



# A practical guide to living within a Conservation Area for householders

This guide explains the practical implications of living within or owning property within a conservation area. It is mainly aimed at owners of domestic property since houses enjoy more freedom under legislation than non-domestic buildings.

The guide aims to be comprehensive but not exhaustive. It will answer the most frequently asked questions but if you are in any doubt over whether works to a property require planning permission or could be affected by conservation area status, you should contact the planning department. In particular, owners of listed buildings should contact the council prior to undertaking work to their property.

## **PART 1: DEFINITION AND PURPOSE OF A CONSERVATION AREA**

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

The legal definition of conservation areas as stated in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is:

**‘... areas of special architectural or historical interest the character or appearance of which it is desirable to preserve or enhance.’**

In simple terms, a conservation area is an area that is usually historic in character and is special or attractive enough to warrant protection. The historic centre of York is an obvious example as are many village centres

around the city with a large number of 18th and 19th century buildings, greens, mature trees and hedgerows. Occasionally areas can be special for other reasons, for example, the Nestle Conservation Area was designated for its social and economic importance to the city, and its associations with the Rowntree family.

City of York Council, as the local planning authority, has a statutory duty to preserve and enhance the special character of a conservation area. It seeks to achieve this through considering the effect development has on the character of a conservation area and where resources allow, undertaking or funding enhancement projects either in part or whole.

Conservation area legislation only protects built up areas. One common and very understandable misconception is that conservation areas can protect areas of natural beauty, such as woodlands, riverbanks or meadows. Areas of natural beauty are only a consideration where they contribute to the setting of a village or town, for example, trees within gardens or streets. Sometimes adjoining fields and gardens can be included within a conservation area if they are of historic or archaeological interest and/ or are important to the setting of the conservation area.

## 1.2 How will Conservation Area status affect the area in which I live or work?

Conservation area legislation is one of the strongest methods available in the planning system to maintain the traditional, special and individual character of a place.

A common fear or view is that conservation area status will fossilise an area and not allow it to evolve with the modern world to the detriment of those living and working within the area. Whilst conservation area status does lead to additional planning constraints and considerations, it should be recognised that the purpose of **conservation is not about preventing all change but about managing it in a way which preserves its special interest.**

A surprising amount of work can be undertaken to property without the need for planning permission (see section 2.4), and consequently the individual and the community play a very important part in maintaining the character of a conservation area.

The preservation or enhancement of a conservation area is just one consideration among many such as economic or housing issues in the planning process. When planning permission is required in a conservation area, it is less a question of refusing development but more about how it is achieved to the satisfaction of all parties.

## PART 2: THE PRACTICAL IMPLICATIONS OF CONSERVATION AREA STATUS

### 2.1 Introduction

Conservation area status affects a property in four main ways. These are:

- the **demolition** of buildings and boundaries
- the impact of **planning proposals** on the special character of the conservation area
- minor operations** such as changing windows, doors or installing porches
- works to trees.**

### 2.2 Demolition

From 1 October 2013 the government has changed legislation so that the total or substantial demolition of an unlisted building in a conservation area will now require planning permission rather than a separate application for conservation area consent.

The circumstances in which such planning permission will be required will be the same to that which formerly existed when applying for conservation area consent. However, applicants will no longer need to make two applications (one for planning permission and one for Conservation Area Consent) when a scheme involves the demolition and replacement of a building in a conservation area.

Use the [Demolition in a Conservation Area application form](#) to apply for demolition within conservation areas

**Within a conservation area** permission is required to demolish a:

- building over 115 cubic metres in volume (roughly the size of a large garden shed), or a
- boundary wall or fence over a metre high where it fronts a highway or two metres in height to the side or rear of a property.
- If a building or boundary is felt to contribute to the character of a conservation area, it must be proven that it is no longer structurally and financially possible to keep the structure standing. This requirement can be rigorously enforced and so you should seek the advice of a conservation or historic buildings expert before making such an application.

If a building or boundary is felt to make a neutral or negative impact on the character of the conservation area then demolition is less of an issue. Where a replacement is needed to maintain character, it is standard practice to deny consent before a suitable scheme for redevelopment has been passed and a start date for construction agreed. This is to avoid empty sites appearing within a conservation area.

Whether a building makes a positive, neutral or negative impact on the character of a conservation area is a subjective judgement. Each building needs to be assessed on its own merits.

A buildings contribution can be through its historic or architectural interest, or its contribution to the wider streetscape. This can include well designed modern buildings which also contribute to the special character of a place as they contribute to its evolution.

### **2.3 Planning Permission**

Planning permission is required where 'development' takes place. This is mostly for new buildings or extensions but sometimes changing the use of a building can be classed as development.

If you plan to undertake work to your property which requires planning permission, the impact of the proposals on the special architectural and historic character of that area will be taken into consideration. In most cases, the council will seek advice from its own conservation staff. The application may also be considered by the Conservation Area Advisory Panel, an independent body made up of members of local and national amenity societies and interest groups. The proposal will also be advertised more widely than usual with adverts placed in the local paper and a site notice placed outside the property. There is no additional cost to an applicant for these adverts.

