

## THE IMPLICATIONS OF CONSERVATION AREA DESIGNATION

### What is a Conservation Area?

A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. This means that when a conservation area is designated, the Council has recognised that the area has a special character and identity, which is worth protecting. There are 69 designated conservation areas within Salisbury district.

### The Legislation

Current legislation relation to conservation areas is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990, the effects of which are explained in Planning Policy Guidance Note 15.

Planning and the Historic Environment (PPG 15), published September 1994, and also in Environmental Circular 14/97 Planning and the Historic Environment Notification and Directions by the Secretary of State, published August 1997.

### What does Conservation Area Designation Mean?

The Council is required, by legislation, to seek the preservation or enhancement of the special character of each conservation area. Proposals for change of use or for new development have to be considered in the light of this requirement.

Conservation area designation helps to protect an area's special architectural or historic interest by providing:

- The basis for policies designed to preserve or enhance all aspects of the character or appearance of an area that defines its special architectural or historic interest
- Control over the demolition of unlisted buildings and works to trees within a conservation area
- Stricter planning controls within a conservation area.

Whilst it is true that conservation area status may be accompanied by added restrictions, and possibly extra expense, there are a number of benefits of living or working within a conservation area.

- Retaining and enhancing special features maintains the character of the area, and as a result property values are likely to be higher
- Most properties are of a particular design or character which cannot be easily replicated in new developments
- Maintaining properties within a conservation area ensures the attractiveness of the area is preserved
- Owning a building within a conservation area can stimulate the appreciation and local history of the area.

## **Managing Change in Conservation Areas**

The intention of Conservation Area designation is not to inhibit further development, or to preserve the area unaltered, but to ensure that the character of the area is strengthened and not diminished, by future development.

In practice, this can be achieved by the preparation of a character appraisal for each area, by creating specific policies and prudent development control.

## **The Special Character of Conservation Areas**

When a conservation area is designated it is the character of the area, the familiar and cherished local scene that conservation area designation seeks to protect. The special character of these areas comes from: the quality of their buildings; the historic layout of road and boundaries; characteristic building and paving materials; the particular mix of building uses; public and private spaces; the history of the place which gives rise to a particular pattern of development; the 'sense of place'; the setting of buildings; the palette of materials; and the social significance of the area.

Conservation areas give broader (but less onerous/prescriptive) protection than listing individual buildings: all the features, listed or otherwise within conservation areas are recognised as part of its character (although clearly there will be some built features that will detract from the character of an area).

## **Control of Works to Dwellinghouses in Conservation Areas**

In addition to the regular planning controls, planning permission is required for certain external works to a dwellinghouse with a conservation area, which includes house extensions of more than 50 cubic metres or 10% of the original dwellinghouse (whichever is the greater) and subject to certain restrictions including:

- The cladding of any part of the exterior
- Any addition or alteration to the roof (not the repair of)
- The erection within the curtilage of the dwellinghouse of a building eg a garden shed, which is larger than 10 cubic metres
- The installation of an antenna (satellite dish) on a chimney, or on a building that exceeds 15 metres in height, or on a wall or roof slope which fronts a highway.

## **Control of Works to Flats and Commercial Properties in Conservation Areas**

If you are an owner or tenant of a commercial property or a flat, you are already governed by the regular planning controls, and most external alterations (such as the erection of a satellite dish) require planning permission.

## **Checking with the Planning Office (Development Services)**

These additional planning controls which apply in conservation areas are only a summary. We recommend that you always check with a planning officer, who can be contacted on telephone number 01722 434541 (NB. please ask for the Duty Officer when calling).

## **New Development in Conservation Areas**

Where the council considers new development to be appropriate, a high standard of design is expected. The council's expectations regarding design (whether inside a conservation area or outside) can be found in 'Creating Places: A guide to achieving high quality design in new development' – the council's design guide. This can be accessed via the website ([www.salisbury.gov.uk](http://www.salisbury.gov.uk)). Initial informal design advice for development in conservation areas can also be obtained by contacting the Planning Office on 01722 434541.

In general the Council will require new building work to preserve or enhance the existing character or appearance of the conservation area. Special regard should be given to such matters as scale, height, form, massing, detailed design and quality of materials, in the interests of harmonising the new development with its neighbours. Density of development is an intrinsic part of the character of conservation areas. Proposals to subdivide grounds or large gardens will not normally be permitted unless it can be demonstrated that such proposals will not harm the character or appearance of the conservation area.

## **Control of Demolition in Conservation Areas**

Designation introduces a general control over the total or substantial demolition of unlisted buildings of 115 metres cubed or greater and some boundary walls (see below). Such control provides the basis for policies designed to preserve and enhance all the aspects of character or appearance that define an area's special interest. Conservation Area Consent would be required from the council for the total or substantial demolition.

