

**THE EFFECTIVENESS OF CONSERVATION AREA LEGISLATION
AND POLICIES IN PRESERVING AND ENHANCING
THE BUILT ENVIRONMENT**

**A THESIS PRESENTED IN PARTIAL FULFILMENT OF
THE REQUIREMENTS FOR THE M.PHIL DEGREE
IN TOWN PLANNING
MARCH 1999**

CINDY BADOE



UNIVERSITY COLLEGE LONDON
The Bartlett School of Planning & Architecture

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DEDICATION

To my two sons; Louis and Vincent

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ABSTRACT

The formal aims of conservation as embodied in the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69(a) places considerable weight on the idea of "preserve" and "enhance". This study examines how far the 1990 legislation and policies have been successful in enhancing and preserving the built environment, and to identify recommendations to overcome the problems of both the legislation and policies.

The concept of conservation is seen to have a pluralist perspective. Developers, the general public, residents, amenity groups and professionals have their various viewpoints. This study, although based on the viewpoint of the planning profession, examines the views of the wider public who play an undeniable role in achieving the aims of conservation.

This thesis will first review the approach of the London Borough of Hackney to the designation of conservation areas and the policies relating thereto. Attention will then be focused on the "successes" and "shortcomings" of the development control systems, as evidenced by the number of conservation area applications determined by the Borough, the various types of development and the planning appeal outcomes.

Finally, a judgement will be made as to whether the demarcation of conservation areas in the London Borough of Hackney has led to increased social and economic imbalances.

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INTRODUCTION

This thesis undertakes a critical examination of conservation legislation and related policies to test the hypothesis that the designation of conservation areas has a positive and beneficial impact upon the areas concerned. The relevant case law will be examined to identify perceived strengths and weaknesses of the present statutory system. A detailed study of conservation practices and outcomes in three London Boroughs will be undertaken to assess the actual outcomes on the ground.

Hackney was chosen as the main case study because the writer is an employee of Hackney Council and thus has ready access to departmental information and documents. This will make it possible to reach an informed view about the effectiveness of the conservation policies adopted by the Council. A comparative study of Islington and Sutton was also undertaken. Islington was chosen firstly because it is an adjoining Inner City borough with similar housing, employment and social problems, and secondly because it has accorded greater priority to conservation. Sutton was chosen because it is another London Borough with different economic and social problems and different priority on conservation areas.

METHODOLOGY

This study has drawn upon an extensive review of the literature on conservation areas, including the 1967 legislation to the current legislation, the Planning (Listed Buildings and Conservation Areas) Act 1990. The examination of the development of conservation legislation and the relevant case law in respect of "preservation" and "enhancement" has also been reviewed.

Information was collected on the policies, views, functions and methods of the Hackney, Islington and Sutton Boroughs. This took the form of an interview using a questionnaire (a copy of which

forms as Appendix F). An interview was also held with conservation officers from the three Boroughs. These interviews also reviewed the general attitude of councillors and council officials towards the designation of conservation areas and the particular problems that conservation areas face. Discussions were also held with officials from English Heritage, various housing associations, other council departments and amenity societies, particularly the Hackney Society and planning professionals. The official from English Heritage, Martin O'Rourke, provided information on sources of finance in conservation areas. These included English Heritage, the Heritage Lottery Fund, the Hackney Building Preservation Trust and Renaisi, a regeneration agency in Hackney.

Documentary sources have also been employed in this thesis. These include the Unitary Development Plans of Hackney, Islington and Sutton, previous local borough plans, conservation area maps, committee reports, appeal decisions, planning journals, development briefs, design guidance notes, academic and historical studies, information leaflets, unpublished departmental reports and conservation area applications.

Questionnaires were also mailed to 604 residents in two of Hackney's conservation areas i.e. the Town Hall Square and De Beauvoir Conservation Areas in October 1998. These two conservation areas were selected because they reflected a range of issues and views about urban conservation in different residential areas. The Town Hall Square Conservation Area has a mixture of commercial and residential uses, whereas De Beauvoir Conservation Area is predominantly residential. Residents were asked questions to assess their awareness of the conservation area status and to find out whether they had perceived any benefit as a result of the designation. Residents were asked to identify what other improvements they wanted to see in their areas.

Out of the 604 questionnaires administered, 65 responses were

received. Most of the responses indicated the need for more environmental improvements such as pavements, litter bins, street lights, tree planting and the maintenance of properties. This thesis brings together the results of the research discussions and, where shortcomings have been identified, recommendations have been suggested in the final chapters.

STRUCTURE

Chapter 1 looks at definition of conservation areas and traces its evolution to the beginning of this Century. It also looks at the role of the Civic Trust and the outcomes of the Civic Amenities Act 1967. Chapter 2 examines the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant case law and the relevant statutory instruments such as the Town and Country Planning (General Permitted Development) Order 1995. Chapter 3 describes the main case study area: Hackney. Particular attention is paid to the historical background of Hackney, its 20 conservation areas, policies, and design guidance. Chapter 4 presents a similar review of Islington and also examines some of its conservation areas, policies and design guidance. Chapter 5 examines the approach to conservation areas, policies and design guidance in the London Borough of Sutton. It is considered that these three case studies will enable conclusions to be reached about significant variations in the treatment accorded to conservation in the respective boroughs. Chapter 6 draws together the main issues arising from earlier chapters. It mainly examines the effect of conservation policy and practice in the case study, Hackney. Chapter 7 presents an overview of the findings and advances a number of recommendations which, it is believed, will result in improved practice.

CHAPTER 1

CHAPTER 1

1.0 ORIGINS OF URBAN CONSERVATION AND CONSERVATION AREAS

Conservation areas are defined in the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69(1)(a) as "areas of special architectural or historic interest, the character or appearance of which it is desirable to "preserve or enhance". Under this legislation, local authorities have the obligation "from time to time to determine which parts of their areas meet the above criteria" and have the power to designate such areas as conservation areas".

The influence of William Morris was of great importance in influencing public attitudes to conservation and historic buildings in the latter part of the 19th Century. Morris was a fervent socialist, who strongly disliked modern civilisation and described himself as a person fairly steeped in medievalism. Hence, in 1877 he founded the Society for the Protection of Ancient Monuments (SPAM). It pioneered the concept of protecting monuments and buildings. It was not until 1973 that Sir John Lubbock MP introduced various Parliamentary Bills to afford protection to historic sites and buildings.

These measures were, however, opposed as they were considered an unfair and unnecessary interference with private property. It was not until 1882 that the Ancient Monuments Protection Act was approved (LARKHAM, 1996). This was largely a passive piece of legislation. Although it provided the mechanism by which ancient monuments could be scheduled and protected, it relied upon the good will of property owners to secure the actual protection of the limited types of monuments which were eligible for protection (LARKHAM, 1996). The Ancient Monument Protection Act 1882 gave protection of law to 29 monuments in England and Wales and 21 in Scotland (ROSS, 1991). This pioneering legislation highlighted the need for appropriate mechanisms to identify the monuments, sites and buildings that were deemed to be important enough to

justify some form of protection. It was in London that the task of identifying these buildings worthy of protection was first undertaken.

In 1894, Charles Robert Ashbee, a prominent figure in the Arts and Crafts movements, founded a Guild of Handicraft at Mile End in London. He also set up the Committee for the Survey of the Memorials of Greater London. The aim of the Committee was to compile a register of the most historic buildings and to produce a series of monographs on the most historic ones (ROSS, 1991). In 1895 the most successful voluntary conservation society was set up. Called the National Trust for Places of Historic Interest or Natural Beauty, it was founded by Octavia Hill. Then in 1899 the London County Council was empowered to purchase historic buildings or to provide finance for their restoration and maintenance. In 1907 the National Trust for Places of Historic Interest or Natural Beauty was given the sole right to hold land. It was also given the role of promoting the preservation of land and buildings (ROSS, 1991).

The publication of the Victoria County Histories represented an important development in that it resulted in a systematic approach to recording and describing the heritage of the nation. The formation of the Royal Commission on the Historical Monuments of England in 1908 constituted an important landmark because one of its main tasks was to produce an inventory of the ancient and historical monuments connected with civilisation and conditions of life of the people in England. It was also required to identify those monuments that had been constructed prior to 1700 and were worthy of preservation. The Royal Commission subsequently changed this date to 1850 and, finally, in 1963 the date was removed altogether. These changes highlighted the need for a fundamental review of the law on conservation (ROSS, 1991).

In 1913 the Ancient Monuments Consolidation Amendment Act was passed. It introduced concepts that have since been placed on the Statute Book. Section 1 of the 1913 Act permitted local authorities to purchase an ancient monument. Section 3 of the Act introduced

the concept of public guardianship. This concept has been successful in securing the protection of monuments that were of no interest to their owners. The 1913 Act established the Ancient Monument Board, which was responsible for protecting scheduled monuments. Until this time the emphasis was still on monuments. After the First World War however, new development pressures threatened the survival of the nation's built heritage. In 1931 the Ancient Monuments Act was passed. In the following year the Town and Country Planning Act was passed. This Act extended protection to buildings other than ancient monuments.

In 1941 the National Building Record was established in response to the destruction of many historic buildings in air raids. The Town and Country Planning Act 1944 introduced the idea of preparing a list of historic buildings. The 1947 Town and Country Planning Act laid the foundations of the current legislation. The Minister was required to prepare a statutory list of buildings of architectural and historic interest, and owners of these properties were not given any rights of appeal. The Ancient Monuments and Historic Buildings Act 1953 made provision for Government grants towards the repair and maintenance cost of buildings. These grants were administered by the Historic Buildings Council for England, Wales and Scotland (ROSS, 1991).

Growing concern at the poor quality of development in the 1950s led Duncan Sandys MP to secure the establishment of the Civic Trust in 1957. The Trust encouraged the protection and improvement of the urban environment. Importance was now to be attached to the setting of buildings as well as their architectural merits and historic significance. The Trust was the main force behind the Civil Amenities Act 1967 that led to the creation of conservation areas. It encouraged amenity societies to come together and co-ordinate their activities. At an Inaugural Conference in July 1957, it was agreed that the Trust would commission a study of the planning and architectural treatment of streets or urban spaces and the skyline.

The Trust identified itself as a "watchdog" and encouraged public interest in the visual quality of the environment. The Civil Amenities Act 1967 gave local authorities the statutory duty to:-

"determine which parts of their area...are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and shall designate such areas."

From this time conservation areas were born and became a significant tool in the fight against unrestrained development (ROSS, 1991). The Town and Country Planning Act 1971 restated the conservation objectives that had been set in the 1967 Act. The Town and Country Amenities Act 1974 introduced a blanket control of demolition in all conservation areas. Local planning authorities were required to publish proposals for the preservation and enhancement in conservation areas. Publicity was also required for applications affecting listed buildings and their settings. Local planning authorities were also encouraged to designate further conservation areas.

This part of Chapter 1 attempts to trace the origins of urban conservation from 1882 to the creation of conservation areas in 1967 and then to the 1974 Town and Country Amenities Act. The examination of the origins of urban conservation and conservation areas has demonstrated how earlier emphasis on individual buildings and structures gradually shifted to conserving whole areas of architectural and historic significance. The conservation legislation leading on from the 1974 Act is the current legislation (the Planning (Listed Buildings and Conservation Areas) Act 1990 will be discussed in much detail in Chapter 2).

1.1 THE PRESENT CASE FOR CONSERVATION

The increased public support for conservation and its increasing enshrinement in the planning legislation may reflect a growing

awareness to the fundamental reasons for conservation (LARKHAM, 1996). An examination of recent literature suggests that psychological, moral, financial, fashion and historical reasons are of outmost significance.

One author expressed the following:-

"...a civilised man must feel that he belongs somewhere in space and time, that he consciously looks forward and looks back." (LORD CLARK, 1969).

Many studies in environmental psychology have suggested that "looking back" is psychologically very important. There is the need for visual stimuli to provide orientation and the observer's awareness of his or her own location in the environment (LOZANO, 1974). These needs are met partly by historical areas that have remained relatively unchanged providing symbols of stability (SMITH, 1974).

The case for conservation is further developed, as there is a moral duty to preserve and conserve our historic heritage, to remember and also to pass on the achievements of our ancestors. The main reason underlying this moral duty is the fact that the physical artifacts of history teach people about landscapes, events and values of the past (LEWIS, 1975). Another author expressed the view that urban conservation protects heritage sites, buildings and streets, thus ensuring that future generations can appreciate and understand how previous societies have evolved (CANTELL, 1975).

It has been recognised that some aspects of conservation can be profitable. As a result of this a number of country house owners began opening houses and grounds to attract tourists. In 1949 the Marquess of Bath opened up Longleat to tourists (LARKHAM, 1996).

Another case for conservation is the issue of "heritage". Heritage has become a significant term in the conservation and preservation

debate since the early 1980s. De-industrialisation in the UK has led to a growing reliance on service-sector industries, of which heritage tourism plays a significant part. (HERBERT, 1995). "Heritage is history processed through mythology, ideology, nationalism, local pride, romantic ideas or just plain marketing, into a commodity" (SCHOUTEN, 1995). In recent times heritage has been used in the marketing of products and places. Regeneration efforts in many neglected urban areas have used heritage as a major component of place-marketing, revitalisation strategies as can be clearly seen in Bradford's Little Germany and Birmingham's Jewellery Quarter (FALK, 1993).

1.2 THE LEGAL FRAMEWORK AND DESIGNATION PROCEDURE

Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to determine which parts of their areas possess special architectural or historic interest and to designate such areas as conservation areas. Most of the designations are made by local planning authorities. The Secretary of State has the mandate to make designations although this is hardly the case.

Once a local authority decides to designate an area as a conservation area, the designation becomes effective from the date of the resolution following Committee approval. Designation is made by reference to a map. Upon designation the Council is obliged to do three things. Firstly, a notice of the designation must be put in the London Gazette and in at least one local newspaper. Secondly, the council must register the designation as a land charge and must inform the Secretary of State and English Heritage of the designation.

In practice, most local authorities also circulate letters and leaflets to all properties within the newly designated area telling them of what has taken place and what the effects of this designation will have for the residents and property owners. Many of these leaflets are well produced, giving a history of the area and explaining the reasons for

the designation. It is important to get people to understand the issues involved in designation as the purpose of designation is to preserve and enhance, and the latter objective is achieved when owners take interest and pride in their local areas.

1.3 LOCAL AUTHORITY RESPONSE

The widespread designation of 9,000 conservation areas in England to date show the important shift in public attitudes towards the built environment (LARKHAM, 1996). This is also reflected in the way that local authorities have been designating conservation areas. In the year 1990, 442 were designated as compared with 382 in 1989 and 226 in 1988, including 35 in Dorset and 29 in Gloucestershire. Every district in England now has at least one conservation area. Ten counties account for 40% of conservation areas designated so far and these are:-

| FIG. 1 CONSERVATION AREAS DESIGNATED IN ENGLAND | |
|--|------------|
| Counties | No. |
| Greater London | 697 |
| Kent | 355 |
| Hampshire | 272 |
| Devon | 259 |
| North Yorkshire | 230 |
| Norfolk | 221 |
| Wiltshire | 219 |
| Gloucestershire | 210 |
| West Yorkshire | 202 |
| Oxfordshire | 198 |

(Source: English Heritage Monitor, 1991)

The London Boroughs of Brent and Wandsworth were particularly

active in designating conservation areas in 1990, and in the metropolitan areas Wigan Borough Council was notable for its action to designate small Victorian town centres. Hastings designated important parts of this fine seaside town.

Over the country as a whole, some 70% of England's 812 towns contain conservation areas which encompass all or part of their historic centres. In addition, well over a quarter of the 10,000 or more villages in England have been designated. However, the proportion of towns and villages designated varies widely from one county to another. For example, less than 40% of towns in Greater Manchester and South Yorkshire have had their centres designated, compared with 100% in Bedfordshire, Norfolk, Oxfordshire and Wiltshire. In London two-thirds of the urban centres have been designated. Overall the dominant feature to emerge is the high proportion of town centre designations in the Shire counties, nearly 80%, compared with only 50% in the metropolitan counties. An example of a designated conservation area is Tooley Street in Bermondsey. Leading off London Bridge, Tooley Street's architecture is predominantly Victorian and, at the height of that period, was known as "London's Larder" due to the large number of wharves storing foodstuffs in the area. This area was designated as a conservation area to safeguard those buildings of architectural importance that were at risk from redevelopment.

Conservation areas vary in the size ranging from town centres and squares, terraces and smaller groups of buildings. They may centre on listed buildings, open spaces, trees, a historic street pattern or a village green. Although conservation areas may contain a high percent of the nation's listed buildings, many comprise groups of unlisted buildings of considerable character, a historic street pattern, or features of archaeological interest.

Conservation areas were born out of a recognition that listing individual buildings of special architectural or historic interest, was

insufficient to protect the historic character of cities, towns and villages. There are many modest groups of buildings worthy of retention, either because they provide a harmonious setting for listed buildings, or form unique groups and neighbourhoods in themselves. Whereas each building on its own might not have any merit at all, a groups of buildings or streets may be regarded as of special and unique character.

Generally, buildings in conservation areas fall into four categories:-

1. Listed buildings
2. Unlisted buildings contributing positively to the character of the area.
3. Eyesores that should be removed or replaced.
4. Buildings of no particular character or significance that could be replaced by more interesting or sympathetic buildings.

The first two categories deserve protection whilst the last two may be replaced by new buildings in keeping with the character of the area. Occasionally a conservation area may be designated for another reason, e.g. for its trees to be subject to control, although the area may not possess any architectural character.

