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Heritage Assets

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Welcome to this guide which should give you an understanding of what are Heritage Assets and the legislation that applies to them, particularly with regard to planning permission in England

Town Planning Expert is an nationwide planning consultancy headquartered in South-East Hampshire. Our goal is to help clients achieve their aspirations by providing clear, considered and pragmatic advice based on a detailed knowledge of local and national planning policy, and insight into how decisions are made both locally and at appeal.

While we have tried to ensure that this information is as up to date as possible, legislation, particularly that introduced by local authorities, is constantly changing. You should check with us regarding the situation in specific areas.

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Introduction

Heritage Assets

Our towns and countryside are rich in old buildings and structures. Many are protected in one form or another and this guide seeks to help you, whether an owner of such a property or an interested observer, understand the nature of that protection and the responsibility for its protection.

Heritage assets play an important role in the Government's vision for the future and local planning authorities are encouraged to "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations."

It advises

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

It should be noted that regard should be had not only to the fabric of the property but also to its setting. Thus even if building away from the historic building or area concern may be had upon the character and appearance of the historic property.

Conservation Areas

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Conservation Areas are designated by the local planning authority as 'areas of architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. The size of a conservation area can vary from a single building to a street or group of streets to an entire city. Each area is designated because of the desire to preserve the appearance and significance of the area. Some areas are associated with a particular architect or style of architecture (e.g. Portsmouth - Owen's Southsea). Some are representative of the medieval street layout of the city, even though in some cases the buildings themselves may have been lost (e.g. Southampton - Old Town). Others are indicative of the historical uses of the area and how it has affected the development of the city (e.g. Portsmouth- HM Naval Base and St George's Square). Whatever the reason for designating a conservation area, local authorities are required to write an appraisal for the conservation area which indicates the special architectural and historical significance of the area and to prepare a visual appraisal and management plan which assists the local authority in making planning decisions.

Many changes are 'permitted development', even in conservation areas. These changes are work that can be carried out without planning permission. They usually include replacement of doors and windows, partial demolition of boundary walls, demolition of chimneys, etc. If enough buildings change, this can have a marked effect on the appearance of a conservation area.

If the dwellinghouse is in a conservation area additional restrictions on permitted development are added. Planning Permission is required when the following are proposed:

- Install external render or cladding such as weather-boarding, plastic, timber, tiles, pebbledash, render, stone or artificial stone
- Extend the building to the side
- Extend the building to the rear, if the extension would have more than one storey
- Install roof dormers or enlarge the roof
- Erect a building such as a garden shed or garage, in the curtilage of a dwelling house, if any part of it is between the side elevation of the house and the boundary

Conservation Areas

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- Install a chimney or pipe to a roof on a principal elevation
- Install a satellite dish or antenna to a chimney, wall or roof that faces onto, and is visible from, a highway, or to a building over 15 metres high
- Install a solar panel to a wall that faces onto and is visible from a highway
- Install a standalone solar panel in the garden if it would be visible from a highway

If an owner would like to make changes that do not fall under 'permitted development', they would have to apply for planning permission. The local authority then takes into consideration the location of the development within a conservation area and the conservation area appraisal's guidelines to make the decision. Consideration must be given as to whether the development sustains or enhances the significance of the conservation area.

Conservation Areas

Conservation Area Consent

Conservation Area Consent

Conservation Area Consent (CAC) is required for the total or substantial demolition of any building with a total cubic content in excess of 115 cubic metres. It is usually applied for at the same time as a scheme for redevelopment, and may be made within the same application.

Owners do not have to apply for (CAC) unless they are planning on doing substantial demolition work to the building or the boundary wall. Consent is also required for the total or substantial demolition of a boundary wall over one metre high adjoining a highway or over two metres elsewhere. Any other building works that are not permitted development would require planning permission.

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Article 4 Directions

Article 4 Directions

To control the changes to conservation areas that may have a negative impact on the appearance, local authorities can introduce special controls called Article 4 Directions. These remove permitted development rights so planning permission is required for specified works so that sympathetic changes can be encouraged.

