

Conservation Area extensions – how this effects residents and landowners

Introduction

Conservation areas (CA) are defined as areas of special architectural and historical interest, the character of which is desirable to preserve and enhance. The character and appearance may be expressed through the buildings, layout and relationship to the landscape of the area.

CA designation gives a degree of protection against the demolition of buildings and walls and should ensure that new development is of high architectural quality and in keeping with the area's existing special character.

Most importantly the legal test for new development that requires permission within a CA is that "special attention should be paid to the desirability of preserving and enhancing the character or appearance of that area" (Section 72 (1)¹).

Four extensions are proposed to the existing Ewhurst CA as shown in the map overleaf. If adopted the Ewhurst Conservation Area Appraisal will be used as a material consideration when determining planning applications in the entire CA including the proposed extensions (if agreed).

How it affects buildings in new CA extensions

As well as the points identified above, developments within a CA are subject to special planning controls. This means that within these designated areas, consent is required for some works that would usually be permitted development, including the demolition of buildings and tree works.

Special controls in addition to normal 'permitted development' restrictions apply to householder development within a CA. This means that permitted development rights are reduced (although not removed), therefore some proposals that previously did not need planning permission will be required to apply to the Local Planning Authority for the appropriate consents in advance of any works commencing.

In addition to the normal criteria, planning permission is required for the following works to residential properties (dwelling house) within a CA:

- Cladding of any part of the exterior of a dwelling house.
- Side extensions.
- The enlarged part of the dwelling house to have more than one storey extending beyond the rear wall of the original dwelling house.
- An addition or alteration to the roof of a house.
- For outbuildings and structures within the residential curtilage – permission is required if it is situated between a side elevation of the dwelling house and the curtilage boundary.
- A chimney, flue or soil and vent pipe to be installed on a wall or a roof which fronts the highway and forms either the principle elevation or side elevation of the dwelling house.
- The installation of an antenna on a chimney, wall or roof slope which faces onto and is visible from a highway or on a building which exceeds 15 metres in height.

¹ Planning (Listed Building and Conservation Areas) Act 1990



In addition, there are limitations for residential and non-residential buildings including:

- Where renewable energy equipment is located on the building and in the curtilage of a building for residential and non-residential properties.
- A reduced size of extensions to commercial buildings which may not need planning permission.
- No alterations to the external appearance can be made to a commercial building without planning permission.
- All trees in conservation areas that have a trunk diameter of more than 75mm are subject to statutory protection. If you want to cut down or carry out work to a tree in a conservation area, you must notify Waverley, giving us at least six weeks notice.

The demolition of an unlisted building in a CA which is more than 115m³ or a boundary wall requires planning permission.

This is not a definitive list and there may be other restrictions to those listed above. Please see more on permitted development rights on the Waverley Borough Council website*.

If a development within a CA requires planning permission, it also means that additional tests (as set out in the Local Plan, National Planning Policy Framework and any other material considerations such as Waverley's Residential Extension SPD and the Ewhurst CAA) are considered.

Further information:

*Permitted Development (PD) rights in Waverley:

www.waverley.gov.uk/info/1023/do_i_need_planning_permission/681/do_i_need_planning_permission

PD rights nationally: www.planningportal.gov.uk

Conservation Areas in Waverley: www.waverley.gov.uk/conservationareas

Ewhurst CAA: www.waverley.gov.uk/ewhurstcaa