1.4 CONCLUSION

In this chapter the examination of the origins of urban conservation, the case for conservation and the designation procedure have demonstrated the importance of:-

1. the statutory framework for designation;
2. the variation in response of local planning authorities to designation; and
3. the current case for conservation.

Chapter 2 will now examine the current legislation relating to conservation areas and the relevant case law on "preserve" and "enhance". The statutory instruments relating to conservation and Government policy on conservation, particularly Planning Policy Guide 15 (PPG15).

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CHAPTER 2

CHAPTER 2

2.0 THE CURRENT CONSERVATION AREA LEGISLATION & POLICY

This chapter is not intended to provide a comprehensive examination of all aspects of conservation legislation and policies. The purpose of this chapter is to discuss the relevant aspects of conservation legislation and policies and to evaluate how successful these have been in the preservation and enhancement of the environment. The Planning (Listed Buildings & Conservation Areas) Act 1990 is the current planning legislation relating to conservation areas. There has been no substantial changes in the thrust of conservation area legislation since the concept of conservation areas was introduced in the Civil Amenities Act 1967 (English Heritage, 1995).

2.1 THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

This is the only act for conservation areas and ties up with the 1990 Town and Country Planning Act.

2.1.1 Section 69 - Designation of Conservation Areas

The material part of this section reads as follows:-

"Every local authority shall, from time to time, determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance...".

Section 69 imposes a duty on local planning authorities to designate conservation areas. Conservation area designation is the main tool available to local authorities to effect conservation policies. The designation of conservation areas brings about control over the demolition of unlisted buildings and provides the basis for policies

that preserve or enhance the appearance or character of the area. Local authorities also have a duty under Section 69 to review their areas from time to time and decide whether further designation is necessary.

2.1.2 Section 70 - Designation of Conservation Areas: Supplementary Provisions

The relevant part of this section reads as follows:-

"The Secretary of State shall give notice of the designation of any part of the area of a local planning authority as a conservation area under Section 69(3) and of any variation or cancellation of any such designation:-

- (a) to the authority; and
- (b) if it affects an area in England, to the Commission.

A notice under Subsections (5) or (6) shall contain sufficient particulars to identify the area affected. Notice of any such designation, variation or cancellation as it is mentioned in Subsections (5) or (6) with particulars of its effect, shall be published in the London Gazette and in at least one newspaper circulating in the area of the local planning authority, by that authority or, as the case may be, the Secretary of State".

In this paragraph the Commission refers to the Historic Buildings and Monuments Commission for England which was established by the National Heritage Act 1983 now referred to as "English Heritage". The aim of English Heritage is "to secure the preservation of ancient monuments and historic buildings and of promoting the preservation and enhancement of conservation areas".

Under Section 70, English Heritage and the Secretary of State for National Heritage have a mandate to designate conservation areas, but rely on the local planning authority in the first instance to consider the need for designation. The Secretary of State is required to consult local authorities prior to making any designations. The Secretary of State employs his powers of designation where an area

is of more than local interest or where there is evidence to suggest that a local authority's ownership of prominent buildings may have affected the authority's decision not to make a designation and there is a clear threat to the character of the area. The local planning authority or the Secretary of State, depending on which of these two make the designation, is required to publicise any designations, variations or cancellations of designations in the London Gazette or one newspaper for at least one month. The reason is to make local residents aware of the implications these measures would have on their properties.

2.1.3 Section 71 - Formulation & Publication of Proposals for Preservation & Enhancement

This section reads as follows:-

- "
- (1) It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.
 - (2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.
 - (3) The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting."

In accordance with Section 71 the local planning authority is required to formulate and publicise proposals for the preservation and enhancement of conservation areas. The proposals are submitted to a public meeting and the local planning authority is required to take note of any views expressed. In practice local authorities do not usually prepare land use and environmental plans specifically related to a particular conservation area. Some local authorities prepare policy guidance in the form of booklets or leaflets often as a result of public consultation exercises.

2.1.4 Section 72 - General Duty as Respects Conservation Areas in Exercise of Planning Functions

This section reads as follows:-

- "
- (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in Subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
 - (2) The provisions referred to in Subsection (1) are the Planning Acts and Part 1 of the Historic Buildings & Ancient Monuments Act 1953."

Section 72 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement is applicable to all the powers under the Planning Acts, and not only those related to historic buildings. This is how the Listed Buildings and Conservation Areas Act ties up with the 1990 Town and Country Planning Act. The desirability of preserving or enhancing should also, in the Secretary of State's view, be a material consideration in the planning authority's dealings on development proposals, which are outside conservation areas. This Section 72 duty given to local authorities is far too general and inaccurate and has led to considerable confusion and litigation.

2.1.5 Section 73 - Publicity for Applications Affecting Conservation Areas

This section reads as follows:-

- "
- (1) Where an application for planning permission for any development of land is made to a local planning authority and the development would, in the opinion of the authority, affect the character or appearance of a conservation area, Subsections (2) to (7) of Section 67 shall apply as they apply in the circumstances mentioned in Subsection (1) of that section.

- (2) Subsection (3) of Section 63 of the principal Act (references to applications for planning permission to include applications for permission to retain existing works and uses) does not apply to the construction of this section."

This section requires local planning authorities to publish a notice of planning applications for development, which in their opinion would affect the character or appearance of a conservation area. The proposed development should be published in the local newspaper and a site notice displayed on or near the land for at least seven days to make residents aware of proposals that might affect their area in order that they can make comments. One would expect the local planning authority to adhere to its statutory duty.

2.1.6 Section 74 - Control of Demolition in Conservation Areas

The material part of this section reads as follows:-

- "
- (1) A building in a conservation area shall not be demolished without the consent of the appropriate authority (in this Act) referred to as "conservation area consent")
- (2) The appropriate authority for the purposes of this section is:-
- (a) in relation to applications for consent made by local planning authorities, the Secretary of State; and
- (b) in relation to other applications for consent, in the local planning authority or the Secretary of State..."

This section explains that conservation area designation means control over the demolition of houses in conservation areas.

Exceptions to this are specified in Section 75 that forms Appendix A.

In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question.

The local authority is required to take into consideration the part played in the architectural or historic interest of the area by the

building for which demolition is proposed and to the wider impact of the demolition to the immediate surroundings and the conservation area as a whole. What will be put back after demolition requires planning permission.

The rest of this chapter will discuss the legal interpretation of the words "preserving" or "enhancing" as used in Section 72, and to find out whether there is a positive meaning inherent in the term "preserving" or "enhancing" which means that there should be an improvement over the existing situation, in order to fulfil the Section 72 statutory provision.

2.2 CASE LAW ON "PRESERVE" AND "ENHANCE"

"Preserve"

Even though this word appears straightforward, problems occur where Inspectors use other phrases when assessing whether a particular development would be "preserving or enhancing" the character of the conservation area. In the case studies to be examined in this chapter it will be clear what the legal interpretation of the word is. (MILLICHAP, 1989: 233-240).

"Enhance"

This word is a higher standard than preservation. Enhancement aims at improving the situation in a conservation area in terms of improving the features that have given rise to its designation. If the whole idea of conservation is a positive one, then enhancement is definitely the highest example of positive treatment. Now the ensuing discussion of the applicability of a positive or negative connotation will open up the whole debate about the positive and negative spectrum and the idea of a neutral development (MILLICHAP, 1989: 233-240).

Summary of the Relevant Court Cases Impinging on Conservation Law

Steinberg and Sykes -v- the Secretary of State for the Environment and Another [1989] JPL 258

"A local planning authority had refused planning permission for the erection of a dwelling house on a small piece of unused, derelict and overgrown land in a conservation area. On appeal, the Inspector identified as one of the main issues "whether the proposed development would harm the character of the conservation area". The Inspector considered that the condition of the site adversely detracted from the residential amenity and the visual character of the locality. The Inspector allowed the appeal. Two aggrieved members of a neighbourhood association applied to the High Court to quash that decision. Mr Lionel Read QC, sitting as deputy judge, held that the Inspector had misdirected himself on a point of law by failing to take into account the statutory requirement of Section 277(8). He stated:-

"Nowhere in his decision letter does he mention this subsection or his duty thereunder, either in terms or by the use of any language from which it might, in my judgement, reasonably be inferred that he was intending to refer to it... The obligation imposed by the statute is to pay special attention to the desirability of preserving or enhancing the character of the conservation areas."

The concept of avoiding harm was essentially negative. The underlying purpose of what is now Section 72 seemed to be essentially positive. The case was remitted to the Secretary of State." (MILLICHAP, 1989: 233) (STUBBS. M. and LAVERS, A. 1991: 91-4).

This judgement emphasised the positive element of the duty imposed by Section 72 on both the Secretary of State and local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The Steinberg ruling was followed by a number of cases eg. Harrow Borough Council -v- the Secretary of State for the Environment [1991] JPL 137, before the question came before the Court of Appeal in Bath Society -v- the Secretary of State for the Environment

[1991] JPL 663, where Glidewell, L.J. set out the proper approach in considering an application for planning permission within a conservation area. He held:-

- "
- (1) Where a development proposal was in a conservation area, there were two statutory duties for the decision-maker to perform; that imposed Section 72 as well as the duty to have regard to the development plan and any other material considerations;
 - (2) The requirement to pay "special attention" in Section 72 should be the first consideration for the decision-maker and it carried considerable importance and weight; and
 - (3) If the decision-maker decided that the proposal would neither preserve nor enhance the character or appearance of the conservation area, then it would almost inevitably mean that it would have some detriment ie. harmful effect. This would not necessarily mean that the application must be refused but it did mean, in the view of Glidewell, L.J. that the development should only be permitted if it carried some advantage which outweighed the failure to satisfy the test under Section 72." (STANLEY, N. 1991: 1014).

The statement at (3) above was not accepted by the Court of Appeal in *South Lakeland District Council -v- the Secretary of State for the Environment* [1991] JPL 654, as it appeared to ignore the possibility of neutral development ie. development which was neither positive nor negative but could still preserve the character or appearance of the conservation area. Mann, LJ stated that "the statutorily desirable object of preserving the character or appearance of an area was achieved either by a positive contribution to preservation or by development which left character or appearance unharmed..." (STANLEY, N. 1991: 1014).

The above words were approved by the House of Lords, when Lord Bridge of Harwich, in dismissing the appeal by *South Lakeland District Council* said:-

"...where a particular development will not have any adverse effect on the character or appearance of the conservation area and is otherwise objectionable on planning grounds, one may ask rhetorically what possible planning reason there can be for refusing to allow it (HOUSE OF LORDS, 1992).

Unex Dumpton Ltd -v- the Secretary of State for the Environment and Forest Heath District Council [1990] JPL 344

Forest Heath District Council refused an outline planning permission for residential development on land used as paddocks bisected by an access drive connecting a stableyard and stables to the cross town walk, known as the Rows Newmarket. On appeal, the Inspector upheld the refusal. The applicants appealed to the High Court. Mr R Vandermeer QC, sitting as Deputy Judge, gave the following useful determinations:-

- "
- (1) As a general rule Inspectors cannot avoid the need to consider whether the development proposals cause harm to interests of acknowledged importance and they should grant permission if they do not.
 - (2) Inspectors considering proposals in a conservation area have, by Section 277 of the 1971 Town and Country Planning Act, a special duty imposed on them to pay special attention to the desirability of the proposals enhancing or preserving the special character of the conservation area and it must be apparent from the decision that this duty has been discharged otherwise an error of law will have occurred.
 - (3) If Inspectors find that the proposed development will not preserve or enhance the conservation area it is likely that he will conclude that harm would be caused to the conservation area.
 - (4) What fails to be considered is the appearance of the conservation area, not simply each individual component within it. Accordingly it is possible that a proposal to replace one building with another in a conservation area will not harm the conservation area. (KIRKWOOD, D.G. 1990: 344-347)".

The Deputy Judge held that the Inspector had fully considered both the presumption in favour of development Circular 14/85 and material considerations, the issue of harm and dismissed the application (FERGUSON, 1990).

In the London Borough of Harrow -v- the Secretary of State for the Environment [1991] JPL 137

Here the Council had refused conservation area consent for the demolition of six houses, store buildings and part of a gymnasium, and refused to grant planning permission for the erection of 21 houses and a theatre with associated parking and access road on the land adjacent to Harrow School.

On appeal, the Inspector having held an inquiry allowed both appeals. The two sites lay within a designated conservation area. The Inspector in this decision letter dated 15 May 1989 stated at paragraph 7 in these terms:-

"Having inspected the site and the surrounding area and considered the evidence and representation... I am of the opinion that the main issue in these cases whether the proposals would preserve or enhance the character or appearance of the Harrow School and Harrow on the Hill Village Conservation Areas, having regard firstly the sitting, design and bulk of the proposed buildings and secondly to the additional parking and traffic likely to be generated."
(KIRKWOOD, G. 1991: 137-141).

He then explained that he had taken into account all relevant policies and in particular the provisions of the circular on historic buildings and conservation areas, then Circular 8/87 and now PPG15. In paragraphs 11-14 he dealt with the visual and other implications of the theatre and concluded:-

"In my opinion the theatre would be a worthy addition to your client's stock of fine buildings and for the reasons I have given, I consider that it would enhance the character and appearance of the conservation area." (KIRKWOOD, G. 1991: 137-141).

In paragraph 17 he observed that, like the theatre, the housing would change a familiar scene and introduce new buildings on the site. Then he expressed his views on the housing implications in paragraph 18 as follows:-

"Apart from some criticism by the Trust it was generally acknowledged at the inquiry that the housing was well designed and I note that the Arts and Crafts style is not uncommon on the lower slopes of Harrow Hill. The Development would replace cottages and a stable block which I accept are pleasant but are nevertheless unremarkable examples of their type, and concrete garages and rough parking areas which in my view spoil the site's appearance. In all the circumstances, I consider that the proposed housing would preserve the character and function of the site as a transitional area between Church Fields and West Street and would generally enhance the appearance of the site." (KIRKWOOD, G. 1991: 137-141).

The Inspector then followed two discrete sections on trees and traffic. In relation to traffic he detected a disadvantage. He then weighed the disadvantage in relation to earlier conclusions stating that:-

"However, having weighed this disadvantage against the enhancements to the character and appearance of the conservation areas that I have identified, and taking into account the housing gain that would accrue on what is undoubtedly an underused site, I conclude on balance that the

appeal's proposals are acceptable subject to conditions."
(KIRKWOOD, G. 1991: 137-141).

The Council applied to the High Court under Section 245 of the Town and Country Planning Act 1971 to quash the Inspector's decision. The Deputy Judge dismissed the appeal upholding the Inspector's decision and concluding that the Inspector had correctly identified the issue and was profoundly conscious of his duty weighing disadvantages against the enhancements (KIRKWOOD, 1991).

The examination of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant case law suggest the following:-

- The law is complex
- There is a lot of subjectivity implicit in conservation

Conclusions: Legislation and Case Law

The advantage of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 is the fact that it goes beyond looking at whether a development which does no demonstrable harm thus act to "preserve" it? Following the legal and academic arguments it is evident that "enhance" has a positive meaning and "preserve" may have a positive connotation although there are also neutral ways of preserving something. "Enhance" has a higher standard than preservation and the positive point is that enhancement aims at improving the state of a conservation area in ways that address the features of the conservation area that will lead to its designation. Despite this, there are disadvantages with the legislation.

The terminology of words in the legislation (for example conserve, preserve, enhance) are vague and open to various interpretations. Both the statutes and guidance are interpreted by users and the

courts differently, with the courts relying greatly upon precedent. The vagueness of the law gives planning officers the opportunity to behave more rigidly.

Another problem with the legislation is that the Government makes no allowance to local authorities when new legislation is introduced. The General Permitted Development Order 1995 generates an increase in the number of planning applications local authorities receive. This takes a lot of staff resources and time to deal with. The above arguments suggest that the legislation requires amendments. Draughtsmanship does not appear to be strong point in Government departments, the advertisement regulations and the General Permitted Development Order contain many inconsistencies and complexities. When an individual or the owner of a building in a conservation area becomes embroiled in quasi-legal planning procedure and disputes over legal phraseology, the individual reaction is one of confusion and complaint. The individual views the system as being far from comprehensible, and not operating in an open manner. Individual members of the public and pressure groups representing them are eager to know what is the impact of decisions on their own local environments. Often in terms of purely visual impacts, rather than on theoretical criteria of "preserve" and "enhance". Law journals, conferences and litigation better address the above arguments on the shortcomings of the legal system. Further discussions on conservation legislation and suggested recommendations are examined in Chapter 7.

The last section of this chapter will examine other planning legislation, which has a role to play in "preserving", and "enhancing" conservation areas. The relevant legislation is the Town and Country Planning (General Permitted Development Order) 1995.

2.3 TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

The designation of a conservation area does not preclude the possibility of a new development within the area. The General Development Order is the main tool by which development can be controlled. After the 1977 General Development Order came into effect there was still concern that the planning legislation needed to include provisions for tighter control over development in conservation areas. In 1988, the Town and Country Planning (General Development) Order came into effect. This new Order introduces tighter controls in sensitive areas including conservation areas. The 1988 Order required planning applications for certain types of development in conservation areas which were classified as permitted development outside conservation areas. These included cladding, insertion of dormer windows into roof slopes, roofs or chimneys fronting a highway. This 1988 Act was however not sufficient to stop certain harmful developments in conservation areas.

In 1995 the Government repealed the 1988 Order and enacted two separate Orders; the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Development Procedure) Order 1995 (DUXBURY, 1996).