The main way in which the character of a conservation area is maintained is through the control of development. In the majority of cases, proposals are acceptable in principle and conservation area controls only affect the design and form of the development. For example, an extension or new outbuilding is generally acceptable if it is subservient in scale and design to the main house and built of materials that match or are sympathetic to the house and conservation area.

Larger schemes such as new housing developments are more complicated. Design,

density and setting are all major issues that come into play. In such cases, 'outline' planning applications, where only the principle of development is sought, are considered inadequate due to the lack of detail they contain.

Good design is crucial to maintaining the character of a conservation area. Most proposals employ styles and materials typical of the area and are generally traditional or historic in influence. Modern designs and approaches are not automatically ruled out and, in fact, a good contemporary design that respects the character of an area can enhance a conservation area by adding to the evolution of a place. The success of any design relies on a good understanding of local style and materials and this is one of the main factors that a conservation officer will consider when looking at an application. Conservation officers may ask for modifications to a scheme if they feel that certain elements are untypical or out of context. If they feel the application fails to respect the character of the conservation area to the degree that even modifications would make little difference then they may have to advise that the application is refused.

Some buildings and locations will be seen as more sensitive or important than others. This sensitivity will affect the way an application is viewed and decided. Listed buildings will always be viewed as making a major contribution to a conservation area. Historic unlisted buildings will be seen as more sensitive than a modern house. The sensitivity of a location for new development relies on several issues. Firstly, how visible a location is from public spaces such as roadsides, footpaths, parks and village greens. For example the front elevation of a house that overlooks a village green will be seen as more sensitive than the rear elevation of the same house which can only be viewed from a distant approach road. Secondly various parts of a conservation area will be seen as having more special interest than others. For example a main road made up of 18th and 19th century

houses and shops will be seen as more sensitive than a back street of mixed 19th and 20th century housing. The contribution of open spaces and views in to and out of the conservation area must also be taken into account in any assessment.

When the council approves a planning proposal it will often attach certain conditions. These conditions may range from the type of bricks and how they are laid, to detailing of windows and doors.

## 2.4 Minor Operations

Outside conservation areas householders may undertake a variety of minor alterations to their property without the need for planning permission. Where these affect the external appearance of the building they are called 'permitted development rights'. Within a conservation area some of these rights are removed or restricted, such as the installation of satellite dishes. Other rights such as the changing of windows may be removed by the Council at their discretion, through serving an 'Article 4 Direction' on the whole or part of a conservation area. If the council decides a direction should be made then it must consult the public and take into account the views of residents and property owners prior to deciding whether to pursue the direction.

Minor alterations which do not require planning permission can still have an impact on the character of a conservation area. For example, replacing timber windows and doors with plastic or creating off-street parking areas at the expense of front walls and gardens can have a clearly detrimental effect on the traditional

character of a place, especially when they occur over a range of properties. The council would always encourage the use of traditional materials and treatments to historic properties.

What does and does not require planning permission in a conservation area is a complicated issue. It is important that you check the legal documents of the property to see whether planning restrictions apply resulting from the sale/ leasing or construction of a property. This is particularly the case with modern buildings or properties currently or formerly owned by an estate or land company.

The most common minor changes to a property are summarised opposite. This list is not exhaustive. Properties that are **non-domestic buildings, flats or listed buildings** will have further restrictions. Owners of such buildings are advised to ring the Development Management team before making any changes.

Whilst the Council may be able to provide general advice by telephone, if you are in any doubt you are advised to complete either a:

- ['Householder Enquiry Form'](#) for advice as to whether permission/ consent is required, or a
- ['Pre-Application Advice Form'](#) for advice in relation to the prospects of permission/ consent being granted for a householder proposal.

This process applies to any development regardless of conservation area designation. There is a charge for each of these services, and forms are available from the Council and online (see over).

## Summary of Minor Changes

- ✓ **PLANNING PERMISSION WILL BE REQUIRED**
- ? **PLANNING PERMISSION MAY BE REQUIRED - CONSULT THE DEVELOPMENT MANAGEMENT TEAM**

### Repairs and maintenance

- ? Repairs – if undertaken in a like-for-like manner, otherwise see the relevant sections below
- ? Maintenance

### Roofs

- ✓ Raising the ridge/ expanding the size of a roof
- ✓ Installing a dormer window
- ? Renewing or replacing a roof covering
- ? Installing solar panels – subject to certain conditions
- ? Installing a roof light – subject to certain conditions

### Walls

- ✓ Cladding – in most cases, unless repairing or renewing an existing surface
- ✓ Satellite dishes - on an elevation fronting a highway, on a chimney, and on a building over 15 metres high
- ✓ Installing, altering or replacing a chimney, flue soil or vent pipe on a wall or roof on a principal or side elevation fronting a highway