Article 4 Directions in conservation areas usually only apply to dwelling houses. Changes to other properties such as flats, shops and offices require planning permission if they materially affect the appearance of the building. Houses that have been converted into flats are included if they could be reverted back to houses.

The changes that can be controlled by Article 4 Directions may include:

- Doors
- Windows
- Front boundary walls
- Roofs
- Chimneys
- Changes to details
- Painting of unpainted brickwork
- Creation of hardstandings

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Although depending on what made the conservation area special, these could be adapted to each specific area. For instance, if all buildings are rendered, the colour of the paint could be controlled, or permission would be required to install uPVC windows. Each conservation area could have several Article 4 Directions, grouping together houses that have similar properties that are desirable to retain. An Article 4 Direction could cover just a few houses, the whole street, or even the whole conservation area, depending on the type of buildings included in the area.

Article 4 Directions do not affect:

repairs or maintenance

like for like replacement

alterations that have already taken place

painting or decoration (except previously unpainted brickwork)

Article 4 Directions

Trees within Conservation Areas

Trees contribute to the character and appearance of conservation areas and all trees over a certain size within the area are protected against lopping or felling. Some trees may also be protected by a specific Tree Preservation Order (TPO). Anyone wishing to undertake works to a tree in a conservation area must give six weeks written notice to the Council. The Council will then inspect the site and consider whether a TPO needs to be issued. If a tree is less than 75mm in diameter (measured 1.5m above ground level), then you do not need permission unless it has replaced a tree previously covered by a TPO. If you are unsure whether a tree is covered by a TPO, you can check the council's website and/or contact the planning office to be sure.

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Listed Buildings

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A 'listed building' is a building or structure included on the list of buildings of special architectural or historic interest compiled by the Government. Buildings may be listed for a number of reasons, including their architectural or historic merit, historical association with nationally important events or people, or their group value.

Listed buildings are placed into three categories (Grades I, II* and II) according to its relative importance. The listing of a building covers all parts of the building, both external and internal.

When a building is listed, a description is created by English Heritage which refers to the principle features that led to its listing. There is usually consultation with the local authority. The most important aspect of the listing is to state what makes the building significant (its historical or architectural value). The listed building will include the building itself, plus any object or structure which forms part of the land and has been within the curtilage since 1948. Some proposals, particularly for public buildings, are eligible for grant funding.

The description is not definitive and the fact that something is not mentioned is not grounds to consider that it is not important.

Listed Building Consent

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Listed Building Consent

Listed building consent is required for a listed building's demolition, in whole or in part, and for any internal or external works of alteration or extension which would affect its character as a building of special architectural or historic interest. The relevant issues to the consideration of listed building consent applications are:

The importance of the building, its architectural and historic interest and rarity

The particular physical features of the building which justify its inclusion on the list

The building's setting and its contribution to the local scene

The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to economic regeneration of the area or the enhancement of its environment

Do I Need Listed Building Consent

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Local planning authorities can be consulted on the need for listed building consent. Given the difficult nature of deciding whether the special interest might be affected and the fact that it is a criminal offence to fail to apply for consent when required, it is vital they are consulted in cases of any doubt.

It is a common misunderstanding that the special interest of a listed building lies only in its features, such as fireplaces and plasterwork. The interest is in its history and architecture. The general form and layout of the building may be as important in this regard as any eye-catching "period feature". The list entry for each building may also give assistance but it is not an exhaustive description and older entries can offer little detail.

Whether buildings within the vicinity of the listed building are protected by being within the curtilage of the principal building and whether objects or structures attached to the principal building are protected is also a difficult judgement. Again, if there is any doubt the local planning authority should be consulted.

