the appraisal that will be addressed through a management plan.

References, Appendices and Contact Details

2.2.28 This section lists references to the principal sources of historic and local information, a short glossary of relevant architectural and vernacular terms, an audit of heritage assets, the criteria used for assessing the contribution made by unlisted buildings in the conservation area (see table 2) useful names and addresses (of both national and local organisations) and the local authority's contact details for enquiries and comments.



Laura Place, Bath. Photo © English Heritage

PART 3: EFFECTIVE MANAGEMENT

Managing Change

3.1 Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 places on local planning authorities the duty to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts. The character and appearance of conservation areas can change through incremental stages or quite suddenly and regular appraisals help to identify threats and opportunities which can be developed into a management plan. Some areas will be in a state of relative economic decline, and suffer from lack of investment. In these cases the management opportunities that come from designation can be used to promote beneficial change. Sometimes the very qualities that make conservation areas appealing might lead to pressure for development and then the management plan can help channel development pressure in a way that conserves the special quality of the conservation area.

Involving Others

3.2 Proposals for preservation and enhancement will be most effective when all the departments within the local authority understand the significance of designation and work corporately to ensure that development decisions respect the historic context. A 'development team' approach can help to ensure such that issues are widely understood within an authority.

3.3 There is also a requirement under Section 71 of the Act for the local authority to consult the local community about any management proposals for the conservation area. Local authorities might encourage engagement after designation by getting residents' groups, amenity groups, businesses, and community organisations together to discuss the issues facing the area and how these might be addressed. This approach was undertaken in Berwick-upon Tweed and brought public understanding and 'ownership' to proposals for the area. (www.berwickfuture.co.uk/case-study-02-Valuing-Places). The award winning Lincoln project www.heritageconnectlincoln.com shows just how effective it can be to involve the community in understanding character of place.

3.4 Guidance (both published and available online) which explains why the area has been designated, what constraints and opportunities result from designation, and what policies the local authority has adopted will help home owners, businesses and developers understand how the community wants the area to develop.

3.5 It is also important that utility companies and the highway authority are engaged from designation through to drawing up and implementing management proposals, as the character and appearance of conservation areas is often related to the treatment and condition of roads, pavements and public spaces.

Components of a Management Plan

3.6 A management plan sets out the way in which development pressure and neglect will be managed to ensure conservation areas retain the qualities which led to their designation. Development of a generic plan which can be adapted for different conservation areas by inserting specific actions can maximise use of resources. Components of a management plan might include

- **Local Plan Policies**
- **Guidance**
- **Regeneration Strategy**
- **Enhancement Schemes**
- **Street and Traffic Management**
- **Trees, Open Space and Green Infrastructure Strategy**
- **Enforcement and Remediation Strategy**
- **Restriction on PD rights through Article 4 directions (see Annexe 1)**

These measures are explained in more detail in the following paragraphs.

Local Planning Policies

3.7

- The proposals map can show boundaries of existing conservation areas and changes/new designations when it is updated
- The core strategy would indicate where conservation objectives are key priorities and why and how those conservation objectives are to be integrated with social, economic and other environmental objectives.
- Where there are gap sites or negative contributors an area action plan may include specific proposals for new development or Article 4 directions
- Development management policies might include policies on:
 - protection of important views and vistas
 - criteria for demolition;
 - acceptable alterations and extensions to historic buildings;

- an urban design strategy for securing good design quality in new development
- development/design briefs for key sites.

3.8 The application of appropriate planning policies will be more effective if a flexible approach is taken to the requirements of the Building Regulations. English Heritage advice on this can be found in this [approved document](#). Similar flexibility is needed in compliance with the Fire Precautions Act, and highway policies where they would be in conflict with the preservation or enhancement of the area's character or appearance.

3.9 The LDF annual monitoring report will assess progress with the implementation of the management plan and the extent to which planning policies in the local development documents, including policies for the historic environment, are being complied with or are effective in delivering community aspirations. The assessment can then be used to modify and update policies and programme. Monitoring could also include following up and publishing information from time to time on the local authority's progress with implementing the proposals included in the management strategy for the area.

Heritage Champions

Heritage Champions are local Councillors nominated by their local authority to promote the historic environment within the council. Through their position within the authority they are well placed to influence the development of policy and initiatives to ensure that the promotion and protection of local heritage is properly considered. English Heritage provides [Champions](#) with advice and guidance to support them in this role.

Guidance

3.10 General guidance can be developed quite easily from the appraisal. It might cover:

- controls and limitations including local plan policy
- topics relevant to conservation areas
- specific issues such as replacement windows and doors
- parameters for extensions
- design of shop fronts including security shutters
- outdoor advertisements

3.11 Site-specific design guidance will encourage new development that complements the established grain, settlement pattern and character; whilst representing the time in which it is built. Such guidance is particularly useful where the character of the area derives from its diversity, and imitative or 'in keeping with existing' styles would run counter to the way in which the area has traditionally evolved.