## **Control of Demolition of Boundary Walls in Conservation Areas**

Conservation Area Consent is also required for the demolition of walls which are in excess of 1 metre high that adjoin a highway, open space, or for the demolition of walls more than 2 metres high elsewhere.

## **Conservation Area Consent for Demolition**

In assessing whether or not to grant Conservation Area Consent the local planning authority will have regard to the desirability of preserving or enhancing the character or appearance of the conservation area in which the building/structure is situated.

The local authority or the Secretary of State may take enforcement action or institute a criminal prosecution if the demolition works are carried out without first obtaining the necessary consent. It should be noted that if the property is a listed building, in ecclesiastical use, or a scheduled ancient monument, different legislation applies, details of which can be obtained from the Planning Office (Development Control telephone number 01722 434541).

## **Works to Trees in Conservation Areas**

It is the whole character and appearance of conservation areas that the local authority seeks to preserve or enhance, not just the character of the individual buildings within them. A major element of the character and appearance of many conservation areas is the trees and gardens within them. Therefore, ill-considered works to trees may not only lead to the loss of the trees themselves, but also ruin the appearance of the area, and spoil the setting of any buildings nearby.

All trees with a trunk diameter of 75mm measured at 1.5m above ground level within conservation areas are protected. Any works to them, which include pruning and felling, will require a written notification to the Council six weeks prior to commencing those works.

Exemptions are

- Trees that are dead, dying or that have become dangerous.
- Pruning of fruit trees in accordance with good horticultural practice to prevent or control a legal nuisance.
- Where the loss of a tree is unavoidable, replanting with species that are native or traditional to the area will be encouraged.

### **Caring for Conservation Areas**

The designation of a conservation area should help to preserve the special character particular to a locality.

It is important, therefore, that amenity groups, residents' associations and local people are involved to ensure standards are maintained and enhancement targets achieved.

Small-scale enhancement schemes, such as the reintroduction of traditional paving materials, or more appropriate but efficient street lighting, are often beneficial to the appearance of a conservation area.

There are many instances when a seemingly small alteration can enhance the character and appearance of an area.

### **Where to Get Copies of Legislation and Guidance**

The Planning (Listed Building and Conservation Areas) Act 1990, can be viewed on the following website: [http://www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900009\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900009_en_1.htm)

Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG 15) can be viewed on the following website: <http://www.communities.gov.uk/index.asp?id=1144041>.

### **Contacting the Planning Office for Advice**

For further information on planning related issues or Conservation Area Consent please telephone the Planning Office 01722 434541 and ask for the Duty Officer

Or email: [developmentcontrol@salisbury.gov.uk](mailto:developmentcontrol@salisbury.gov.uk)

Or write to:  
Development Services  
The Council Offices  
61 Wyndham Road  
Salisbury  
Wiltshire SP1 3AH

For further information on Conservation Area designation and advice about listed buildings, please telephone 01722 434362 and ask to speak to a Conservation Officer,

Or email: [forwardplanning@salisbury.gov.uk](mailto:forwardplanning@salisbury.gov.uk)

Or write to:  
Forward Planning  
The Council Offices  
61 Wyndham Road  
Salisbury  
Wiltshire SP1 3AH

**641. Old Sarum Airfield Conservation Area Assessment and Sustainability Appraisal Public Consultation:**

The Legal Officer present advised Members of the Committee that, owing to the fact that the Committee would be considering the above matter in a consultative capacity, those Members that had already been involved in earlier consultation on the matter may still participate in debate and vote upon the Southern Area Committee's response to the consultation at the meeting. In addition, the Officer explained that Cabinet Members may also participate in debate and vote upon the Committee's response to the above consultation if they felt that they could consider the matter afresh when it is determined by Cabinet at a later date.

The Principal Conservation Officer then presented the previously circulated report to the Committee, outlining the main areas for consideration.

Mr G Jones of Pegasus Planning Group spoke on behalf of Service Developments Ltd spoke in objection to the proposed boundary for the area of potential designation.

Mr A Beal spoke in objection to the process followed in order to determine whether Old Sarum Airfield should be designated as a conservation area.

Mr G Hodge of Blenheim Property Company Ltd spoke in objection to the designation of Old Sarum Airfield as a conservation area, raising concerns about the reliability of the Sustainability Appraisal and the possible failure to observe steps in the process adopted by the Council for the determination of conservation area status.

Mr Sedgwick-Jell spoke in objection to the designation of Old Sarum Airfield as a conservation area on environmental grounds.