Buildings at Risk

Heritage Assets

Listed buildings are important to England's heritage and if they are at risk of being lost through neglect, decay or loss of a viable use, they can be put onto the Buildings at Risk register. They can also be subject to Compulsory Purchase Orders or Repair Notices. Owners of listed buildings have an obligation to maintain the buildings and keep them in use to preserve them for the future. Owners who wilfully neglect listed buildings in the hope that they can be demolished and redeveloped are at risk of fines and imprisonment.

If you are an owner of a listed building, take pride in that knowledge and share that pride with the greater community with proper maintenance, repairs and if necessary, appropriate alterations. Most buildings built over 50 years ago were built to last and have survived over the centuries, adapting to each new owner or use. Conservation is the key to future survival of these buildings.

The heritage at risk register can be viewed on the English Heritage website www.english-heritage.org.uk

Locally Listed Buildings

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Local authorities sometimes compile lists of buildings and features of local interest and importance. The lists have no statutory significance and the buildings do not have any additional consent requirements than buildings not on the statutory list. The lists do have an educational and informative purpose. When determining applications related to buildings on the local list, planning officers do bear in mind the significance of those buildings.

Some local authorities do not have a local list, or it is an outdated or vague list of addresses without much detail.

Scheduled Ancient Monuments

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Scheduled Ancient Monuments are generally archaeologically important structures that may range from prehistoric standing stones and burial mounds to Roman forts and medieval villages to collieries and wartime pill-boxes. They are generally uninhabitable but still need to have a use and be maintained.

The scheduling of a monument means that permission, scheduled monument consent, is required for works affecting that building or structure. The scheduling takes priority over listed building controls if the structure is both a monument and listed.

If you wish to carry out any works, whether above or below ground level, affecting a scheduled monument, you must apply to English Heritage for Scheduled Monument Consent. This would include demolition, repairs, alterations, and additions. You are strongly advised to contact the regional English Heritage officer to assist with the application, and both the application and English Heritage advice is free. You may also need to apply to the local authority, so be sure to contact a professional to complete all the applications together.

Scheduled Ancient Monuments

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If you have a property that contains a buried scheduled monument (many monuments are archaeological in nature and consist of buried remains of buildings or earthworks), the less disturbance you cause the better. An archaeological test may need to be performed by a qualified archaeologist to determine the condition of the monument before any building works can be carried out, and it is best to have the test done before the application is submitted so that the proposal can include the management of the current state of the monument.

More information about scheduled monuments can be found on the English Heritage website .

Historic Parks and Gardens

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The English Heritage Register of Parks and Gardens of special historic interest in England contains nearly 1450 sites. While there are many parks and gardens that are historic and make a valuable contribution to an area's visual and recreational attractiveness, only those deemed to be of 'special historic interest' (based on the survival, quality and interest of their historic structure) are included in the register.

Many of the parks and gardens began as private gardens on large estates, but cemeteries and public parks are also included in the register. They are graded in the same way as listed buildings (I, II* and II) depending on their importance and significance. Many of these are still under private ownership, and are not open to the public unless otherwise stated.

By drawing attention to these special landscapes, English Heritage encourages those who own them or have an interest in them, to treat these places with care and proper maintenance. In the planning process, registration is a 'material consideration' and any applications affecting a registered garden will need to consider the impact of the development on the landscape's special character.

The register of parks and gardens can be found on the English Heritage website

Maintenance and Care

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Whether your house is listed, is in a conservation area, or not, regular maintenance is the first step towards conservation and many issues that can arise and become costly repairs could have been prevented with maintenance. Below is the English Heritage checklist for maintenance of properties. If any problems are found, consult an expert about carrying out repairs.