The relevant section of the Town and Country Planning (General Permitted Development) Order 1995 will be discussed and will also form Appendix C. The new Article 4(2) of the new Order gives local planning authorities enhanced powers to restrict certain types of development in conservation areas where the development would front a "relevant" location, such as a highway, waterway or open space. The rights referred to include the enlargement, improvement or other alterations of a dwelling house roof, the erection of a dwelling house porches and a number of other rights falling under Parts 1 and 2 of Schedule 2 and Class B of Part 31 of that Schedule

(demolition of the whole or any part of any gate, fence, wall or other means of enclosure) where the gate etc. is within the curtilage of a dwelling house. The Secretary of State's approval is not required for an Article 4(2) Direction although the Order prescribes a procedure whereby residents must be notified by the local authority and their representations taken into account in deciding whether or not to confirm the Direction.

Article 4 Directions and Conservation Areas

Article 4 Directions allow planning authorities to remove a range of permitted development rights that have been granted under the Town and Country Planning (General Development) and (Development Procedure) Orders. Many of these rights relate to small scale developments such as small house extensions, roof alterations and the erection of gates and walls. The Government seeks to reduce the load on householders, developers and the planning authority by granting a general planning permission. However, the Government recognises that the uncontrolled exercise of these same rights in environmentally sensitive areas such as conservation areas could prove detrimental and thus planning authorities are permitted to revoke them, subject to the Secretary of State's consent in general. Planning authorities are able to make directions under Article 4 of the Permitted Development Order to remove permitted development rights in the case of listed buildings without approval from the Secretary of State. In 1995, this right was extended to include the external appearance of houses, gates, walls and fences in conservation areas (ROSS, 1996).

2.4 TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENT) REGULATIONS 1992

Section 63 of the Town and Country Planning Act 1971 (as amended by the Act of 1986) enables the Secretary of State to make special provision in the Advertisement Regulations with respect to

advertisements in conservation areas. There are no special regulations with respect to advertisements in conservation areas. All outdoor advertisements affect the appearance of the building or area where they are displayed. The main purpose of the advertisement control system is to help those concerned in the display of outdoor advertisements such as shop signs, advertising hoardings etc. to contribute positively to the appearance of an attractive environment.

The local authority is expected to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In conservation areas it is important for local planning authorities to be sensitive to the use of their powers under Town and Country Planning (Control of Advertisements) Regulations 1992. Outdoor advertising is important to commercial activity and the success of local businesses will enable owners and tenants of commercial premises to maintain buildings and contribute positively to the conservation area (DEPARTMENT OF THE ENVIRONMENT & DEPARTMENT OF NATIONAL HERITAGE, 1994).

2.5 TREES IN CONSERVATION AREAS

Under Section 211 of the Town and Country Planning Act 1990, anyone who intends to cut down, top, lop, uproot, wilfully damage any tree in a conservation area must give notice of intention to the local planning authority. The authority then has six weeks in which to consider making a Tree Preservation Order (TPO). The person concerned must not proceed with his intentions within this six-week period unless the authority has given specific consent in the meantime. The Secretary of State has power to specify exemptions from Section 211. Some five cases are currently exempted by the Trees in Conservation Areas Regulations (relevant section of the Town and Country Planning Act 1990 forms Appendix B) (DUXBURY, 1996).

2.6 PLANNING POLICY GUIDANCE NOTE 15 - PLANNING AND THE HISTORIC ENVIRONMENT

In September 1994 PPG15 replaced the DoE circular 8/87 as the source of government policies on guidance on the historic environment. The PPG is in two parts. Part I deals with those aspects of conservation policy that are seen as interacting most directly with the planning system whose operation is the responsibility of the DoE. Those aspects include development plans, development control, listed building control, conservation areas, and transport. Other aspects, such as listed for example, are the responsibility of the Department of National Heritage, dealt with in Part 2 of PPG15. For the purposes of this study, the relevant section of PPG15 forms Appendix D.

Part I opens with a clear statement that; "It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment." It goes on to state; "the objective of the planning process is to reconcile the need for economic growth with the need to protect the natural and historic environment."

Sustainable Development

PPG15 "has committed itself to the concept of sustainable development – if not sacrificing what future generations will value for the sake of short term and often illusory gains." The PPG explains that conservation and sustainable economic growth and complementary objectives rather than opposing one another. Further advice in paragraph 1.4 states that although most historic buildings can be put to good economic use, such as commercial or residential occupation, there is the need for a "sufficiently realistic and imaginative approach to their alteration and change of use, to reflect the needs of a rapidly changing world."

Use and Alterations

Paragraph 3.8 of PPG 15 marks the point that generally the best way of securing the upkeep of historic buildings is to keep them in active use. The best use is often the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when considering the future use of a building. Paragraph 3.8 goes on to observe that not all original uses will now be viable or even appropriate, and deciding the best use is seen as one of the most important and sensitive assessments that local planning authorities have to make in conservation. The aim, the PPG says, "should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building."

2.7 OTHER GOVERNMENT POLICY INSTRUMENTS

There are other Government documents which buttress the working of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995. These include the Circular and the Policy Guidance Notes.

The Circular and the PPGs are designed to give guidance to all those involved in the planning process on various aspects of planning policy and "are seen by the Department of the Environment as a necessary component of the planning framework, a system of policy documentation that covers national, regional, county and local levels, each level of which is intended to interlock as far as possible (TEWDWR-JONES, M. 1994).

These Government documents are "in fact attempting to add flesh to the bare bones of the relevant planning legislation, and, therefore, are usually taken as important interpretative planning documents by those using them (NOTTS, S & MORGAN, 1984).

Local planning authorities are required to have regard to the content of these policy documents in the carrying out of both their development control and forward planning functions. The courts have rules that the Government planning statements are material considerations to which regard should be paid in the development control decision-making. The Secretary of State or one of his Inspectors is likely to adopt the Department's policy position at appeals. So, PPGs and Circulars are an influential form of policy guidance and "whilst they do not place local authorities under any statutory obligation, their significance in development control decision-making should not be under-estimated".

Some of the PPGs particularly relevant to the effective operation of conservation areas is PPG15 - Planning and the Historic Environment: Part 1, paragraphs 4.2-4.38. It also forms Appendix D.

2.8 CONCLUSION

This section has examined the secondary legislation and regulations relating to conservation areas and the relevant Government policy guidance. This examination reveals the importance of both the primary legislation, the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, and the secondary legislation such as the Town and Country Planning (General Permitted Development) Order 1995, the Advertisement Regulations in "preserving" and "enhancing" the environment. The PPG15 gives comprehensive advice on all aspects of conservation areas. Chapter 3 will now look at how the legislation and policies have been interpreted on the ground by examining Hackney.

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CHAPTER 3

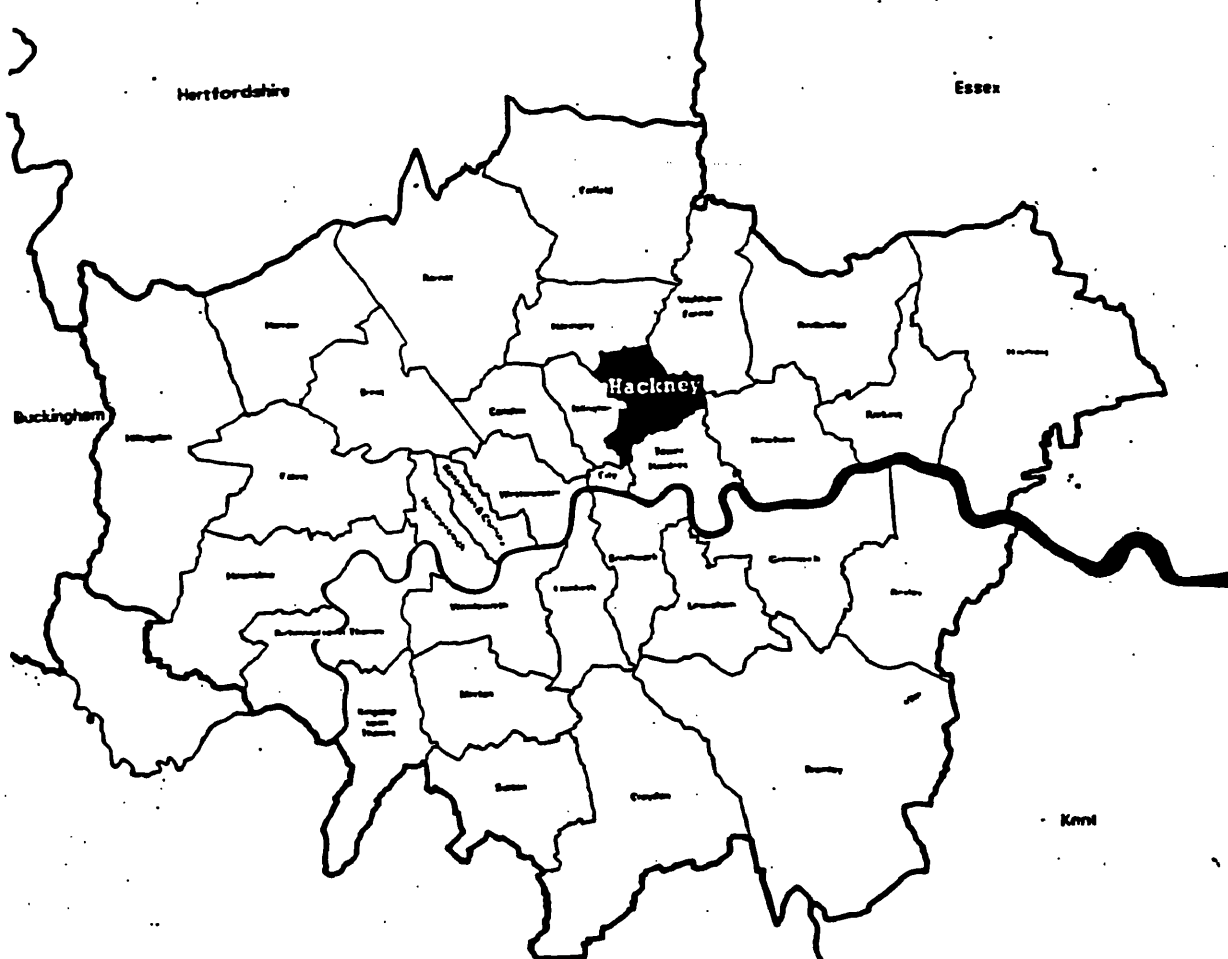


Fig 2: L.B HACKNEY IN LONDON CONTEXT

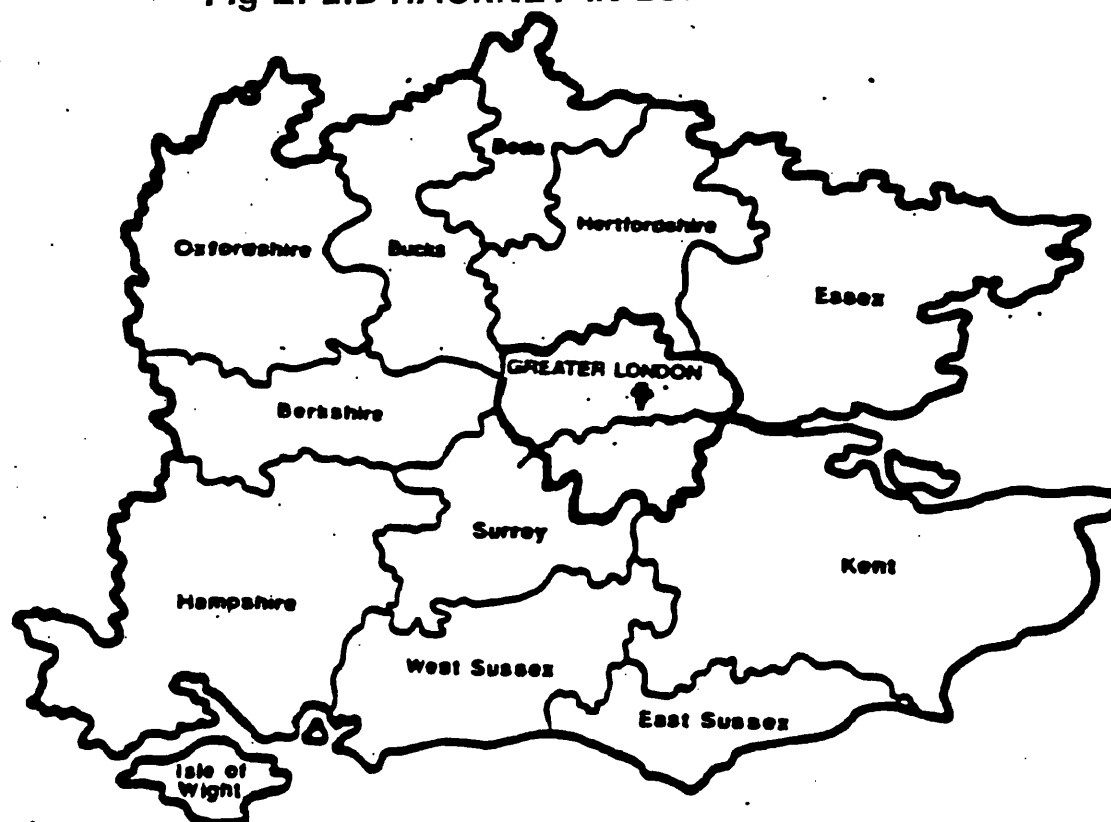


Fig 3: L.B HACKNEY IN REGIONAL CONTEXT

Source: (Hackney UDP Public Inquiry Context Proof, 1993)

Existing Conservation Areas in LB Hackney

1. Clapton Square
Central - 1969
Extended - 1991
2. Clapton Pond
1971
3. De Beauvoir
Central - 1971
Extended south - 1977
Amended - 1998
4. Clapton Common
1972
5. Clissold Park
1972
6. Albion Square
1975
7. Victoria Park
1977
Amended - 1994
8. Hoxton Street
1983
9. Stoke Newington
1983
Cemetery - 1985
10. Queensbridge Road
1985
11. Fremont and Wamelord
1986
12. Stoke Newington Reservoirs,
Filter Beds and New River
1986
13. Sun Street
1987
14. Underwood Street
1990
15. South Shoreditch
1991
16. Shoreditch High Street
1991
17. Broadway Market
1995
18. Town Hall Square
1995
19. Graham Road and
Mapledene
1997
20. Kingsland
1998
Amended - 1998

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London Borough of Hackney LA06836X (1999)

Conservation Area Atlas - Edition 1 **Fig 4**
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→ Hackney

CHAPTER 3

3.0 CONSERVATION IN HACKNEY

INTRODUCTION

This chapter examines the conservation areas in Hackney. Since Hackney is the main case study the characteristics of each of the borough's 20 conservation areas is discussed. This will be followed by an examination of Hackney Council's Unitary Development Plan policies and design guidance on conservation areas. The aim of this is to find out firstly if national policies on conservation are interpreted to suit local circumstances in the Local Plan.

This chapter will also present photographs that reveal how many of Hackney conservation areas have been preserved and whether the legislation on conservation areas has been effective. (In this chapter the Hackney Unitary Development Plan is referred to as the Hackney UDP.).

3.1 HISTORICAL BACKGROUND OF HACKNEY

Hackney is an inner London borough located in the north eastern sector of London. It is bounded by the London Boroughs of Waltham Forest, Tower Hamlets, the City of London, Islington and Haringey. It has a pivotal geographical position in London since it is located between the fringe of the City of London, the higher income inner north west London and the poorer eastern London Boroughs and the London Docklands. Hackney has many architectural, historic buildings and attractive landscape features comparable with any Central London borough. There are also large areas of dereliction and poor environment (Hackney UDP, 1995).

In the 1930s the large scale slum clearance programmes which continued into the 1970s resulted in the comprehensive redevelopment of large parts of the borough. The building of new estates completely changed old street patterns, homes, workplaces and historic buildings. Modern development includes large scale offices in South Shoreditch and private housing.

Hackney's employment structure varies from that of many Boroughs in that it has retained many of its traditional industries like furniture, clothing and footwear. The Broadgate office development (which was partly within Hackney until the 1994 boundary changes) has attracted workers into Hackney from London and the South East (Hackney UDP, 1995).

Unemployment in Hackney is more than twice the level found in Greater London. The unemployment rate in Hackney in 1994 was 23.9% compared with an unemployment rate of 10.1% for Greater London (Hackney UDP, 1995). The increase in poverty and unemployment, together with poor housing, educational disadvantages, poor health and poor transport has culminated in conditions of multiple deprivation for many residents. This combination indicator has shown Hackney to be one of Britain's poorest boroughs (Hackney Local Plan Deposit Draft, 1986).

3.2 HACKNEY'S ENVIRONMENT

Despite Hackney's poor economic characteristics, its environment and townscape qualities are rich in comparison. The London Borough of Hackney has a townscape that contains many areas of architectural quality and historic interest. For example, there are 18 London squares, churches, sites of archaeological interest and 1,130 statutory listed buildings and 1,211 buildings on its own local list. Hackney also has an impressive range of open water features like Springfield Park, the Lee Valley, Regents Canal and Lee Navigation, as well as Stoke Newington Reservoir and the New River.