### Extensions, ancillary buildings

- ✓ Front, side and two storey rear extensions
- ✓ Detached ancillary buildings, garden sheds/ stores to the side of the dwelling house
- ? Single storey rear extensions constructed in materials of similar appearance to those used on the existing house – subject to other criteria in respect of height and rear projection, please check

### Boundaries

- ✓ Demolition of walls, fences and railings – if over 1 metre fronting a highway, or over 2 metres elsewhere (requires conservation area consent)
- ✓ Construction of walls, fences and railings – if over 1 metre fronting a highway, or over 2 metres to the side or rear of a property
- ✓ Railings on walls - if the height of the wall is brought above 1 metre fronting a highway, or 2 metres elsewhere
- ✓ Any construction or alteration of a wall or fence surrounding a listed building (listed building consent may also be required)

### Gardens and yards

- ✓ Works to trees - in most cases, see section 2.5
- ✓ Surfacing and ground works - depending on scale and form of operation. Some conservation areas are also covered by 'areas of archaeological importance' where an advance six week notification of ground works needs to be given in writing to the Council
- ? Garden ornaments/ planting/ maintenance - deep digging in areas of archaeological importance may require a six week notification, see above point

**NB. This list is not exhaustive.**

## **2.5 Works to Trees**

Trees are protected by conservation area and Tree Preservation Order legislation to retain them for the benefit of all.

Effectively, conservation area status grants the same protection to trees as a Tree Preservation Order, with some minor exceptions. Below are some of the most commonly asked questions which may help to explain the process.

### **Do I have to apply for permission to prune my trees?**

Under section 211 of the Town and Country Planning Act 1990 you must inform us of your intention to prune, fell, lop, or top any tree in a conservation area. The notification must be in writing, and must detail the tree(s), their location, the reason for the works and the type of works intended. An application form is available.

### **What does the council do when they have received my notification?**

We will send you an acknowledgement for the receipt of your notice. A site visit will be made to assess the proposed works. If we decide the works are not appropriate then a Tree Preservation Order may be made to protect the trees. If we have no objection then we will write back to let you know you can proceed.

### **Are all my trees protected?**

No. You do not need permission if you want to cut down or work on trees less than 7.5 centimetres in diameter (measured 1.5 metres above the ground) or 10 centimetres if you need to thin out the tree to help the growth of neighbouring trees.

### **Do I always need the council's permission to work on a protected tree?**

Yes, except for cutting down or cutting back a tree which is dying, dead, or dangerous, or which is directly in the way

of development that is about to start for which detailed planning permission has been granted. *Except in an emergency, you are advised to give City of York Council at least five days' notice before you cut down a protected tree which is dying, dead or dangerous.* This is in your interest as you could be prosecuted if the authority thinks you have carried out unauthorised work. It could also decide that you do not have to plant a replacement tree. You must remember, however, that you will remain responsible for your trees and any damage they may cause.

### **What happens if I carry out works to a tree without permission?**

You could be liable to a fine of up to £20,000 if convicted in a magistrate's court for chopping or felling a tree in a conservation area.

### **Do I have to replace the trees?**

Yes, if a tree is removed in a conservation area without permission. It may also be necessary to replace any tree that has died, or is removed because it is dead, dying or dangerous.

### **What happens if you make a Tree Preservation Order because I want to prune my tree?**

Once the tree(s) have been protected by a Tree Preservation Order you will have to make an application for any works you wish to do to the tree. Although we have the authority to refuse works to trees protected by a Preservation Order, you have a right of appeal to the Secretary of State if you are unhappy with our decision.

### **What does it cost to get the council's permission to cut my trees?**

There is no charge for making an application to work on protected trees or a section 211 notification for trees in a conservation area.

## What should I do if I see someone cutting a tree?

Even if you are not sure if the tree is in a conservation area, please contact our environment technician, who will be happy to follow up the call. You are not obliged to give your name or address.

## How do I find out if a tree is protected or in a Conservation Area?

Contact the environment technician for assistance.

## How do I get advice on tree pruning?

We are always happy to discuss the options and best ways of achieving your aims. If you are unclear how much work is needed we suggest you seek advice from a professional. Suitable contractors may be found in the Yellow Pages under 'Tree Works' under two categories: Tree Surgeons, who carry out pruning and felling works, and Arboricultural Consultants, who provide advice regarding the health and condition of trees. Some companies provide both services. When selecting an appropriate company, it is important to check that they hold relevant insurance for their service whether they undertake work themselves or simply provide advice.

## For further advice contact:

Environment Technician (Trees):  
01904 551371

Development Management Customer  
Centre:  
01904 551553

**conservation@york.gov.uk**  
**planning.enquiries@york.gov.uk**

City of York Council  
West Offices, Station Rise, York,  
YO10 6GA [www.york.gov.uk](http://www.york.gov.uk)

**This leaflet is also  
available in large print.**

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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