

## **Living in a Conservation Area – a guide** (Links updated February 2019)

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

A conservation area is defined as 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 Borough Council has recognised that the area has a special character and identity which is worth protecting.

There are 18 designated areas within the Borough of Hastings which includes the historic medieval Old Town, the Georgian splendour of Wellington Square, the Victorian new town of Burtons’ St Leonards and the Edwardian villas of Blacklands and Springfield Road.

The Borough Council is required by legislation to “preserve or enhance” the character of each conservation area and all new proposals which affect that special character have to be considered in the light of this requirement. What is expected is a sensitive management of change within an area through the planning process rather than no change at all. This can be achieved by the preparation of a character appraisal for each conservation area, policy making and by prudent development control. The character appraisal clearly defines and analyses the special architectural or historic interest that warrants the area’s designation, providing a framework for future control and enhancement.

The current legislation relating to conservation areas is contained within the

- Planning (Listed Buildings and Conservation Areas) Act 1990.
- Circular 01/01 : Arrangements for handling heritage applications – notification and directions by the Secretary of State (to be read with amendments Circular 09/2005 and Circular 08/09).
- PPS5 : Planning for the Historic Environment Practice Guide (revised June 2012)
- National Planning Policy Framework (March 2012)

The National Planning Policy Framework set out the Government’s planning policies for England and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the development plan.

The Government states that its overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

### **What does designation mean?**

When a conservation area is designated it is the character of the area, the familiar and cherished local scene that the designation seeks to protect. Designation introduces a general control over the demolition and partial demolition of unlisted buildings, some garden walls and some types of minor development that would not normally require planning permission - as specified in the Town & Country Planning

(General Permitted Development) Order 1995, as well as protecting trees. 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.

## **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). However, in some circumstances unrestricted exercises of these 'permitted development rights' can harm the significance of a conservation area. The English Heritage guidance advises local planning authorities to consider the use of article 4 directions where the exercise of permitted development rights would undermine the aims for the historic environment.

Article 4 of the GPDO grants local planning authorities the power to restrict permitted development rights to bring certain types of development back under their control so that they may consider potentially harmful proposals and decide whether or not to grant consent.

Article 4 directions are most commonly used to control changes to elevations of buildings in conservation areas fronting on to a highway. 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 archaeological deposits.
- the demolition of a heritage asset outside a conservation area which has not been designated but is of local value.

More information is available on the Hastings Borough Council web site, together with a list of properties that are subject to an article 4 direction:

<https://www.hastings.gov.uk/conservation/building-conservation/article4/>

## **Planning Permission**

If you are an owner or tenant of a commercial property or a flat you are already governed by normal planning controls and most external alterations, e.g. replacement of timber sash windows with uPVC, will require planning permission.

In addition to the normal planning controls, planning permission is required for certain other external works to a dwelling house within a conservation area.

You should check the information on the Planning Portal

<http://www.planningportal.gov.uk/permission/>

In addition there is an area of the seafront within conservation areas where estate agents boards are not permitted to be erected without express consent. Information and maps are available on our web site at: [No longer available online]

Where permitted development rights have been removed, planning applications to carry out work specifically affected by an Article 4 Direction do not attract a fee.

## **Demolition in a Conservation Area**

Planning permission is required from the local planning authority if you wish to demolish totally or substantially part of an unlisted building. However, under the current interpretation of the law, works which involve the destruction of the fabric of only part of a building will not be works of demolition and therefore not require consent.

The need for planning permission does not apply to the following:

- (a) Any building with a total cubic content not exceeding 115 cubic metres (as ascertained by external measurement) or any part of such a building, other than a pre-1925 tombstone;
- (b) any gate, wall, fence or means of enclosure which is less than one metre high where abutting on a highway (including a public footpath or bridleway), waterway or open space, or less than two metres high in any other case;

<http://www.planningportal.gov.uk/permission/commonprojects/demolition>

Reference should also be made to the Hastings Local Plan 2004 – Chapter 9B – Policy C2.

For further information demolition in a conservation area you should e-mail [planning@hastings.gov.uk](mailto:planning@hastings.gov.uk)

## **Design of New Development**

Where Hastings Borough Council considers new development to be appropriate, a high standard of design is expected in accordance with design guidance in the Hastings Local Plan 2004 – Chapter 9b – Policy C1. The Conservation & Design Officers' recommendations will also be made in reference to the NPPF, Circular 01/01 and PPS 5 Practice Guidance. In most cases only fully detailed planning applications will be considered. The plans, drawn to an appropriate scale (1:50 in most instances) should therefore include elevations of adjoining buildings to show the context of the proposal, detailed siting, external appearance, choice of materials and colours, landscaping and means of access.

Initial informal advice for development in conservation areas can be obtained from the Planning Department by submitting enquiries in writing, together with any relevant drawings and information that can assist a Planning Officer and a Conservation & Design Officer to discuss the proposal before offering advice.

New development should be of high quality and respect the overall character found in the particular conservation area or part of it, rather than be designed in isolation or necessarily imitate earlier styles. The character of a conservation area is determined by factors such as existing pattern of development, architectural form, local materials and any open spaces, trees, hedges and landscape or townscape features.

## **Public Consultation**

Applications for planning proposals in conservation areas are advertised on site and in the local newspaper. Comments from interested persons and local amenity societies are copied to the relevant case officer or to the planning committee if there are more than 2 objections.

A weekly list is published on our web site.