PLATE 1: CLAPTON SQUARE CONSERVATION AREA



PLATE 2:



Source: LONDON BOROUGH OF HACKNEY – Author's photographs (1998)

PLATE 3: DE BEAUVOIR CONSERVATION AREA



PLATE 4: ALBION SQUARE CONSERVATION AREA



Source: LONDON BOROUGH OF HACKNEY – Author's photographs (1998)

PLATE 5: *STOKE NEWINGTON CONSERVATION AREA*
showing a typical Restaurant Shop Front



PLATE 6: *STOKE NEWINGTON RESERVOIRS*
The Castle Climbing Centre



Source: LONDON BOROUGH OF HACKNEY – Author's photographs (1998)

PLATE 7: STOKE NEWINGTON RESERVOIRS
The Primary Filtration Building



PLATE 8: THE WEST RESERVOIR – STOKE NEWINGTON



Source: LONDON BOROUGH OF HACKNEY – Author's photographs (1998)

PLATE 9: STOKES NEWINGTON – FORMER FILTER BEDS
Now a new housing development – Myddelton Grange



PLATE 10: MYDDELTON GRANGE – Existing water feature retained



Source: LONDON BOROUGH OF HACKNEY – Author's photographs (1998)

3.3 HACKNEY'S CONSERVATION AREAS

In Hackney some 20 conservation areas have been designated. The conservation areas in Hackney consist of open spaces rather than buildings of special architectural and historic interest. Many of the conservation areas in Hackney have an immediate contact with a square, park or piece of open land. The conservation areas in Hackney are:-

- i. Clapton Square
- ii. Clapton Pond
- iii. De Beauvoir
- iv. Clapton Common
- v. Clissold Park
- vi. Albion Square
- vii. Victoria Park
- viii. Hoxton Square
- vix. Stoke Newington
- x. Queensbridge Road
- xi. Fremont and Warneford
- xii. Stoke Newington Reservoirs, Filter Beds and New River
- xiii. Sun Street
- xiv. Underwood Street
- xv. South Shoreditch
- xvi. Shoreditch High Street
- xvii. Broadway Market
- xviii. Town Hall Square
- xiv. Graham Road and Mapledene
- xx. Kingsland

i. CLAPTON SQUARE

Clapton Square Conservation Area extends north from Amhurst Road through Mare Street to Lower Clapton Road as far as the Round Chapel. It measures eight hectares in size and was the first area to be designated in 1969 and was later extended in 1991. It was

designated because of the historic and townscape qualities of the locality and to prevent unsympathetic developments in the area.

The central part of this conservation area is dominated by Clapton Square and the grounds of St John's Church which contains listed structures such as the railings to Clapton Square and also the Grade I listed St Augustines Clock Tower and the old Town Hall in Mare Street. The area immediately north and west of Clapton Square comprises predominantly terraced residential properties, many of which are statutorily listed. To the east, there are a number of terraced commercial properties, beyond which lies the Grade II* listed Round Chapel and Sunday School (Grade II). The commercial uses on Lower Clapton Road continue along the Narrowway (upper section of Mare Street). The far eastern section of this conservation area is characterised by residential dwellings along Sutton Place and close by is Sutton House on Homerton High Street, a Grade II* listed building (Hackney's oldest domestic building).

ii. CLAPTON POND

This conservation area is located close to the junction of Lower Clapton Road with Lea Bridge Road and Kenninghall Road. It centres around Clapton Pond itself. The size of this area is approximately two hectares. It was designated in 1971 for its attractive area including the trees, pond (and birds). This conservation area contains a group of listed buildings on the east side, including the Bishopswood Almshouses originally built in the late 17th Century (Hackney Local Plan Supplementary Planning Guidance Note, 1989).

iii. DE BEAUVOIR

De Beauvoir Conservation Area extends north from Ballspond Road to Downham Road in the south. Its west and east boundaries are demarcated by Northchurch Road and Hertford Road. The area covers 41.6 hectares. De Beauvoir Central and South Conservation

Areas were declared in 1971 and 1977. The central area focuses on De Beauvoir Square. De Beauvoir Town was the first large scale housing development built to a formal plan in Hackney. The square is included on the Schedule of London Squares as being worthy of statutory protection. The houses were designed in Tudor-cum-Jacobean style and show a number of interesting features, such as shaped gables, sculptured chimneys and windows with lozenge-patterned leaded lights. De Beauvoir South comprises a simpler style and scale of buildings such as Benyon Cottages in Hertford Road. These semi-detached houses date from 1839 and depict an Italianate style as applied to modest early Victorian housing.

iv. CLAPTON COMMON

This Conservation Area extends from the junction of Clapton Common in Castlewood Road and south to the boundary of Clapton Common with Springfield Park. It spans an area totalling five hectares. Clapton Common Conservation Area was designated in 1972 and focuses on the Common, including also the five groups of Georgian buildings known as Clapton Terrace. The area immediately in front of this terrace is protected as a London square.

v. CLISSOLD PARK

The Clissold Park Conservation Area comprises the public open space bounded by Stoke Newington Church Street, Queen Elizabeth's Walk, Lordship Park Road junction with Green Lanes. It is located in the north west of the borough and spans an area of approximately 27 hectares. This area was designated in 1972 for its scenic beauty. Clissold Park includes two parish churches, the Town Hall and a number of adjoining listed buildings. The planted area in front of 207-228 Stoke Newington Church Street, a crescent shaped terrace of listed building, is further protected as a London square.

vi. ALBION SQUARE

Albion Square Conservation Area spans an area of five hectares. It is situated in the north of the Borough and bounded by Middleton Road to the north, Queensbridge Road to the east, Kingsland Road to the west and Scriven Street to the south. The conservation area includes Albion Square, itself and Stonebridge Common, both of which are scheduled London squares. The surrounding residential properties comprise pairs of semi-detached houses dating from the 1840s built of yellow or grey stock brick with stucco dressings and classical decorative features.

vii. VICTORIA PARK

This Conservation Area extends from the junction of Well Street with Cassland Road to Gore Road close to the boundary of Victoria Park. Victoria Park itself is within the London Borough of Tower Hamlets. The Victoria Park Conservation Area totals 53 hectares. Hackney and Tower Hamlets jointly designated this conservation area in 1977. The conservation area includes fine sweeps of 19th Century terraced houses, Well Street Common and St John of Jerusalem Church. The gardens formed by the crescent in Cassland Road are protected by an Act of Parliament as a London square.

viii. HOXTON STREET

Hoxton Street Conservation Area is situated in the south of the borough. It measures approximately three and a half hectares in size. This conservation area was designated in 1983 and includes the shopping frontage and other remaining 19th Century buildings. This area contains some fine Victorian shopfronts, together with some listed buildings. The overall character of the area is derived much from the scale of buildings and the use of traditional materials and from the unique qualities of individual buildings.

vix. STOKE NEWINGTON

This Conservation Area is located in the north of the borough and extends from the Clissold Park Conservation Area along Church Street and includes substantial parts of the High Street as well as the whole of the Abney Park Cemetery. The Stoke Newington Conservation Area spans an area of approximately 23 hectares. It is a predominately commercial area as it covers part of Stoke Newington Town Centre, but also contains residential uses and a number of listed buildings.

x. QUEENSBRIDGE ROAD

Designated in 1985 and spanning an area totalling four hectares, this area is located in the south of the borough and extends along the east side of Queensbridge Road between Dalston Lane and Brownlow Road. The Queensbridge Road Conservation Area is characterised by mid-Victorian terraced houses and villas on the east side of Queensbridge Road. The majority of houses were constructed between the 1850s and 1870s. The area has suffered some decline as a result of a number of unsympathetic developments. Queensbridge Road is a busy road, also reducing the pleasantness of this area.

xi. FREMONT AND WARNEFORD

This conservation area is located in the south of the borough close to the Victoria Park Road junction with Mare Street and the Mare Street junction with Tudor Road. This conservation area measures two and a half hectares and was designated in 1986 as an exemplary survival of the Victorian suburbs that were developed in Hackney during the second half of the 19th Century. Fremont and Warneford Streets are mainly residential in nature. There have been a number of unsympathetic developments that took place in the locality before its designation as a Conservation Area. Some of these developments

include mansard roofs and the loss of cornices and eaves in some houses.

xii. STOKE NEWINGTON RESERVOIRS, FILTER BEDS AND NEW RIVER

Stoke Newington Reservoirs, Filter Beds and New River Conservation Area as its name suggests centres upon water. This area is located in the north of the borough and includes the course of the New River from the borough boundary on Green Lanes to the East Reservoir and includes both the East and West Reservoirs, together with the adjoining Myddleton Grange housing development (former Filter Beds site) on the west side of Green Lanes. The area measures 35 hectares and was designated in 1986. A number of listed buildings are included in this area such as the Castle Climbing Centre (former Castle pumping station) and the primary filtration building. The area is of outstanding character, unique in Hackney and is of great historical importance, relating to the water supply of North London since the 17th Century.

xiii. SUN STREET

This area is located at the extreme southern end of South Shoreditch. It is a small area measuring one hectare. It was designated in 1987 and comprises a terrace of early 19th Century buildings fronting the north side of Sun Street. The area demonstrates a mixture of early 19th Century domestic buildings with mid to late 19th Century commercial and industrial premises characteristic of this area. Conservation Area status was considered necessary to safeguard those buildings of architectural merit that were at risk from redevelopment.

xiv. UNDERWOOD STREET

The Underwood Street Conservation Area is located in the south of the borough between Murray Grove and Nile Street junctions with Shepherdess Walk. It spans an area of two hectares in size and was designated in 1990. This part of the borough was considered necessary for designation as a conservation area to protect it from development pressure from the City. It is known as the "City Fringe" and under great pressure from expansion of the City functions. The buildings follow a uniform and unbroken building line and have similar overall heights. The buildings in this area are also unusually tall in relation to the width of the streets. These characteristics give the area a canyon-like appearance, which gives a strong sense of enclosure and overlooking. Some of the features include high level doors and loading bays opening directly onto the street wall, served by projecting cranes, typical of industrial and warehouse buildings. Most recently due to the surplus of vacant office floorspace, the buildings have planning approval for loft apartments and live/work use.

xv. SOUTH SHOREDITCH

This Conservation Area is situated in the south of the borough and extends from the Old Street junction with Curtain Road to Worship Street. It measures 21.5 hectares in area and was designated in 1991. Hackney Council considered it necessary to designate this a conservation area in order to control and influence the pressures for development and to be able to ensure high standards of design which will respect the character of the area. This area is the borough's main employment area and most of the premises are commercial in nature. Many of the premises are still in industrial use such as printing, furniture and dress making. The streets are relatively straight and narrow and the buildings commonly three to five storeys high.

xvi. SHOREDITCH HIGH STREET

This Conservation Area is located very close to the South Shoreditch Conservation Area. The central part of the High Street is excluded primarily because it contains some unsympathetic developments. The size of this area is approximately 0.8 hectares and was designated in 1991 to protect the area from unsympathetic developments. The character of the area is "mercantile" in nature, with many of the original commercial and industrial buildings surviving. The buildings are mainly three and four storeys and wall cranes and loading bays for furniture to be hoisted up can be seen today.

xvii. BROADWAY MARKET

This conservation area is located along the Broadway Market and includes Dericote and Croston Streets. The area measures 3.7 hectares and was designated in 1995. The pattern of streets and places are broadly formed by streets leading off Broadway Market. Development is mainly two and three storeys. There are four broad areas of character within this area. Broadway Market is a street of shops with a street market held on certain days. Dericote and Croston Streets are characterised by early Victorian terraced housing fronting onto London Fields. In Broadway Market itself, building frontages immediately adjoin the back of the pavement along the street creating a tight sense of enclosure. The shopfronts are wooden in nature with upper floor elevations of yellow stock brick and parapets with concealed roofs. Many shopfronts have been replaced with some of the very poor quality.

xviii. TOWN HALL SQUARE

The Town Hall Square Conservation Area adjoins the Clapton Square Conservation Area. It extends from the junction of Graham Road with Mare Street to the junction of Mare Street with Brenthouse

Road. It was designated in 1995 and covers approximately 3.9 hectares. It was designated as it contained buildings of architectural merit. It includes the Town Hall Square which is characterised by the three storey 1930s art deco Town Hall, the architectural style of which is continued in the ornamental gardens in the centre of the square and Hackney Empire. The properties on the northern and southern sides of the square include the Central Hall and other Edwardian civic buildings.

xiv. GRAHAM ROAD AND MAPLEDENE

This area is located in the middle of the southern half of the borough. To the north are Hackney Downs and Shacklewell. To the west are Dalston and De Beauvoir, Haggerston is to the south and Hackney itself is to the east. It measures 54.9 hectares in area. It was recently designated in 1997. This area was considered worthy of designation as it contains buildings with distinctive characteristics, such as the continuous lines of the roofscape, slate roofs with a variety of stucco details. The area is predominantly residential in nature. There is a remarkable homogeneity in the houses and a variety of architectural details. Many developments have a distinct and individual presence, like the 20th Century block of the German Hospital.

xv. KINGSLAND

The Kingsland Conservation Area starts north of the junction of Old Street and the Hackney Road where there is a distinct change in scale and character between the encroaching City, its office developments and the cohesive urban grain of the townscape of Kingsland Road. It was designated in 1998 and has an area of 59 hectares.

This conservation area is divided into six zones as set out below:-

- The City Fringe - It is defined as part of Kingsland Road from Old Street and Hackney Road junction up to the junction of Falkirk and Cremer Street boundary. Almost all the shops in this part of Kingsland Road are associated with import, export and wholesale business for the clothing and shoe industry.
- The Market Zone - This is the area from the Crescent to Dalston Town Centre. It is quite a mixed use commercial zone with a street market.
- The Crescent Zone - This mainly consists of B1 office and light industrial uses within the Georgian buildings of the Crescent. It also includes the former Metropolitan Hospital site and buildings that now houses light industrial warehouses and small businesses.
- Canal Zone - This zone is from the library to the Crescent. This is an industrial area with an emphasis on large yards for the sale and storage of building materials and timber. It has some office and light industrial buildings in use.
- Museum Zone - This area includes the Geffrye Museum, St Leonards Hospital, Columba's Church, Vicarage, Sisters Home and School, the Health Centre, library, mosque and a 1930s six storey industrial building next to the mosque. The rest of the area is made up of mid-19th Century three storey buildings that are mainly residential above a mix of A1, A2 and A3 uses.
- Dalston Town Centre Fringe Zone - This stretches from Forest Road to Dalston Town Centre. This is a more intense commercial zone of activity with larger national retail chain stores. The upper floors are primarily residential.

**Fig. 5 : Conservation Areas, Listed Buildings, Open Spaces and
Squares in Hackney**

| | Statutorily Listed Buildings | Locally Listed Buildings | Open Spaces | Squares |
|----------------------------------|---|---|------------------------|----------------|
| Clapton Square | 19 | 20 | 2 | 0 |
| Clapton Pond | 9 | 0 | 1 | 0 |
| De Beauvoir | 41 | 48 | 0 | 1 |
| Clapton Common | 14 | 0 | 1 | 0 |
| Clissold Park | 18 | 9 | 1 | 0 |
| Albion Square | 12 | 0 | 0 | 2 |
| Victoria Park | 18 | 3 | 2 | 1 |
| Hoxton Street | 19 | 5 | 0 | 0 |
| Stoke Newington | 28 | 10 | 2 | 0 |
| Queensbridge Road | 43 | 6 | 0 | 0 |
| Fremont & Warneford | 0 | 0 | 0 | 0 |
| St. New Reservoirs | 3 | 3 | 4 | 0 |
| Sun Street | 0 | 0 | 1 | 0 |
| Underwood Street | 0 | 0 | 0 | 0 |
| South Shoreditch | 8 | 9 | 0 | 1 |
| Shoreditch High Street | 0 | 4 | 1 | 0 |
| Broadway Market | 47 | 8 | 1 | 0 |
| Town Hall Square | 12 | 4 | 0 | 1 |
| Graham Road and Mapledene | 31 | 69 | 0 | 0 |
| Kingsland | 18 | 9 | 2 | 0 |
| | | | | |
| TOTAL | 340 | 207 | 18 | 6 |

Statutory Listed Buildings –Buildings of national significance

Locally Listed Buildings – Buildings of local significance

Source: LONDON BOROUGH OF HACKNEY

3.4 POLICIES IN HACKNEY

The Hackney Unitary Development Plan which was adopted in June 1995, puts forward proposals for the development and use of land and sets out the Council's policies for the determination of planning applications. Hackney's policies on conservation areas are embodied within the "Environmental Quality" chapter of the Hackney UDP.

Policy EQ11 - Conservation Area Guidance states that "the Council will formulate positive schemes for the preservation and enhancement of designated conservation areas on a progressive basis as staff resources permit" (Hackney UDP, 1995). It was noted in paragraph 1 of the justification that the Council is required, under Section 71(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to produce schemes, which preserve and enhance its conservation areas.

The Council's justification of Policy EQ11 confirms that not all the buildings and spaces within conservation areas contribute positively to the environment. This is largely due to unsympathetic and out of scale new developments, vacant sites and poor street environment such as a unauthorised advertisements and buildings in a state of disrepair. The Council seeks to address the above issues where staff resources are adequate, in discussion with local residents, businesses and interested local and national organisations and will seek the necessary funding from English Heritage through conservation and partnership schemes.

Policy EQ12 - Protection of Conservation Areas - this policy states that "the Council will only permit development proposals within, adjacent to, or affecting a conservation area which would preserve or enhance its character or appearance" (Hackney UDP, 1995).