Regeneration Strategy

3.12 A regeneration strategy will help to focus economic activity and development in the areas where it can be of most benefit. It would be based on a thorough analysis of the prevailing problems in the designated area and include the causes of under-use and fabric decay and realistic economic and valuation advice. The appraisal will have identified the scale of the problem and priorities for action. A more detailed assessment of the major structural and external elements of some or all of the buildings in the area may be needed to estimate the cost of bringing the physical fabric back into good repair. The availability of grant-aid will clearly be important. Further advice is available at <http://www.english-heritage.org.uk/professional/funding/grants/> and the Heritage Alliance Heritage Funding Directory (HFD) at <http://www.heritagelink.org.uk/fundingdirectory/main/fundinghome.php>.

3.13 Consideration might be given to initiatives which bring empty upper floors back into use within town centres to help sustain activity within the area and as an incentive to keep buildings in economic use - the easiest way to ensure they are maintained in a state of good repair. Such a strategy might also include criteria and priorities for grant-aid for the repair and restoration of architectural features to buildings.

Enhancement Schemes

3.14 Environmental improvements can be achieved just through the removal of negative factors such as obtrusive hoardings and unsightly poles and overhead wires, or through sympathetic landscaping and planting. A local authority may also use its general planning powers to serve a [Section 215](#) notice on the owner (or occupier) of any land or building whose condition is adversely affecting the amenity of the area, particularly a conservation area. Such a notice requires the person responsible to clean up the site or building, or the authority can carry out the work itself and reclaim the cost from the owner. Section 215 is a relatively straightforward power that can deliver important, tangible and lasting improvements to amenity – and local authorities are positively encouraged to use these powers wherever appropriate.

Street and Traffic Management

3.15 A detailed audit of the public realm undertaken as part of the conservation appraisal can identify the best way to minimise physical obstruction and visual clutter and integrate new signs or street furniture in the design of the street as a whole. The English Heritage *Streets for All* regional manuals show how streets can be managed to retain and enhance local character. Associated [case studies](#) give practical advice on solving common highway problems such as fixing signs and lights to buildings, and removing yellow lines.

3.16 Early engagement with highways departments can help to identify traffic management designs that are sympathetic to the historic environment. Even when there is no immediate budget for highways interventions, this may help ensure that any future programme of highway work brings about positive benefits for the conservation area. For example, traffic management measures can be integrated into the historic environment effectively by retaining features such as walls, trees, hedges and railings and horizontal and vertical alignments and surfaces such as cobbles and stone setts which naturally calm speeds. Where new features are introduced the observance of existing design principles and use of local traditional materials will ensure they do not appear intrusive. [Manual for Streets 2](#) provides guidance on highway safety and street and road design which considers historic context.

3.17 Statutory undertakers are responsible for carrying out the permanent reinstatement of the highway where they disturb it with the existing materials, or in the closest possible match, if the materials cannot be re-used.

Tree, Open Space and Green Infrastructure Strategies

3.18 A good tree strategy will include an assessment of the amenity value of trees on private land, before there is pressure to remove them through the tree notification process. A proactive replacement programme for trees on public land will ensure that successor trees are planted ready to replace those that are becoming diseased, dying or dangerous. The strategy could also usefully include measures to ensure trees are protected, and their growing environment enhanced if opportunities arise, during street works or other developments.

3.19 Open space, both public and private, creates valuable green infrastructure which can assist in the adaptation and mitigation of climate change. Green space strategies help local authorities to plan and manage these. Conservation

management plans are recommended for individual [historic gardens, parks and cemeteries](#).

Enforcement and Remediation Strategy

3.20 If changes in the appearance and condition of a conservation area are monitored regularly action can be taken promptly to deal with problems as they arise. A dated photographic record of the area created during the appraisal process, will provide an invaluable aid to any later enforcement action. A detailed survey of building condition and occupancy will help to inform an Enforcement and Remediation Strategy which sets out priorities for intended action to secure the repair and full use of any buildings at risk in the conservation area. English Heritage's collation of [local authority information on conservation areas at risk](#) has provided information on over 80% of the conservation areas.

3.21 Urgent works notices to secure emergency or immediate repairs to arrest deterioration can be served on the unoccupied parts of unlisted buildings in conservation areas with the agreement of the Secretary of State for Culture, Media and Sport, advised by English Heritage. An urgent works notice is a statement of the local authority's intent to carry out works itself if the owner does not and to reclaim the costs from the owner. Such notices are often enough to encourage owners to repair the buildings, or to put them on the market but it is advisable for local authorities to make full use of their statutory powers if unlisted buildings that contribute positively to the special interest of a conservation area are falling into decay. Information on serving urgent works and repairs notices is available in English Heritage's step-by-step guide, [Stopping the Rot](#).