Ms M King spoke in objection to the designation of Old Sarum Airfield as a conservation area due to concerns that designation may lead to increased noise levels emanating from use of the airfield.

Ms L Maynard spoke on behalf of Old Sarum Flying Club in support of the designation of Old Sarum Airfield as a conservation area, urging the Committee to recommend approval of the proposed boundary and raising concerns that any delay in the designation of the area may lead to further demolition of important historical structures within it. Ms Maynard also explained that the designation of the Airfield as a Conservation Area would not have a negative impact on noise emanating from the Flying Club.

A total of 10 minutes was shared between those members of the public speaking in objection to the designation of Old Sarum Airfield as a conservation area, with an equal amount of time offered to those members of the public wishing to speak in support.

Mr K Gross of Laverstock Parish Council informed the Committee that the Parish Council was in support of the designation of Old Sarum Airfield as a conservation area, but only on the basis that the proposed boundary be amended to exclude houses and contain only aircraft hangars within it.

Following receipt of these statements, the Committee considered the previously circulated report of the Principal Conservation Officer.

Members outlined their support for the proposals, noting that Old Sarum Airfield is an important historical site to be protected, and raised concerns that as structures on the site had already been subject to demolition any further delay in designation of the site as a conservation area may lead to an increase in such activity.

Members further noted that the protection of the area was particularly important in the light of proposals to construct 600 new houses nearby at Old Sarum, which would dramatically impact upon the area and make the preservation of open space at the airfield even more important. In addition, Members felt that the boundary of the conservation area as proposed within the Officers' report contained the relevant historic structures and should not be amended.

In response to concerns raised throughout the public consultation exercise in relation to increased flying activity at the Airfield, Members felt that there was not a direct relationship between conservation area designation and increased flying activity and were therefore satisfied that an increase in noise pollution would not be a likely outcome.

**Resolved** – that the proposals to designate Old Sarum Airfield as a Conservation Area as contained within the Officers' report be recommended to Cabinet without amendment.

Extract minute from the City Area (Planning) Committee meeting held on 11 January 2007

**463. Old Sarum Airfield Conservation Area Appraisal and Sustainability Appraisal:**

Mr Beal expressed concerns about the independence of the appraisal. Ms Maynard, representing the Old Sarum Flying Club, welcomed the report and the comprehensive review undertaken.

***Resolved:***

- (1) That the Atkins Heritage assessment for Old Sarum Airfield, the Sustainability Appraisal and the outcome of the public consultation exercise, as summarised in the tables in Appendices 3 and 4 of the Officer's report be noted; and
- (2) That Cabinet be informed:
  - a) that the City Area Committee fully supports the designation of the Conservation Area on the boundaries currently proposed and recommends that a management plan be prepared as soon as possible should this designation be so approved;
  - b) that the City Area Committee considers that Cabinet should ensure that all proper procedures have been carried out as approved, following the Birtles report.

**PROCEDURE NOTE:****The designation of new conservation areas  
or the reappraisal and amendment of existing conservation areas.**

1. This procedure note was written following the inquiry into the designation of the Old Sarum conservation area by Mr William Birtles and reflects his recommendations.
2. When considering the possible need for a new conservation area, or the reappraisal and amendment of an existing area, current guidance in the form of Planning Policy Guidance notes and other publications should be reviewed. The following are potential sources of such advice:
  - English Heritage
  - The professional bodies
  - The English Historic Towns Forum
  - Other local planning authorities

A literature search should be carried out to ensure that an up-to-date and comprehensive set of technical guidance and best practice notes is available.

3. Where specific technical or historic issues are identified, the experience of other local authorities should be drawn upon wherever possible. The need to obtain an independent specialist assessment of the historical or other significance of the area should also be considered.
4. The relevant Area Committee(s), Ward Member(s) and Parish Council(s) should be notified when it is intended to investigate the desirability of designating a new conservation area or amending an existing one.
5. In anticipation of the need to consult with individual property owners/occupiers within the area, a definitive list of property interests should be drawn up wherever the size of the area and the number of interests allow. The following sources of information should be considered:
  - Land Registry Search
  - Local knowledge
  - Check on planning application history.
6. In larger conservation areas (Salisbury, for example), or where property interests are poorly recorded, this may not be possible, but the feasibility of compiling a reasonably definitive list should nevertheless be examined. Even where it would be possible, the desirability of notifying every owner/occupier may be constrained by cost and other practical considerations. Alternative methods of informing property interests, such as site notices, press notices, leaflet drops and public meetings or exhibitions, may therefore be appropriate. A note should always be placed on the relevant file recording the reasons for the choice of method.
7. The most appropriate method of bringing proposals to the attention of property owners/occupiers adjoining the area under consideration should also be considered.
8. Using the selected methods referred to in paragraphs 5 to 7, above, the owners and occupiers of property within and adjoining the area should be notified of the Council's intention to investigate the need for conservation area designation or the amendment of an existing conservation area.
9. Where necessary, permission should be sought to enter on to private land in order to carry out a survey. Permission to enter on to private land is not likely to be necessary in the majority of

existing/potential conservation areas, as sufficient access will normally be available using public rights of way.