Planning applications can be viewed on our web site [www.hastings.gov.uk/planning](http://www.hastings.gov.uk/planning)

## **Hastings Local Plan 2004**

This document contains the current planning policies that apply within the Borough, as well as guidance on historic buildings, the design of new development, alterations and extensions to buildings and other related topics on conservation and design. This can be found in 9b "Historic Environment".

Policies that have expired have been replaced by the Supplementary Planning Documents which have been adopted under the emerging Local Plan

[http://www.hastings.gov.uk/environment\\_planning/planning/localplan/](http://www.hastings.gov.uk/environment_planning/planning/localplan/)

## **Supplementary Planning Documents**

Supplementary Planning Documents (SPD's) are additional guidance prepared by the Council to assist agents, developers and members of the public when considering submitting an application. The Supplementary Planning Documents are used by the planners and the conservation officers as guidance when determining planning applications and should be read in conjunction with the relevant policies in the Hastings Local Plan 2004 and any subsequent replacement policies adopted under the emerging Local Plan.

[http://www.hastings.gov.uk/environment\\_planning/planning/localplan/spd/](http://www.hastings.gov.uk/environment_planning/planning/localplan/spd/)

## **Shop Fronts and Advertisements**

The Supplementary Planning Document adopted by the Council in September 2007 is available on our web site.

[http://www.hastings.gov.uk/environment\\_planning/planning/localplan/spd/](http://www.hastings.gov.uk/environment_planning/planning/localplan/spd/)

The SPD guides proposals for new or altered shop fronts and shop front advertising. It is one of many "material considerations" that assists in determining whether permission for a proposal can be granted. Proposals that contribute to the Council's objectives will normally attract support while proposals that are at odds with them are likely to be opposed.

New signs and advertisements which require consent are strictly controlled (many have deemed consent) and the Borough Council will seek the removal of those which detract from the character of the conservation area. Proposed advertisements must be properly related to the design of the buildings on which they are displayed.

All illuminated signs require advertisement consent; internally illuminated box signs and advertisements fixed above shop fascia level will be resisted.

## **Roof Materials for Listed Buildings and Conservation Areas**

Supplementary Planning Document 1 adopted by the Council in July 2005 is available on our web site:

[http://www.hastings.gov.uk/environment\\_planning/planning/localplan/spd/](http://www.hastings.gov.uk/environment_planning/planning/localplan/spd/)

The SPD offers guidance to applicants who may be required to apply for listed building consent or planning permission because you are considering changing the roof cladding material of a building, which is either a listed building or in a conservation area.

The SPD explains in more detail Policies in the Local Plan relating to applications for planning permission, and also guides those seeking listed building consent.

## **Replacement Doors and Windows for Listed Buildings and Conservation Areas**

The Supplementary Planning Document 2 adopted by the Council in July 2005 is available on our web site:

[http://www.hastings.gov.uk/environment\\_planning/planning/localplan/spd/](http://www.hastings.gov.uk/environment_planning/planning/localplan/spd/)

The SPD offers guidance to applicants who may be required to apply for listed building consent or planning permission because you are considering changing doors and windows to a building, which is either a listed building or in a conservation area.

The SPD explains in more detail Policies in the Local Plan relating to applications for planning permission, and also guides those seeking listed building consent.

## **Trees**

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

Accordingly, anyone wishing to carry out works to a tree in a conservation which is not already protected by a Tree Preservation Order (TPO) must complete a Notification of Proposed Works to Trees in Conservation Areas (CA) and allow 6 weeks before the work to the tree(s) commences, since during that time have legal protection equivalent to a TPO, during which time the Council may consider it appropriate to make an Order. The application form can be found on the [Planning Portal web site](#) where you will also find guidance notes and a validation checklist.

Those trees that are exempt are those which are dead, dying or dangerous, are less than 75mm (3") diameter at 1500mm (5'0") above ground level or not more than

100mm (4") diameter at their height, where the act is to improve the growth of other trees, fruit trees cultivated for fruit production, and trees which have to be felled in order to carry out development for which planning permission has been granted. It is always advisable to check with the local authority's tree officer (arboriculturalist) prior to carryout out these works.

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

## **Helping to preserve and enhance**

The designation of a conservation area should help to preserve the special character particular to its locality. It is important, therefore, that amenity groups residents' associations and the local people are involved to ensure standards are maintained and enhancement targets achieved.

Designation therefore creates additional responsibilities for those involved and the Borough Council welcomes the help and co-operation of the public in these areas.

## **Street Lighting and Paving**

The responsibility for the replacement or renewal of street lighting and paving throughout the Borough lies with East Sussex County Council. East Sussex County Council has a responsibility to maintain the lighting and pavements for health and safety reasons. ESCC have a programme for renewing lamps that are costly to run and maintain. Hastings Borough Council, for the foreseeable future, is unable to provide funds to enhance the specification of the lamps or the materials for footpaths even though these may lie in a conservation area. Hastings Borough Council will attempt to influence the use of materials where possible when consulted by ESCC.

## **Grants**

In the past the Council has received grant aid from English Heritage and from the Heritage Lottery Fund to assist owners of properties in conservation areas. However, these funding streams are no longer available (CAPS, HERS, THI) for the Council to pass on to residents.

We very much hope that you will support the Borough Council by preserving and enhancing our precious heritage, not just for ourselves to enjoy but for future generations.

You can write to the Conservation Team at:

Muriel Matters House  
Breeds Place  
Hastings  
TN34 3UY

or email [planning@hastings.gov.uk](mailto:planning@hastings.gov.uk),

or log on to our web site for further information:

[www.hastings.gov.uk/planning](http://www.hastings.gov.uk/planning)