ANNEX 1: GUIDANCE ON MAKING ARTICLE 4 DIRECTIONS

What are 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). Article 4 of the GPDO gives local planning authorities the power to restrict these 'permitted development rights' where they have the potential to undermine protection for the historic environment. Using the provisions of Article 4 of the GPDO brings certain types of development back under the control of a local planning authority so that potentially harmful proposals can be considered on a case by case basis through planning applications.

Assessing the need

The specific requirement on local authorities under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to carry out a conservation area appraisal provides a robust evidence base on which to assess the need for and scope of an Article 4 direction. Ideally a conservation area management plan developed from a conservation area appraisal will identify areas where removal of 'permitted development rights' is necessary to prevent the loss of characteristic architectural detailing or gradual erosion of the character and appearance of the conservation area through inappropriate development. Historic characterisation approaches such as Historic Area Assessment will also provide evidence for using Article 4 directions outside conservation areas.

Scope

It is only appropriate to remove permitted development rights where there is a real and specific threat and exclude properties where there is no need for the direction to apply. Article 4 directions are most commonly used to control changes to elevations of buildings in conservation areas fronting a highway, waterway or open space but they can also be used to control other forms of development which might harm the significance of heritage assets such as:

- extensions to commercial or domestic properties in an archaeologically sensitive area where the footings might harm the archaeological deposits;
- development that could threaten the outstanding universal value (OUV) of a World Heritage Site;
- the demolition of a heritage asset outside a conservation area which has not been designated but is of local value

Monitoring and Enforcement:

Article 4 directions are more likely to be effective if:

- there is a dated photographic record of the properties affected for the purposes of tracking any subsequent changes;
- guidance is provided for homeowners on how the direction affects them with advice on appropriate repair and alteration;
- the local authority undertakes regular monitoring for compliance and appropriate enforcement;
- the need for the article 4 direction is reviewed if circumstances change

Impact on Resources

Increase in planning applications is likely to be minimal as clear, concise controls, backed up by appropriate guidance, tend to encourage like-for-like repair or replacement in matching materials, which do not require planning permission (paragraphs 3.18-3.19 *RPS Planning Research into the use of Article 4 directions on behalf of the English Historic Towns Forum* October 2008, paragraphs 3.18-3.19)

Compensation claims have been extremely rare. The RPS 2008 study found no evidence for any compensation payments actually being made (*Op cit*, paragraphs 3.20-3.21)

Cost of Preparation - integrating proposals for article 4 directions with local plan preparation and conservation area appraisals minimises costs.

Technical advice on making Article 4 directions can be found at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1759738.pdf>

ANNEX 2: NATIONAL POLICY

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) sets out the Government's planning policies on the conservation of the historic environment. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>

PPS5 is supported by a Practice Guide endorsed by the Department for Communities and Local Government (DCLG), the Department for Culture, Media and Sport (DCMS) and English Heritage. <http://www.english-heritage.org.uk/publications/pps-practice-guide/pps5practiceguide.pdf>

Conservation areas are designated heritage assets and as such there is a national presumption in favour of their conservation.
(PPS5 Policy HE9.1).

Not all elements of a conservation area will necessarily contribute to its significance. Policies HE9.1 to 9.4 and HE10 of PPS5 apply to those elements that do contribute to the significance.
(PPS5 Policy HE9.5).

Some queries have arisen on the interpretation of policy HE9.5 in PPS5. Following discussion with the Department for Communities it is English Heritage's understanding that in applying policies in HE9.1 to HE9.4 and HE10 to buildings in a conservation area that make a contribution to the area's significance, it is appropriate to apply those policies to the impact of the proposals on the individual building. Substantial harm to or total loss of significance of such a building would therefore be considered against the policy tests in HE9.2, taking into account the relative significance of the building affected and its contribution to the area as a whole when giving the harm or loss appropriate weight.

Demolition of a building which is a positive contributor to the architectural and/or historic interest will almost inevitably result in substantial harm or loss of significance to the conservation area <http://www.english-heritage.org.uk/publications/pps-practice-guide/>

An application for a proposal which will lead to substantial harm or total loss of significance should be refused unless it can be demonstrated that

- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and conservation through grant funding or charitable/public ownership is not possible; and
- (c) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

(PPS5 Policy HE9.2)

The merit of any proposed replacement development is a further consideration. Acceptable new build in conservation areas will aspire to a quality of design and execution, related to its context, which may be valued in the future. This neither implies nor precludes working in traditional or new ways, but will normally involve respecting values established through assessment of the significance of the area. This will include overall mass or volume of the development, its scale (the expression of size indicated by the windows, doors, floor/ceiling heights, and other identifiable units), landscaping, and its relationship to its context – whether it sits comfortably on its site, for example, by respecting surviving medieval street patterns. The use of materials generally matching in appearance or complementary to those that are historically dominant in the area is likely to be important, as is ensuring that materials, detailing and finishes, and planting are all of high quality. Exceptions to this approach may include new development forming part of, or adjoining, an important architectural or design set piece of recognised quality, which must be taken into account, or where a high-quality contemporary landmark building might be appropriate.

- (i) The substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh the harm or loss; or

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