10. Having obtained whatever permissions are necessary, a detailed site survey should be carried out. The recording of site information may be assisted by the use of written notes or audio tapes, annotated plans, diagrams, photographs or video.
11. In the light of the best practice guidance available at the time, a detailed written appraisal of the significance of the area in conservation terms should then be prepared. This document should be supported by:
  - Plans
  - Drawings
  - Diagrams
  - A schedule of all the buildings involved
  - Photographs
  - A description of the historical context, where appropriate.

All source information that has been relied upon in drawing up the appraisal should be attached as appendices.

12. On the evidence of the appraisal and supporting information, the Head of Forward Planning and Transportation should decide whether it appears that a conservation area/amendment to an existing conservation area would be appropriate.
13. The appraisal and the Head of Forward Planning and Transportation's decision should be published and copies should be made available at the Planning Office reception and at local libraries. They should also be made available on the Council's web site, which should be publicised at libraries with Internet access. Sufficient hard copies should be made available at libraries to allow overnight loans.
14. Irrespective of the decision, a formal consultation exercise should then be undertaken. Where it is possible to consult on an individual basis, consultation letters should be sent to the parties identified at paragraphs 5 to 7, above. Unless the numbers involved make it impractical, the letters should be sent by registered post, recorded delivery, or should be delivered by hand and certified to that effect. Full postal addresses should be used.
15. The consultation letters should contain a clear statement of what is proposed (including if it is proposed not to proceed with the designation of a conservation area) and full details of the documents being relied upon in coming to the proposal. The letters should emphasise that the Council is conducting a genuine consultation and will be responsive to comments. Supporting documents should be included with consultation letters if practicable. If not, details should be given of where a complete file(s) of the supporting documents may be viewed and at what times. Copies of these documents should be made available free of charge, or at no more than the cost of reproduction. It is important that key personnel, such as reception and administration staff, are kept informed of the procedures being undertaken and the whereabouts of the documents. A public file of all relevant documents will normally be lodged in the Planning reception area.
16. Where consultation by letter is impractical because of the size or nature of the area involved, other methods, such as those mentioned at paragraph 6, above, should be used. In every case, site notices should be erected and advertisements placed in local newspaper(s). Both of these publicity methods should be timed to coincide with receipt of any consultation letters. A detailed record of the position of site notices should be kept, together with time and date of erection. Site notices should be checked periodically during the consultation period and replaced as necessary. Unless located on a public highway, the consent of the landowner should be obtained.



17. An adequate consultation period should be allowed. This will normally be not less than 28 days, and longer if the period includes any public holidays.
18. Wherever possible, the Council should arrange a public meeting(s) (on-site if possible). Adequate notice should be given, with relevant material being made available well in advance of the meeting. Local civic, amenity and history societies should be consulted, as should national organisations such as the CPRE and the National Trust. Area Committees will also be useful as sounding boards in the consultation process.
19. All consultation responses should be acknowledged and should receive proper consideration. Senders should be made aware of how their response is to be considered and the process to be followed in coming to a decision.
20. At the end of the consultation process, a full report and all relevant documents, together with all consultation responses, should be submitted in turn to the relevant Area Committee(s), the Planning and Economic Development Scrutiny Panel, and Cabinet, the last making the final decision. The report and all relevant appendices, including the consultation responses, should be made available on a public file(s).
21. All landowners and occupiers within and adjoining the area should be made aware of the dates of the Committee/Panel/Cabinet meetings and of their rights to address the meetings and ask questions. The relevant chairmen should be consulted beforehand with regard to the procedure for the meeting and the time to be allowed for public participation.
22. All landowners/occupiers and anyone else who responded to the consultation exercise should be informed of the decision. Site notices should be erected in the same positions as previously. The decision should be posted on Council's web site.
23. Formal notices must be published in the local paper and the London Gazette (Section 70(8), Planning (Listed Buildings and Conservation Areas) Act 1990).
24. All relevant documents should be maintained on a public file, the whereabouts of which should be known to reception and administration staff.
25. The need for the enhancement of the area and the allocation of grant monies should be considered. Appropriate procedures should be employed if the decision to proceed with an enhancement scheme is taken.