Rainwater gutters, channels and hopper heads

Inspect and clear any debris at least every autumn and preferably more often

Check for leaking joints

Check to see if rainfall cascades over the gutter from the roof

Check to see that water does not pond in one area and that gutters slope towards outlets

If gutters are fixed to timber fascia boards, check the condition of fascia boards and at the same time soffit and barge boards

Maintenance and Care

Heritage Assets

Rainwater pipes

Inspect when it is raining and note leakages

Clear any blockage

Check rear side of pipes with a mirror and look for cracks and corrosion

Check that pipes are securely fixed to the wall

Look at the wall behind the pipe for signs of staining or algae growth or for washed-out mortar joints

Pitched roof coverings

Inspections should be carried out twice a year and after storms or high winds

Debris on the ground will give an indication of roof problems

Look for loose, slipped, broken or missing slates or tiles

Look for moss which could damage slates and tiles, and block gutters

Look for signs of dampness on ceilings as a possible indication of roof leaks

Maintenance and Care

Heritage Assets

Flat roof coverings

Inspections should be carried out twice a year

Look for splits, tears, cracks and holes in roof coverings

Look for signs of dampness on ceilings as a possible indication of roof leaks

Chimneys

Check if the chimney stack is leaning

Check if chimney pots are leaning or out of position

Check if there is vegetation growing out of chimney

Check for cracks, loose or bulging stones or brick and badly eroded or open joints

Take prompt action to make a close inspection if any of the above is noted

Ridge tiles

Check to see if any are missing

Check to see if there are any gaps between each ridge tile and arrange for close inspection if found to be necessary

Maintenance and Care

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Flashings

Check that flashings are fixed into the wall

Check to ensure that the joints where they are fixed are in good condition

Ensure that flashings are dressed down and have not been blown or moved away from the plane of the wall

Drainage gullies

Inspections should be carried out every autumn and preferably more often

Check that drainage gullies are free from silt, debris, vegetation and other objects

Make sure that all gully inlets are covered by a grating

Exterior walls

Check joints for deep erosion or missing pointing

Check for cracks

Look for defects in stonework, brickwork and rendering

Maintenance and Care

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Base of wall

Check to ensure that ground levels are at least 150mm below any known damp proof course level or 150 mm below internal floor levels

Ensure that vents are not obstructed

Remove plants and vegetation abutting and growing on the building

Windows and doors

If made of timber or metal, is the paintwork in good condition and is there any decay?

Check for bare timber especially on thresholds, sills and lower and underside areas of window sashes

Building services, pipes and flues

Check water and heating systems for leaks

Ensure that pipes are lagged

Electrical and gas installations should be regularly inspected by certified experts

Inspect chimney flues and ensure that they are clear from obstruction and do not leak

Historic Environment Policies

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The revised National Planning Policy Framework sets out government's planning policies for England and how these are expected to be applied.

Section 16 of the NPPF sets out the Government's Broad Brush policies for conserving the Historic Environment.

Local Policies

Every local authority has at least one policy related to heritage assets. In addition to policies for general development and amenity and privacy, development concerning heritage assets need to comply with all aspects of the heritage policy. These policies are all found on council websites, usually under 'Local Plan' and they are reviewed and changed regularly.

Supplementary Planning Documents and the Local Development Framework are documents that go into more detail regarding specific areas or types of buildings. These are created by the local authority and are taken into consideration when determining planning applications.

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About TPX

Heritage Assets

Town Planning Experts is an independent nationwide planning consultancy based in South-East Hampshire.

We have significant knowledge regarding Houses in Multiple Occupation and have been successful in gaining planning permission for our clients or overturning Councils' decisions on appeal.

Our goal is to help clients achieve their aspirations by providing clear, considered and pragmatic advice based on a detailed knowledge of local and national planning policy, and insight into how decisions are made both locally and at appeal. We believe in making town planning simple!

Getting planning permission should be easy and straightforward so that you can concentrate on what is really important to you in your project. We believe that your journey through the planning process should be free and clear of obstacles. That's why we work hard to keep your risks as low as possible.

Not only are we confident in our abilities. We are also confident that you will love our customer experience. We set ourselves apart from others because we go the extra mile. Your experience is important to us so we make sure that there is nothing to trip you up, nothing hidden and nothing taken away. In short, piece of mind.

Whether you are thinking about a scheme, have difficulties in moving it forward or have run into problems with the local authority why not have a chat with us.

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