Policy EQ13 - Demolition in Conservation Areas - This policy states that "the Council will normally grant conservation area consent to

demolish or partially demolish non-listed buildings in conservation areas:-

- (a) where the proposed replacement building, other development or vacant site would preserve or enhance the character or appearance of the conservation area; and/or where demolition is considered acceptable and there are satisfactory proposals for redevelopment of the site, conservation consent will be granted concurrently with full planning permission. This consent will either be conditional upon the making of a contract for the works necessary to implement the approved redevelopment scheme as one operation or subject to a legal agreement to secure the same objective;
- (b) where the proposed replacement building, other development or vacant site would preserve or enhance the character or appearance of the conservation area. (Hackney UDP, 1995).

The justification of this policy explains that since the demolition of even one building would harm the conservation area, the Council will require that an application for the demolition or partial demolition of any building or structure in a conservation area is submitted for consideration.

Policy EQ14 - Alterations and Extensions of Buildings in Conservation Areas - This policy states that "the Council will permit proposals for alterations and extensions to buildings in conservation areas where they comply with Policies EQ1, 5, 6, 7, 11 and 12.

- (a) Where they preserve or enhance the character or appearance of the area: They should normally be confined to the rear or least important facades and should not upset the scale or proportions of buildings or adversely affect the character, appearance or setting of neighbouring buildings;
- (b) They preserve (or, where missing, reinstate) characteristic features such as doors, windows, roof details (e.g. chimneys, chimney pots, roof line and pitch) and party wall upstands even where these elements may be redundant.

Where roof extensions are acceptable in principle they should accord with the period and character of the building(s) and the surrounding area.

Roof extensions will not normally be acceptable where they would harm the architectural integrity of a building or the unity of a group or terrace." (Hackney UDP, 1995).

The justification for this policy explains that when considering proposals for extensions within a conservation area the considerations to be taken into account will include whether the proposals for alterations or extensions will preserve or enhance the area. The removal of traditional features will not normally be encouraged. Any roof extensions that break the roof line of the terrace would not normally be acceptable.

Policy EQ15 - Designation of New Conservation Areas - The policy states that "the Council will designate further conservation areas, on a progressive basis, as staff resources permit. Areas will normally be designated if, after detailed study, they are considered to represent important historical examples of any of the following:-

- (a) Town centre and village cores;
- (b) Residential areas
- (c) Open spaces and their settings
- (d) Industrial heritage. (Hackney UDP, 1995).

The Council intends to increase the protection of Hackney's heritage by designating more conservation areas.

3.5 DESIGN GUIDANCE

A Design Guide provides planning guidance to developers and householders on the type of design and development considered to be appropriate in the conservation area. It is meant to provide general guidelines for the development proposals and also provide

Fig 6

The rhythm of the street in De Beauvoir Town

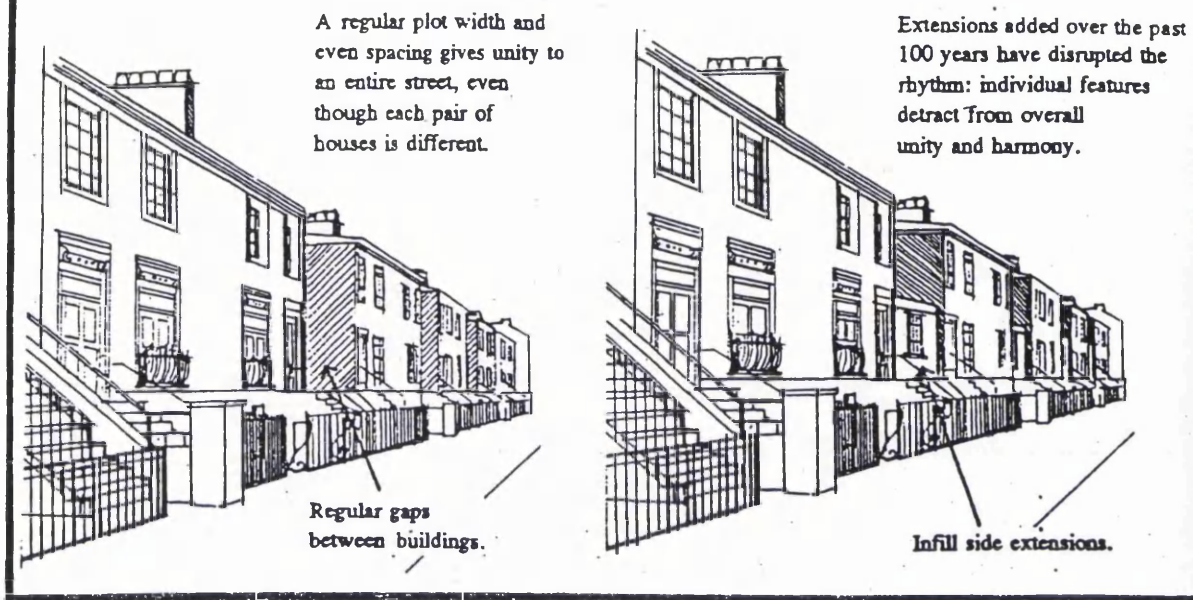
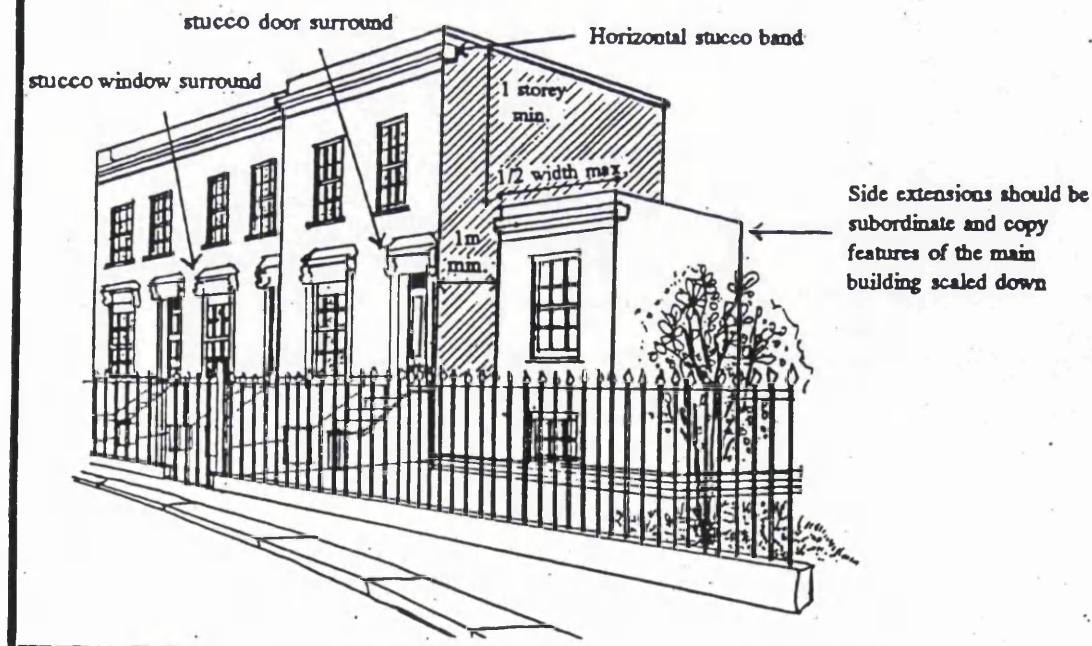


Fig 7

Proportions for side extensions in De Beauvoir Town.



technical advice on developments. It is intended to be utilised in conjunction with the Hackney UDP. (De Beauvoir Design Guide, 1988).

The De Beauvoir Conservation Area Design Guide

In Hackney the only design guidance available to developers, householders and members of the public is the De Beauvoir Conservation Area Design Guide produced in 1992. This indicates the preferred development treatment for side, rear and front extensions, roof forms, door and windows, external finishes, conservatories, out buildings on corner properties, trees, demolition, satellite dishes and external works like crossovers and hardstandings.

No other design guides have been produced as a result in shortage of conservation staff.

Side Extensions

Extensions to the side of an existing building can have a major impact on the streetscene. The balance and rhythm of terraces can be destroyed by unsuitable side extensions. There are instances where characteristic gaps between buildings contribute to their historic character and infill side extensions are not normally acceptable. The De Beauvoir design guidance clearly states the following:-

1. Side extensions should be one storey less than the full height of the main building.
2. Side extensions should be set back from the elevation of the building.
3. Further extensions will not usually be permitted in corner properties where side extensions have not been set back.
4. The width of side extensions should not normally be more than half the width of the main building.
5. In a group of properties with basements, extensions should be built from lower ground level.

6. Materials and detailing of extensions should match that of the main building.
7. Garages in side extensions will not normally be acceptable.

Rear Extensions

Rear extensions in conservation areas are required to follow the scale and form of other appropriate traditional rear extensions on the adjoining properties.

The design guide sets out the following requirements:-

1. Rear extensions should be one storey less than the total height of the main building and should not cause loss of lighting, overlooking and overshadowing to residents of adjoining properties.
2. Rear extensions should have half the width of the main building.
3. Original windows and doors on the main building should be retained.
4. Proposed rear extensions should follow appropriate precedents in the immediate vicinity.

Front Elevations

The guidance explains that front extensions including porches are not acceptable as they generally detract from the character of the conservation area.

Roof Design

Front and rear roof extensions are considered detrimental to the character of the conservation area. In cases where side and rear roof extensions may be acceptable, the guidelines state that:-

1. The roof form should be hidden from street level or view and behind the parapet.

2. Pitched roofs should not be visible from the street level view.
3. Hipped roof forms are not acceptable.

Roof terraces over rear extensions are not normally acceptable but there may be instances where they can be considered. Such instances include the overall effect on the character of the area and effect in terms of overlooking.

Doors and Windows

Changes to window and door opening size constitute partial demolition for which conservation area consent is required. The design guide states that "replacement doors to the entrance of main buildings must copy the design and materials of the original door including details such as fanlights". (De Beauvoir Design Guide, 1992).

With regard to windows the guide advises that windows should generally reflect the character of the existing windows of the main building. Aluminium and UPVC windows are not suitable in conservation areas and will not be granted planning approval. The guide advises that external finishes on buildings must be retained and external finishes should match the existing building. On the issue of conservatories they should normally be single storey, translucent and set back from the rear wall of the extension and not visible from the street. Advice given for outbuildings is that they should be only single storey and should have a roof profile matching that of the existing.

The design guide states that:-

"The Council will resist the creation of hardstanding for parking in front of dwellings as these would detract from the character of dwellings and the conservation areas as a whole."
(De Beauvoir Design Guide, 1992).

Boundary walls and fences are required to match existing original examples from adjoining properties with regards to tree works, all works to trees in a conservation area require six weeks notice to the planning division for proposed works to trees. The Council's arboricultural officer also provides advice on maintenance works and the removal of trees. The guidance advises developers to contact the planning division for the demolition of unlisted buildings or boundary walls in conservation areas, as this requires conservation area consent. Finally, the guidance explains that planning permission is required for satellite dishes on front elevations or roof slopes in conservation areas.

3.6 CONCLUSION

This chapter discussed the characteristics of the 20 Conservation Areas in Hackney, and the policies that relate to conservation areas in Hackney. This chapter has also revealed many important architectural features in Hackney's Conservation Areas.

In Hackney, both the conservation legislation and policies have been adopted as the Unitary Development Plan Policies have specific policies relating to the preservation and enhancement of the environment. Hackney has also gone a step further to consider seeking direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, to prevent conservation areas from development threats, although to date no Article 4 directions have been made.

It was evident in chapter three that Hackney had only produced one design guidance on De Beauvoir Conservation Area. This is because of the shortage of staff to produce these guidance notes. The Council however, in the process of preparing character appraisals or the Borough which are defined as concise and important elements of an area's character. This will also help in preparing design guidance when staff resources permit.

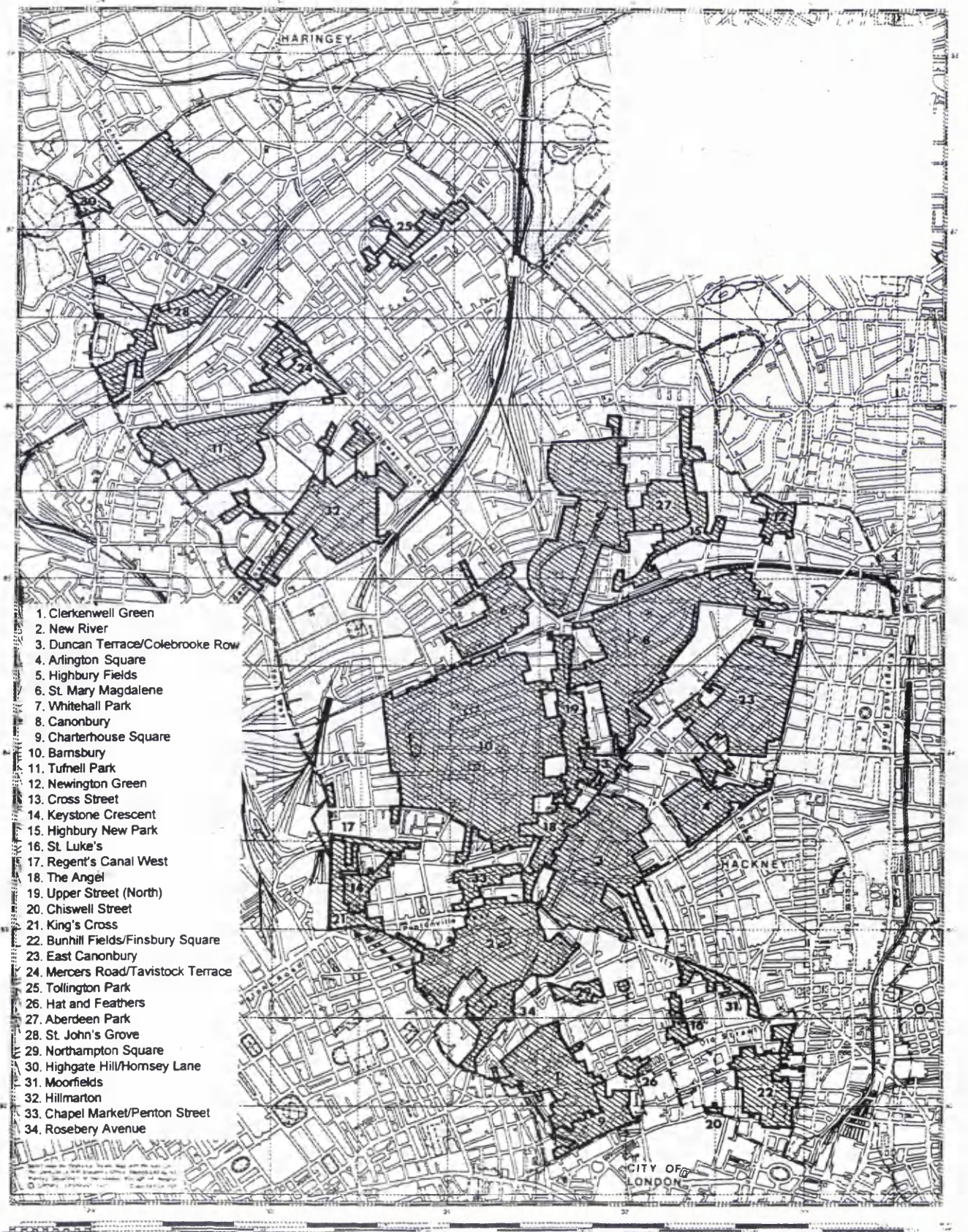
The Council has implemented the Agenda 21 since October 1995, and sustainable development, and has identified as its short-term aim to ensure protection and enhancement of open spaces, public squares, and roadside trees, together with identifying and preserving open spaces of historic value. Hackney has had a reputation for being one of the poorest and run down areas in London. However, the examination of the conservation areas has shown that Hackney has a distinctive environment that can be further improved if resources are made available.

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CHAPTER 4



CHAPTER 4

4.0 CONSERVATION AREAS IN ISLINGTON

INTRODUCTION

This chapter examines some of the conservation areas in Islington in order to evaluate whether conservation legislation has had any effect on "preserving" or "enhancing" Islington's conservation areas. The second part of this chapter examines the conservation policies in the Borough and to assess whether these policies are in line with national policy and guidance and whether the policies have contributed in "preserving" and "enhancing" the environment.

4.1 HISTORICAL BACKGROUND

Islington is one of the smallest boroughs in London with an area of approximately six square miles and has a population of 170,000. Almost half the land in this borough is residential. The Borough's residents include people from different ethnic origins with the gap between the rich and poor very marked. The prices of properties in the borough are beyond the reach of average households. The main street pattern in Islington can be traced back to the Middle Ages, when development was spreading from the northern part of the City and consolidating near the villages of Islington and Newington Green. Until 1800, Islington was a village surrounded by open countryside. After the expansion of London in the 1820s the residential areas of Barnsbury and Canonbury were built. Then in the latter part of the 19th Century the northern part of the borough was built over with residential terraces. The railway lines and roads were also constructed in this period (Islington UDP, 1994).

The borough has a legacy of fine historical buildings. There are 4,200 buildings of special architectural and historic interest in the borough. The buildings generally appear in good condition with 30% of the borough having conservation area status. Islington's attractive environment and its proximity to Central London has led to increased house prices and the inflow of rich and middle income residents living in the borough. There are also areas of dereliction and new buildings that are out of scale and character with the surroundings (Islington UDP, 1994).

