

Conservation Areas

This guidance note is intended to answer a number of Frequently Asked Questions (FAQs) or anticipated queries relating to the setting up of conservation areas and to the publication of conservation area appraisals in West Berkshire.

What is a conservation area and how are conservation areas designated?

The statutory definition of 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.' (Planning (Listed Buildings and Conservation Areas) Act 1990 S69 (1)). A conservation area may be designated at any time by a local planning authority (LPA) by resolution of the appropriate committee.

What is a conservation area appraisal?

Prior to the designation of a new conservation area, the LPA will normally carry out studies to determine whether the area is of sufficient quality to justify designation; to establish the nature of its special architectural and/or historic character, and to enable decisions on where the boundaries of the conservation area should be. The results of such studies will, nowadays, generally be incorporated in a conservation area appraisal (CAA) or similar document.

Why is West Berkshire Council designating new conservation areas and publishing conservation area appraisals?

Every LPA has a duty to publish up-to-date CAAs for all existing conservation areas. West Berkshire Council (WBC) is taking steps to meet this obligation by setting up a programme of conservation area appraisals for existing conservation areas. A pilot study, for Streatley has been undertaken, and a programme of further appraisals is planned. There are presently 52 conservation areas in West Berkshire and the Council continues to receive requests for new conservation areas to be designated.

Conservation area appraisals help to inform decision-making in the determination of planning applications by the local planning authority and at appeals. The format, style and content of CAAs produced by different LPAs varies considerably. WBC appraisals have been drafted taking account of English Heritage guidance. It is anticipated that the appraisals published from 2009 on will set a 'house style' for CAAs in West Berkshire, although there is scope for variation, dependent upon individual circumstances.

What are the implications of conservation area status?

The implications of conservation area designation include the following:

- The details of what works may be carried out without the need to apply for planning permission (permitted development rights) are different in a conservation area from those applicable in an area not subject to any special designation.

- Extra publicity must be given to planning applications affecting conservation areas and the LPA must take account of the desirability of preserving the character of the area when determining such applications. Any planning application affecting a conservation area will be subject to relevant policies of the Local Plan or Local Development Framework.
- Conservation area consent is generally required for the demolition of any unlisted building over a certain size, and for the demolition of certain gates, walls or fences, within the conservation area (unless such work is authorised under other procedures). Failure to obtain such consent may result in enforcement action and/or criminal prosecution. Any consent for demolition of a building or other structure within a conservation area will normally be conditioned to ensure that the appearance of the site subsequent to such demolition does not detract from the character and appearance of the conservation area.
- With certain exceptions, notice must be given to the LPA before works are carried out to any tree within the conservation area.
- The local authority may issue an 'Article 4 direction' specific to particular properties restricting development of a particular type which would, otherwise, not require planning permission. Such directions are rarely issued.

If you are in doubt as to whether planning permission or conservation area consent is required, or as to whether you need to give notice relating to work to trees, in the first instance please telephone the West Berkshire Contact Centre by telephone on 01635 519111.

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