4.2 ISLINGTON'S CONSERVATION AREAS

Islington is a borough of outstanding interest and character and presently has 35 conservation areas. The list of conservation areas are:-

- i. Clerkenwell Green
- ii. New River
- iii. Duncan Terrace/Colebrooke Row
- iv. Arlington Square

- v. Highbury Fields
- vi. St Mary Magdalene
- vii. Whitehall Park
- viii. Canonbury
- ix. Charterhouse Square
- x. Barnsbury
- xi. Tufnell Park
- xii. Newington Green
- xiii. Cross Street
- xiv. Keystone Crescent
- xv. Highbury New Park
- xvi. St Lukes
- xvii. Regents Canal West
- xviii. The Angel
- xviii. Upper Street
- xx. Chiswell Street
- xxi. King's Cross
- xxii. Bunhill Fields/Finsbury Square
- xxiii. East Canonbury
- xxiv. Mercers Road/Tavistock Terrace
- xxv. Tollington Park
- xxvi. Hat and Feathers
- xxvii. Aberdeen Park
- xxviii. St John's Grove
- xxviii. Northampton Square
- xxx. Highgate Hill/Hornsey Lane
- xxxi. Moorfields
- xxxii. Hillmarton
- xxxiii. Chapel Market/Penton Street
- xxxiv. Roseberry Avenue
- xxxv. Kingsbury Road

A map of these conservation areas is illustrated on plates 11-13.

As this is not the main case study, but used as a comparative study only, four of Islington's conservation areas will be discussed. The four conservation areas chosen are based on the large size, the conservation areas which cover the main thoroughfare of the borough and one containing the finest square in the Borough. This choice is representative of the conservation areas in Islington. These are New River, the Angel and Upper Street (North) and Canonbury Conservation Areas.

(i) New River Conservation Area

This conservation area is located in the south of the borough and includes the site of New River Head, with its historic industrial and water buildings and the Sadler's Wells Theatre. The size of this area is 31.85 hectares. It was designated in 1968 and reviewed in 1992.

This area was designated to safeguard the architectural character which includes some of the finest terraces and squares in the borough and the rare quality and consistency of scale, materials,

CANONBURY

CONSERVATION AREA



New River

Conservation Area

(CA No.2)



The Angel

Conservation Area

(CA No.18)

&

Upper Street North

Conservation Area

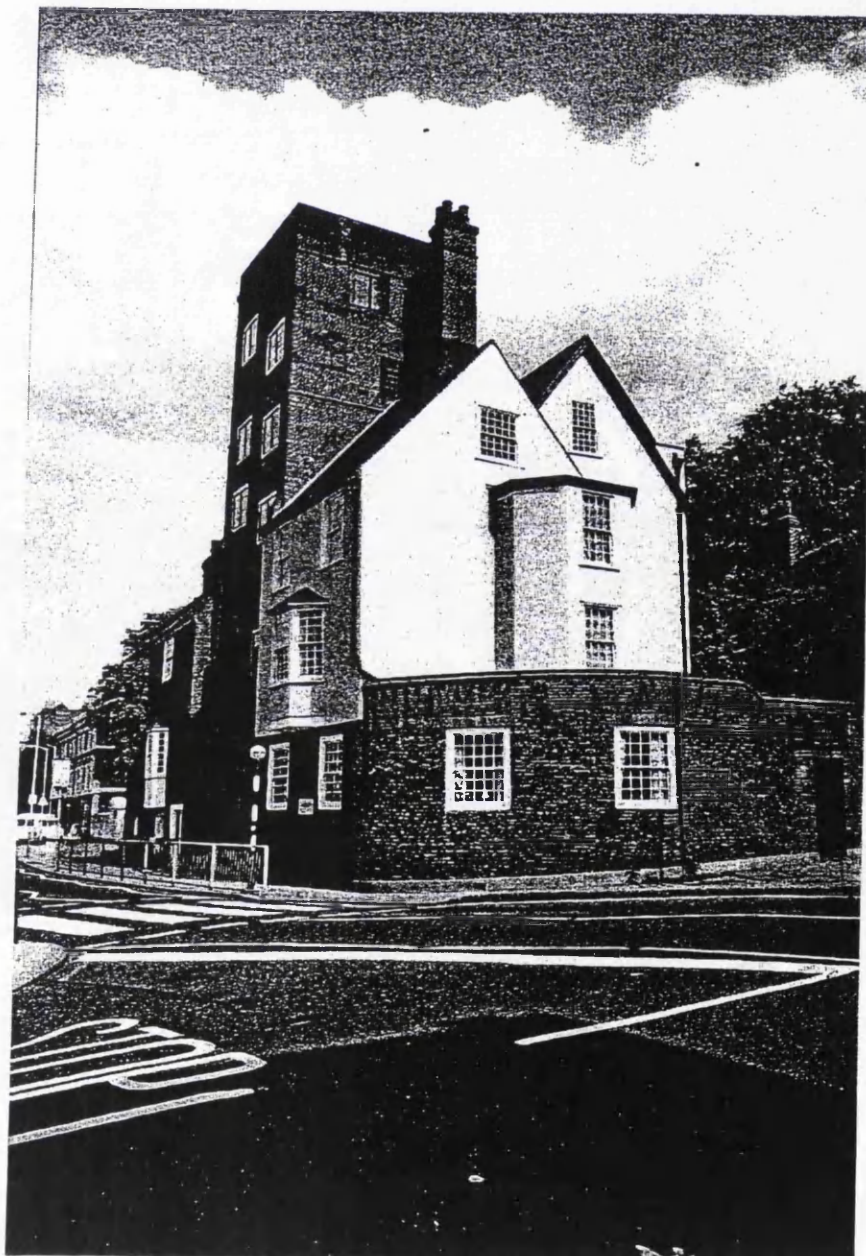
(CA No.19)



Canonbury

Conservation Area

(CA No.8)



design and detailing of its buildings. The character of the area is predominantly residential, even though there are shops on Amwell Street, St John Street, Arlington Way and King's Cross Road. Many of the properties still have original external and internal features. These include cast-iron balconies, timber sash windows, panelled front doors and stucco moulded window surrounds (Islington's Conservation Area Design Guidelines, 1996).

(ii) Angel and Upper Street (North) Conservation Area

These two conservation areas are situated in the south of the borough and cover the length of Upper Street, Islington's historic main thoroughfare. The Angel Conservation Area measures 7.62 hectares, whereas the Upper Street (North) Conservation Area measures 10.59 hectares. The Angel and Upper Street (North) Conservation Areas were designated in 1981 and 1985 respectively. Both areas were reviewed in 1991. The area was designated because of its lively and antique retail areas, which the Council seeks to retain. The general characteristics of the buildings area with narrow plot widths and a height of two, three and four storeys. The different heights and design at the roof and parapet level provides great visual interest. The Camden Passage area has low floor to ceiling heights and is in predominantly in retail use, mostly occupied by antique traders. The Passage is mostly pedestrianised and paved in York Stone (Islington's Conservation Area Design Guidelines, 1996).

(iii) Canonbury Conservation Area

This is located south of the Canonbury Viaduct and centres on Canonbury House and its famous tower. It was first designated in 1969 and extended in 1985 and again in 1991. This area was designated as many of its buildings are of architectural and historic importance and require sensitive policies for preservation and enhancement. The predominant land use in the area is residential and this is essential to the character of this area. Canonbury Square is one of the earliest and most impressive squares in Islington. The properties are mainly semi-detached mid-Victorian villas with large gardens and mature trees. The New River Walk is an important feature of the area, which has a rare and special character and appearance (Islington's Conservation Area Design Guidelines, 1996).

4.3 ISLINGTON'S CONSERVATION AREA POLICIES

Islington's Unitary Development Policies (1994) D18 to D35 set out the Council's conservation area policies. More detailed advice is also provided in the Conservation Area Design Guidelines document.

Islington's strategic objective for conservation areas is derived from the 1990 Act ie. "to conserve and enhance areas of special architectural or historic interest as key elements of Islington's character" (Islington UDP, 1995). Islington's Unitary Development

Plan policies on conservation are now examined.

Policy D18 - Conservation Areas - states that "The Council will designate or modify conservation areas as appropriate and will operate detailed policies, including those set out in paragraphs 12.4.6 to 12.4.44 below, in order to preserve and enhance the special character and appearance of each area.". Policy D19 - Land Use - states that "In considering applications for changes of use within conservation areas, the Council will have particular regard to maintaining their character. In particular:-

- i) "Planning permission will not be given in residential streets for non-residential uses, or the expansion or intensification of existing non-residential uses, where this would harm the overall residential character of the area."
- ii) "Within conservation areas with an industrial or commercial character, the Council will encourage a variety and mix of uses, and may require the maintenance or such uses where they exist at ground floor level".

Policy D20 - Control over Demolition - states that "The Council will seek to retain buildings and structures (including historic shopfronts) from the 19th Century and earlier, and will not grant conservation area consent for their removal unless special circumstances exist. Redevelopment of other buildings in conservation areas will be permitted where this preserves or enhances the appearance and character of the area".

Policy D21 - New Development - states that "The Council will seek to ensure that the design of new development within conservation areas is of a high standard and will normally require that new buildings and extensions to existing buildings should conform to the height and massing of existing buildings within the conservation area".

Policy D22 - New Development - states that "Plans and elevations, in appropriate detail, of proposed new buildings and their neighbours will normally be required in support of any application for new development or redevelopment in a conservation area. In addition the Council will normally grant "outline planning permissions within conservation areas".

The justification for this policy is to ensure that the character of the conservation area is retained.

Policy D23 - Materials - states that "In considering applications for extensions and refurbishment in conservation areas, the Council will normally require the use of traditional materials. For new developments materials should be sympathetic to the character of the area, in terms of form, colour, texture and profile".

The justification for these policies explains that the survival of 17th, 18th and 19th and early 20th Century mostly create the character of Islington's conservation areas buildings. These buildings were built using labour intensive construction methods, brick, render, timber for windows, slate/tile roofing and it is therefore vital that new buildings blend in with this character.

The policies go on to discuss the following:-

Policy D24 - Roof Extensions

Policies D25 & D26 - Side Extensions

Policy D27 - Rear Extensions

Policy D28 - Basements, Porches and Boundaries

Policy D29 - Consent will not be granted for the demolition or removal of any existing original porticos, porches or canopies. New porches will not normally be permitted, other than as reinstatement.

The justification for Policy D29 explains that original porticos, porches and canopies form an integral part of a building giving the building a unique architectural character which is necessary to preserve.

Policy D30 - Walls and Railings - states that "The Council wishes to see the preservation, retention and reinstatement of front boundary railings, boundary walls and traditional iron work in conservation areas.

The Council views railings as an important feature in many conservation areas and wishes that these be retained.

Policy D31 - Car Ports - states that "The Council will not permit new garages or car ports in advance of the building line in conservation areas.

The Council explains that cars parked in front gardens and garages have a damaging effect on conservation areas.

Policy D32 - The Overall Environment - states that "The Council will retain existing Yorkstone paving, granite kerbs and corner stones, east-iron coal-hole covers, cobbles and granite setts, and traditional items of street furniture where they are on the public highway, and will encourage private owners to retain and reinstate these features. The Council will also seek to improve the quality of paving, street furniture and open spaces in conservation areas.

The justification explains that street surfaces and furniture contribute immensely to the character of conservation areas and attempts should be made to preserve them.

Policy D33 - Advertisements - states that "The Council will not give advertisement consent for new advertising hoardings and boards and

will seek the removal of any erected without consent in conservation areas.

The Council views advertising hoardings as creating clutter and is a sign of lack of concern for an area.

The Regent's Canal

The Regent's Canal, which is part of the Grand Union Canal, runs through Islington. The entire canal, which runs within Islington and a majority of the canalside development, is within conservation areas.

The Council has two policies relating to development along this canal:-

Policy D34 - The Regents Canal - states that "Development will not normally be permitted which would:-

- i) reduce or restrict the surface area or the navigable waterway of the canal and canal basins; or
- ii) encroach on, cantilever or bridge over the towing path or waterway. This does not however apply to bridges whose sole purpose is to carry a path, services, road or railway over the canal.

The justification of this policy is to preserve the uniqueness of the canal and its setting.

The final policy on conservation areas is Policy D35 that states "Permanent moorings will not normally be permitted along the canal or within either of the two canal basins within Islington. Limited exceptions may be made for permanent non-residential moorings not accessed directly from the towing path where these do not interfere with navigation nor have a detrimental effect on amenity".

4.4 DESIGN GUIDANCE

The policies in Islington for conservation areas are very detailed and deal with land use and design issues. These policies are supported by more detailed advice for each conservation area known as the "Conservation Area Design Guidelines". This publication is available to members of the public for viewing or purchasing at ,3 a copy. There are also guidance leaflets on each of the 35 conservation areas available to residents and businesses free of charge.

The Islington Conservation Area Design Guidelines act as a supplement to the Islington Unitary Development Plan and their main aim is to assist in the practical application of Unitary Development Plan policies especially planning applications and appeals. The guidelines include policies on such matters including land use, demolition, roof extensions, rear extensions, shopfronts, railings, boundary walls, front and basement areas, trees, pavings, street furniture and advertisement hoardings.

The Guidelines set out instances where planning permission is required in conservation areas:-

1. Covering existing brickwork with render or pebble dash
2. Cladding any part of the building
3. Alterations or extensions to roofs
4. Erecting satellite dishes on flats, maisonettes or commercial properties.
5. Alterations to windows and doors.

Demolition or part demolition

The conservation area design guidelines also gives advice on how to maintain properties in conservation areas and trees in conservation areas. In each conservation area guideline, the Council clearly states what will be either acceptable or non-acceptable. In the New River Conservation Area the guidelines state the following:-

"The Council wishes to retain all Georgian and Victorian buildings in the area, and will only grant conservation area consent for their removal where there are special circumstances or where the proposal would preserve or enhance the character or appearance of the conservation area. In considering applications for extensions and refurbishment in conservation areas, the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area, in terms of form, colour and texture.

Special roof policies will be applied in the area as follows:-

Roof extensions will be permitted in accordance with the precise limitations set down as follows:-

| | | |
|--------------------|---|-------------------------------|
| Cumberland Gardens | - | 1-8 (cons), 10 |
| Lloyd Square | - | 3-10 (cons), 14-29 (cons) |
| Lloyd Street | - | 3-6 (cons), 9-11 (cons) |
| Prideaux Place | - | 8 |
| Wharton Street | - | 5-24 (cons), 26-47 (cons), 27 |

The Council wishes to see traditional railings, ironwork and front boundary walls retained. New railings should be to a pattern agreed as suitable for the area and painted black. There is also a list of alphabetical listings of all properties in conservation areas, in one document at the reception desk for members of the public.

4.5 CONCLUSION

This chapter has examined three of the conservation areas in Islington, and conservation policies in the borough. It is evident that the borough has a legacy of many fine architectural and historic buildings that are in a sound state. The Council has adopted the conservation legislation and national policies, as reflected in the Unitary Development Plan. The strategic objective of the Council's conservation areas policy, is to conserve and enhance areas of special architectural or historic interest.

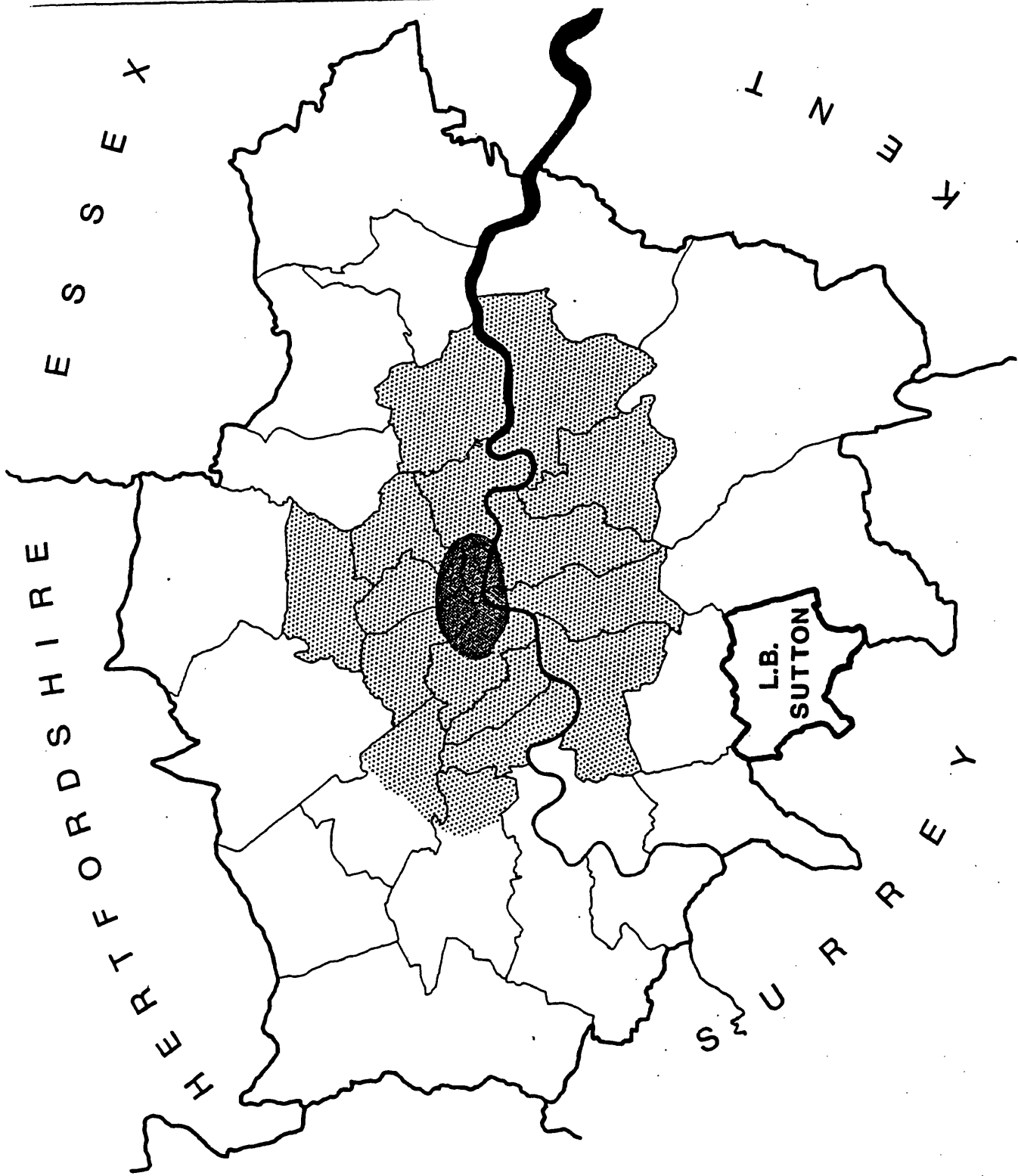
The conservation policies are very strong and detailed, and cover areas such as land use, materials, the overall environment, and car ports/garages. With regard to design guidance, this is the strength of Islington's conservation areas. It has produced a comprehensive set of Conservation Area Design Guidelines as a supplement to the Unitary Development Plan. The aim of this supplement is to promote and assist in the preservation and enhancement of conservation areas. Islington has also gone even further to produce design guidance leaflets on each of the 35 conservation areas, prepared in a more accessible format, and available free of charge to residents, developers, and the general public. In Islington, there was a conservation team consisting of two Conservation Officers, one Listed Buildings at Risk Officer, and one Conservation Area Partnership Officer. The next chapter will summarise the differences in policies and practices in the three boroughs, analyse the questionnaires, examine the appeal support for conservation areas, and the environmental benefits of conservation in the case study area: Hackney.

Islington has been involved in Local Agenda 21 in line with national policies.

CHAPTER 4 - REFERENCES

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2. London Borough of Islington (1996), Conservation Area Design Guidelines, A Supplement to the Unitary Development Plan, November, London
3. London Borough of Islington (1992), Chapel Market Conservation Area Design Guidance leaflet, March, 1992
4. London Borough of Islington (1993), Highbury Fields Conservation Area Design Guidance Leaflet, January, 1993
5. London Borough of Islington (1992), Duncan/Terrace/Celebrooke Row Conservation Area Design Guidance leaflet, November, 1992
6. London Borough of Islington (1994), New River Conservation Area Design Guidance leaflet, November, 1994

CHAPTER 5



SUTTON

LOCATION MAP

- Central London
- Inner London
- Outer London

Drawn
CMD

Date

OCTOBER 1991

NOT TO SCALE

North

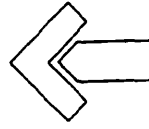


Fig 10

Source: (Sutton UDP, 1991)

SUTTON

LOCATION OF

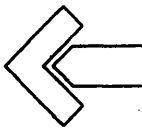
CONSERVATION AREAS
& AREAS OF SPECIAL
LOCAL CHARACTER

Conservation Areas ○

Areas of Special
Local Character △

Reproduced from Ordnance Survey
digital maps. Crown copyright reserved.

North
Drawn
CMD

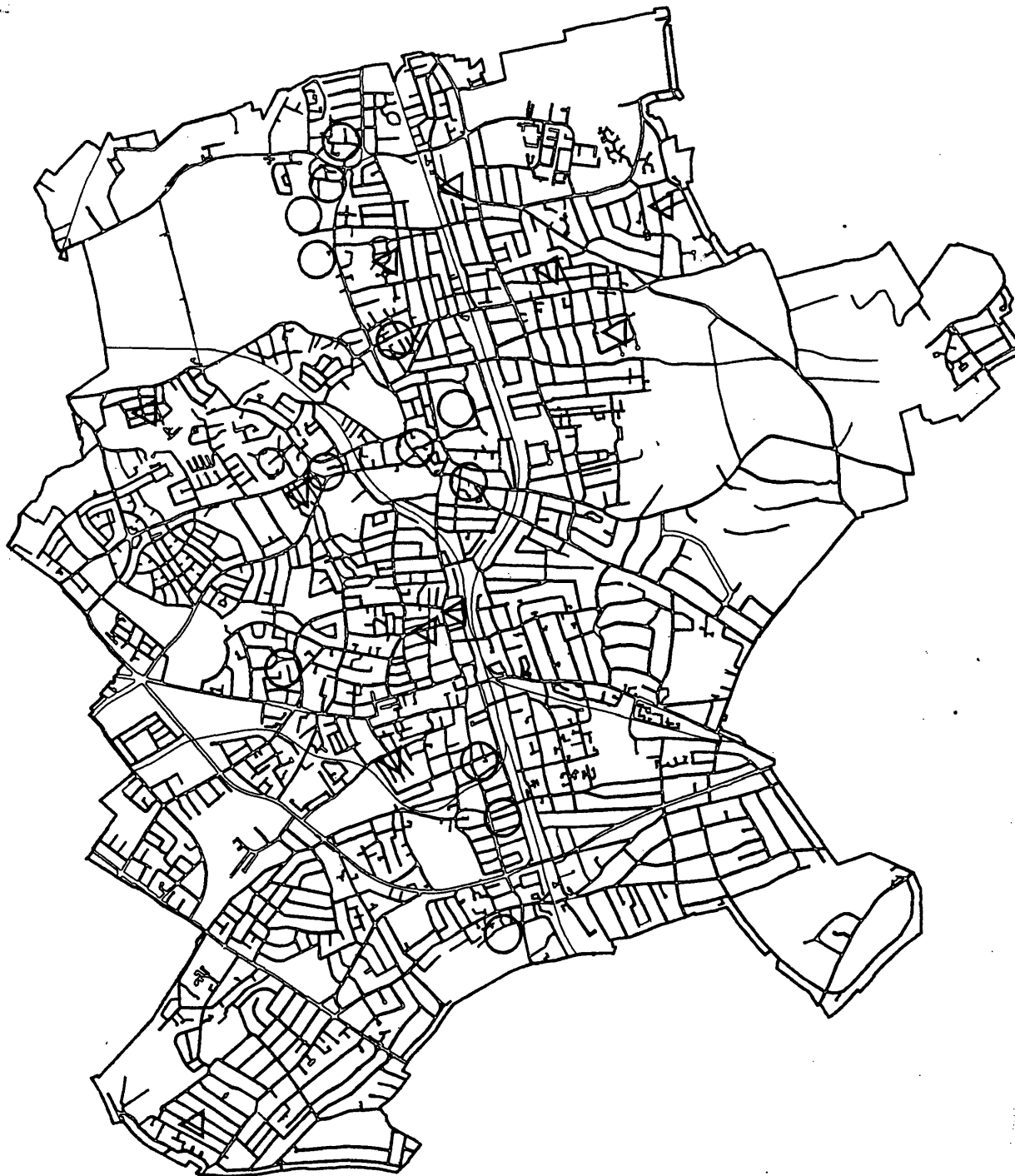


Date
Jan 1995

Scale
1 : 50 000

Fig 11

Source: (Sutton UDP, 1995)



CHAPTER 5

5.0 CONSERVATION AREAS IN SUTTON

INTRODUCTION

This chapter examines conservation areas in Sutton, policies and design guides on conservation areas. The aim is to assess the quality of conservation areas in the borough, and that the local policies are in line with national policy and guidance.

5.1 HISTORICAL BACKGROUND OF SUTTON

Sutton forms an integral part of London and the South East with its location on the urban fringe of outer South London. The borough is predominantly suburban, residential in nature and consists of extensive areas of open land of ecological, landscape and amenity value. It also has a built environment of architectural and historic significance. The mid-year estimate for 1993 indicated that 173,300 people were living in the borough, representing 2.5% of the population of Greater London (Sutton UDP, 1995). The borough spans an area totalling 4,342 hectares. The London Borough of Sutton was formed on 1 April 1965 after the amalgamation of the former Borough of Sutton and Cheam, the Borough of Beddington and Wallington and the urban district of Carshalton. The quality and attractiveness of the borough's residential areas and proximity to Central London, the attractive countryside and major growth areas centred on Gatwick and Heathrow airports have fuelled the market demand for housing. The economy is relatively buoyant with unemployment rates remaining among the lowest in London since the 1980s. Investment in new buildings and infrastructure is facilitating employment locally. Between 1981 and 1987 the number of people employed in the borough increased by 15%, compared with an average decline of 3.5% for other London boroughs. Between 1984 and 1987 male employment in the borough grew by 13% compared

with an average decline of 1.5% in Greater London (Sutton UDP, 1995).

5.2 SUTTON'S CONSERVATION AREAS

The London Borough of Sutton has 14 conservation areas namely:-

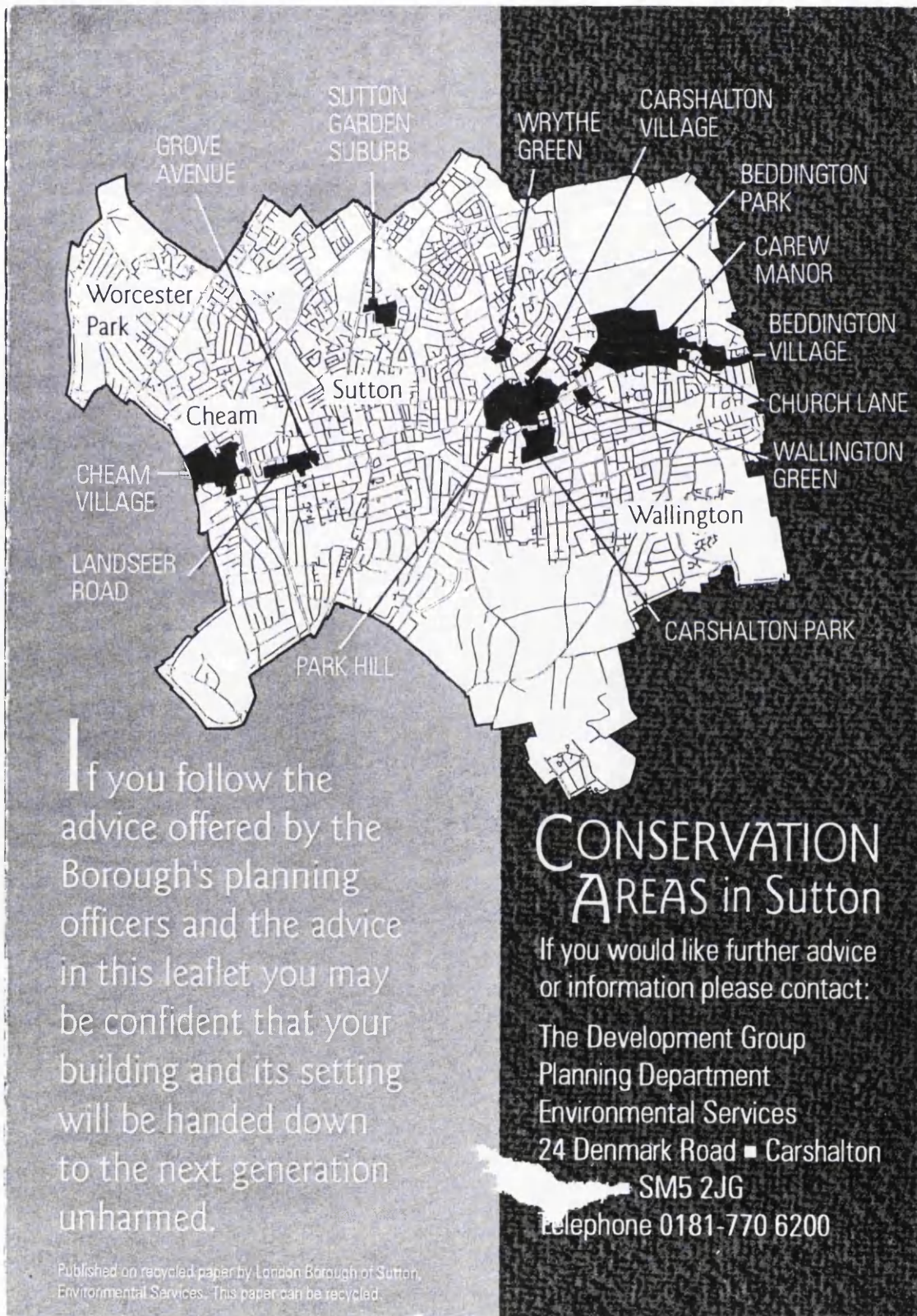
- i. Beddington Park
- ii. Carewmanor
- iii. Carshalton
- iv. Cheam
- v. Sutton Garden Suburb
- vi. Wallington Green
- vii. Wrythe Green
- viii. Carshalton Park
- ix. Grove Avenue
- x. Landseer Road
- xi. Park Hill
- xii. Beddington Village
- xiii. Church Lane
- xiv. Holy Trinity

As the study of Sutton's conservation areas is for comparison to Hackney, only three of Sutton's conservation areas will be examined.

These three represent the character of most of Sutton's conservation areas:-

Fig. 12

LONDON BOROUGH OF SUTTON CONSERVATION AREAS

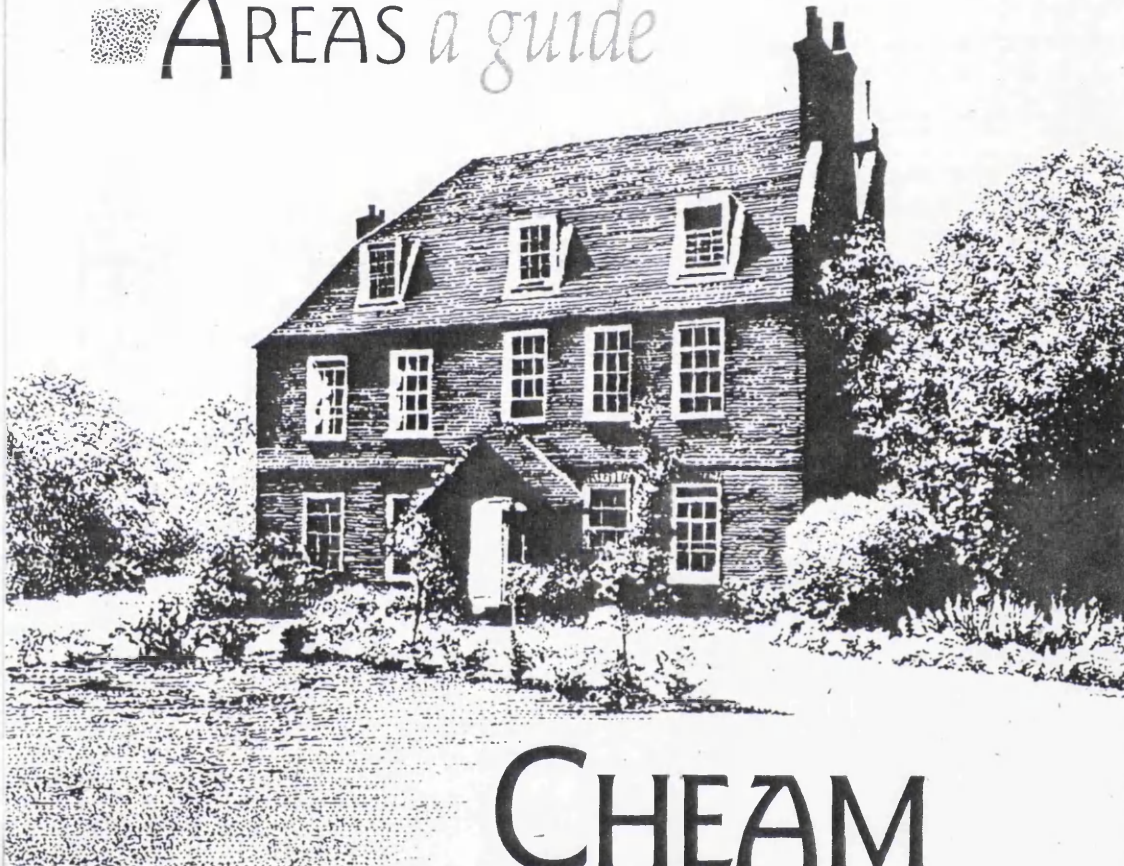


Source: (London Borough of Sutton, 1998)

Fig. 13

SUTTON CONSERVATION AREA GUIDES

CONSERVATION AREAS *a guide*



CHEAM VILLAGE

This advice leaflet is designed to inform residents, owners and shop owners of good design practice.

The aim is to ensure that all properties are well maintained and that any alterations made are sensitively designed, so that the heritage and value of Cheam Village can be protected.



Sutton

Source: London Borough of Sutton, 1998

PLATE 14: CHEAM CONSERVATION AREA - SUTTON



PLATE 15: THE WATER TOWER, CARSHALTON HOUSE



Source: LONDON BOROUGH OF SUTTON (1998)

(i) Cheam Village Conservation Area

This conservation area is located in the west of the borough and spans an area of approximately 2.22 hectares. It was designated in 1968 because it contained buildings of architectural and historic significance. Much of the character of the area exists in its original form. One of the oldest buildings in the area is the remains of the old church of St Dunstons, now known as the Lumley Chapel. This chapel dates back to the 12th Century and is a rubble stone building with rough cast finish and still in good condition. Whitehall is a fine, three gabled house in Cheam Village Conservation Area, located on the corner of Malden Road and Park Lane Road. It has been in existence since 1500 when it was originally built as a farmhouse. Many of the buildings in Cheam Village date back to the 17th Century, particularly those in Malden Road. "The Harrow" public house creates a focal point for the village given its central location. The frontage of the building remains unchanged since it was built 400 years ago. The character of this conservation area is predominantly residential with local shops.

(ii) Carshalton Park Conservation Area

This area is located in the centre of the borough and is 1.02 hectares in size. It was designated in 1993 as a result of its unique architectural character. The area comprises Mill Lane, the Square/Talbot Road, Carshalton Park and its environs, and the area around Park Hill and Windsor Castle. There are large ranging differences within this area. This is seen by the industrialised nature of the Mill Lane area compared with the parkland associated in the old manor house. Mill Lane is generally characterised by Victorian artisan cottage-style architecture built to accommodate land workers. In contrast, the properties on Park Hill are larger, more ornately decorated and built for the middle class. One of the prominent buildings in the area is the Carshalton Methodist Church.

(iii) Holy Trinity Conservation Area

This area is located in the north of the borough and comprises the Holy Trinity Church and some properties in Malden Road. It measures 0.137 hectares in area. It was designated in 1997 for its unique townscape quality. Holy Trinity Church is set in attractive grounds and surrounded by many mature trees. The church is covered with flint stones with decorative Bath stonework and timber detail around the doors, with stained glass windows. The area also comprises large detached Victorian villas in Malden Road which have a significant contribution to the quality of the townscape.

5.3 SUTTON'S CONSERVATION AREA POLICIES

The Council's conservation policies are contained in the Environment chapter of Sutton's Unitary Development Plan (UDP), particularly in Policies E42 and E43.

Policy E42 refers to conservation area designation and states:-

"For areas defined on the proposals map as designated conservation areas, the Council will prepare area enhancement schemes as a matter of priority and will review the boundaries and status".

The justification for this is that enhancement schemes will be prepared to include detailed development control policies on issues such as pedestrianisation, street furniture and street lighting.

Policy E43 - Conservation Area Improvement - this states:-

"Within conservation areas, the Council will:-

1. maintain street control over advertising matter and new development;

2. favourably consider development proposals which have regard to the general design policies in this plan and the particular townscape characteristics of the conservation area;
3. oppose development proposals for demolition, where the loss of such buildings would adversely affect the character of the conservation area;
4. take great care to ensure that street furniture and street lighting are of a design which is compatible with the character of the area;
5. require careful detailing of statutory authority developments such as electricity sub-stations, to ensure compatibility with the surrounding areas; and
6. make grants towards the preservation of buildings of historic interest with the constraints of the resources available

Policy E43 explains the need to safeguard trees in conservation areas and the need to give publicity to any development affecting conservation areas. This policy explains that further advice regarding these issues will be prepared and made available to residents and landowners.

5.4 DESIGN GUIDANCE

Sutton is still in the process of preparing design guidelines on each of the conservation areas and will be made available to members of the public. There is only one design guidance leaflet on Cheam Village and a general guidance on conservation areas, both of which are not yet available to members of the public. The general guidelines confirm that conservation area consent is required for the demolition of all or part of most buildings, chimneys, walls and outhouses. It also makes it clear that works to trees in conservation areas requires consent. Before any proposed lopping, topping or felling of trees the Council must be notified and will have six weeks within which to

make considerations. The following building works in conservation areas require planning permission:-

- (a) Roof alterations apart from velux roofs.
- (b) Cladding on walls.
- (c) Extensions over 50 cubic metres.
- (d) Demolition of walls over 2 metres high or over 1 metre high if fronting a highway.
- (e) Satellite dishes on chimneys or fronting a highway.
- (f) Outbuildings over 10 cubic metres.
- (g) Demolition of buildings over 115 cubic metres (Sutton Conservation Area Guide, 1998).

5.5 CONCLUSION

The examination of the 14 conservation areas, and the conservation area policies has revealed the state of Sutton's conservation areas, and the importance accorded to conservation in the borough. The Borough comprises of good quality and attractive buildings, and an attractive environment consisting of public open space, playing fields, and allotments.

The Council is committed to the Green Belt and this reflected in the small number of designated conservation areas, as compared to Hackney and Islington. The Council has only two Conservation Policies, relating to conservation area designation, and conservation area improvement. It generally follows that the areas that are surrounded by Green Belts accord much more priority to keeping these areas free from development, than conservation areas. Sutton has the most successful planning policy on Green Belts in the UK. The conservation legislation and policies have been adopted at local level in the form of the policies, albeit that these are not very detailed on alterations and extensions, Article 4 Directions, or land use.

It emerged from the study of Sutton that there was only one design guidance leaflet on Cheam Village, which had not yet been made available to members of the public, obviously demonstrating the low commitment the Council had given to Conservation Areas. With regard to staff resources, there was no conservation team in the Borough. Development control and enforcement officers dealt with conservation issues.

Sutton has like Hackney and Islington have been involved in Local Agenda 21 in line with national government policies.

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CHAPTER 6

CHAPTER 6

6.0 THE EFFECT OF CONSERVATION POLICY IN PRACTICE

INTRODUCTION

Chapters 3, 4 and 5 of this thesis have examined three distinct boroughs in terms of their policies and practices towards conservation areas. This chapter will now be examining the effects of conservation policies and practices in the case study area: Hackney. This chapter will also examine the role of the wider public in maintaining the aims of conservation which are to "preserve" and "enhance" the environment.

6.1 POLICIES AND PRACTICES IN THE THREE BOROUGHS

Hackney UDP Policies

Hackney has an active policy to enhance designated conservation areas. Policy EQ11 of the Hackney UDP states the following:-

"The Council will formulate positive schemes for the preservation and enhancement of designated conservation areas on a progressive basis as staff resources permit."

This policy is in line with the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to produce schemes for preservation and enhancement. The Council also has a policy prohibiting development which is considered would not "preserve" or "enhance" the character of a conservation area. Such developments include unsympathetic alterations and extensions, particularly to roofscapes, doors and windows and street clutter, in particular advertising hoardings. With regard to demolition of buildings in a conservation area the Council requires a separate application for conservation area consent to determine how a demolition could

affect the character of an area. Hackney's Policy EQ15 also states that "the Council will designate further conservation areas, on a progressive basis, as staff resources permit".

The Council also states in the UDP that it will consider seeking direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 in order to restrict permitted development rights which may significantly threaten the character of a conservation area (Article 4 Directions are discussed in Chapter 2).

To date no Article 4 Direction has been drawn up for any conservation area in Hackney. The reason being that there is not enough conservation staff to undertake Article 4 Directions, and in the past more time has been spent designating more conservation areas.

Design Guidance

Hackney has to date produced only one conservation area guidance referred to as De Beauvoir Conservation Guidance produced in 1992.

Again the reason for the existence of one design guide is attributed to the lack of adequate staff resources. This guidance is not readily available to members of the public or developers.

Conservation Areas Advisory Committees (CAACs)

CAACs are an independent group to the Council, which act as an advisory and consultation body on matters relating to the built environment in conservation areas. CAAC members are representatives of local community and residents groups, voluntary and community organisations, local business and commercial interests and local amenity societies, such as the Hackney Society. This gives the wider public a role to play in "preserving" and "enhancing" their environment. In Hackney five CAACs have been set up. These are:-

- (i) South Shoreditch CAAC (set up in 1997)

- (ii) Kingsland CAAC (set up in 1998)
- (iii) Stoke Newington CAAC (set up in 1998)
- (iv) Central and South Hackney CAAC (set up in 1999)
- (v) Clapton CAAC (set up in 1999)

Out of these five CAACs, only the first three have been running and have been looking at planning applications. In Islington there is only one CAAC covering the whole borough, and in Sutton only one CAAC exists to date.

Funding

Hackney, in its UDP, has identified English Heritage as an important source of funding in conservation areas with their current method of distribution grants through the Conservation Area Partnership Scheme (CAPS).

Islington's UDP Policies

Islington's UDP policies on conservation areas actively seek to "conserve and enhance areas of special architectural or historic interest". It states in Policy E18 that the Council will designate conservation areas and will operate detailed policies to preserve and enhance the special character and appearance of each area. The Council has a special land use policy in conservation areas. Policy D19 states that "In considering applications for changes of use within conservation areas, the Council will have particular regard to maintaining their character". The Council considers land use as an important factor in determining the character of conservation areas. Where the predominant character of a conservation area is residential, the Council will normally wish to see this use retained. The Council has detailed policies on the control over demolition, new development, materials, roof extensions, side extensions, rear extensions, basements, porches and boundaries, the general environment, the Regent's Canal and moorings. The details of these

policies have been examined in Chapter 4. Policy D34 - Regent's Canal - seeks to preserve the unique character of the canal and its setting. Policy D35 - Moorings - the Council aims to encourage the use of the canal for navigation and recreation, whilst protecting local amenity and enhancing the character of the area.

Design Guidance

Islington has a supplementary Design Guidance on Conservation Areas. This supplement is to assist in the practical application of policies in the Council's Unitary Development Plan, particularly when dealing with applications and appeals. Explanatory leaflets on all the 35 conservation areas have also been prepared in a more accessible format available free of charge for members of the public. These guidelines are all comprehensive including policies on matters such as land use, demolition, roof extensions, rear extensions, shopfronts, railings, boundary walls, basement areas, trees, paving, street furniture and advertisement hoardings. This document is a non-statutory supplement to the Islington Unitary Development Plan (adopted on 3 November 1994) and aims to promote and assist in the preservation and enhancement of conservation areas. These guidelines are read in conjunction with the Unitary Development Plan particularly Chapter 12, Design and Conservation.

CAACs and CAPS

The Council has one Initiative Officer who deals with Single Regeneration Projects and Conservation Area Partnership Schemes.

Sutton UDP Policies

The Council has a specific policy to prepare area enhancement schemes. Policy E42 of the Sutton UDP states the following:-

"The Council will prepare area enhancement schemes as a matter of priority, and will review the boundaries and status".

The policy goes on further to say that area enhancement schemes will be prepared on matters such as details on pedestrianisation, street furniture and street lighting. The Council is also committed to ensuring that it preserves and enhances the essential visual and architectural qualities of the area.

Design Guidance

Sutton has one design guidance leaflet on the Cheam Conservation Area and a general guidance on conservation areas, both of which are not yet available to members of the public. The general guidance explains that conservation area consent is required for the demolition of all or most parts of buildings and that conservation area consent is required for works to trees. Details of this guidance are discussed in Chapter 5.

Summary of Policies and Practices in the Three Boroughs

Similarities

It is evident from the examination of the policies in Hackney, Islington and Sutton that all three boroughs in their Unitary Development Plans, formulate positive schemes for preserving and enhancing their conservation areas in accordance with the formal aims of conservation as embodied in the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69(a). The policies in the three boroughs prohibit certain types of development that may harm the character or appearance of the conservation area. All three boroughs had one or more design guidance on conservation areas. The designation procedure in the three boroughs follows the same process where Committee approval is initially sought prior to the designation. The designation is mostly officer-led although the

residents have a major role to play as they are consulted during the designation process and their views are taken into consideration. The designation process is discussed in more detail in Chapter 1. From the interviews with officers in the three boroughs it emerged that the aims and objectives of designation are the same. The aims are outlined as follows:-

- To protect and enhance buildings, features, artifacts and environments of architectural interest.
- To protect and enhance the townscape attributes that reflect the area's historic evolution and contribute to its quality and character.
- To utilise the environmental heritage and functional character of the area to stimulate economic development through providing an attractive and appealing environment for appropriate business location and an attractive place to live, work or visit.
- To adopt a co-operative, partnership approach to conservation and urban regeneration in the area involving active participation of the private sector, local authority, public sector agencies and the local community who have an undeniable role to play in achieving the aims of conservation.
- To discourage the development and redevelopment which inhibits the character of the conservation area.

Differences

Hackney's policies are quite detailed and touch on the policies to enhance conservation areas, Article 4 Directions and the sources of funding to make the enhancement projects a reality. In Islington its policies for conservation areas cover land use as well as all aspects of design. These policies are backed up with more detailed advice for each individual conservation area, given in the "Conservation Area Design Guidelines". In Sutton more priority is given to the

Fig. 14: Comparison of numbers and types of Council staff employed to deal with conservation areas in the three study boroughs, the number of policies, and design guidance

| | Hackney | Islington | Sutton |
|--|----------------|------------------|---------------|
| Conservation Officers | 1 | 2 | 0 |
| Listed Buildings at Risk | 1 | 1 | 0 |
| Conservation Area Partnership Officer | 1 | 1 | 0 |
| Conservation Team Leader | 1 | 1 | 0 |
| Development Control Officers | 14 | 13 | 8 |
| Enforcement Officers | 2 | 3 | 1 |
| No. of Design Guidance | 1 | 35 | 1 |
| No. of Conservation Policies | 5 | 18 | 2 |
| CAACs | 5 | 1 | 1 |
| No. of Conservation Areas | 20 | 35 | 14 |

Green Belt than is accorded to conservation areas. The Green Belt in the borough is part of the metropolitan Green Belt that surrounds London. The conservation policies in the Sutton UDP are not as comprehensive as the policies in Islington or Hackney. With regard to staff resources Hackney employs two conservation officers, one listed buildings at risk officer and one conservation area partnership officer, responsible for conservation area partnership schemes. Islington employs two listed building consent case workers, one buildings at risk officer, one conservation initiative officer and the conservation team leader. In Sutton the case is very different - there is no conservation team. Conservation issues are dealt with by development control officers, and the two enforcement officers. In the three boroughs there are different numbers of areas designated. In Hackney a more positive approach is being made towards conservation areas. In the past Councillors viewed conservation as a middle class issue which had no direct benefit for the many poor residents in the borough. In Islington more conservation areas have been designated - 35 in total. The reason for this is that there are more affluent residents in the borough who are owner/occupiers. It usually follows that where you have a group of affluent people who have purchased their properties they take action to protect their environment so that in turn their investment in their houses is protected. In Sutton more priority is accorded to protecting the Green Belt and as a result there is the lack of staff resources to designate more areas.

6.2 ANALYSIS OF QUESTIONNAIRE RESPONSES

Although this study is based on the viewpoint of the planning profession, it also examines the views of the public, particularly residents, who have an undeniable role in achieving the aims of conservation. For this reason a questionnaire was mailed during the month of October 1998 to 604 properties in two of Hackney's conservation areas, namely De Beauvoir and Town Hall Square Conservation Areas (a copy of the questionnaire forms Appendix E).

The aim of the questionnaire was to find out the following:-

- Whether residents agreed that their areas merited designation and were worthy of preservation. This question was asked to enable the author to find out if residents agree with the designation of the area concerned and whether their views were taken into account by the local authority.
- Whether residents were aware of the area being designated as a conservation area. The purpose of this question was to find out how many residents were aware of designation and whether they were aware of the implications of the designation on their properties.
- What residents valued in their areas. This question was to find out what enhancement schemes had been implemented by the local authority in accordance with the UDP.
- What had little merit in the area. This question was to find out what in residents views detracted from the character of the conservation area.
- Environmental improvement residents wanted in their areas.
- What contribution residents have made in their areas. This last question was to find out the role residents had made in preserving and enhancing their areas.

Fig. 13⁷ illustrates the questions asked and the nature of the responses received. Out of the 604 properties to which questionnaires were mailed 65 responses have been received. It emerged from the questionnaire that 93.3% of residents who responded to the questionnaire found their areas to be of special architectural interest. This shows that the residents agreed with the local authority in the designation. This also reveals the support residents in Hackney have for conservation. Approximately 89.2 of respondents were aware their area had conservation area status. This also showed that residents in Hackney were aware of areas which had been designated as conservation areas as they have a major role to play in "preserving" and "enhancing" these areas, by

having a sense of civic pride and respect for the character of the environment. 70.7% of the respondents valued the historic architecture of the buildings foremost, followed by trees/parks, 46.1% and a reduction in traffic, 25% in that order. Respondents also expressed concern for some buildings/development in the conservation areas that detracted from its special and historic character. 55.3% of respondents were dissatisfied with the industrial and commercial uses such as factories and car repair workshops, 30.7% were dissatisfied with the Council properties in close proximity to the conservation areas and 12.3% felt there was heavy traffic on the roads within these areas. 4.6% of respondents found advertising signs detracting from the character of the conservation areas. On the question of what environmental improvements residents wanted, 40% wanted more trees, parks and open spaces, 30.7% wanted traffic calming measures to reduce traffic on the roads and 29.2% of respondents wanted improved street cleaning and more street lighting. On the final question 59% of the respondents contributed to preserving and enhancing their area, by commenting on planning and conservation area applications i.e. where they oppose a scheme on design grounds they have enhanced and preserved the environment, and by some attending Neighbourhood Committees and being members of a Neighbourhood Watch scheme. From the analysis of the questionnaire it is evident that residents in Hackney appreciated the value of designating conservation areas, and had played a role in preserving and enhancing the conservation areas they lived in. Residents clearly have a key role in achieving the aims of conservation in Hackney.

FIG. 15
QUESTIONNAIRE RESPONSES

| Question | No % | Yes % | Trees/ Parks % | Historic Architecture % | Reduced Traffic % | Street Lighting/ Cleaning % | Traffic on Roads % | Industrial/ Commercial Uses % | Council Flats % | Advertising Signs % | Total % |
|--|-------------|-----------|-------------------|----------------------------|----------------------|-----------------------------------|--------------------------|-------------------------------------|--------------------|------------------------|------------|
| 1. Do you consider area to be of special/ architectural interest? | 7.7 10.8 | 92.3 | | | | | | | | | 100% |
| 2. Did you know your area had been designated? | 10.8 | 89.2 | | | | | | | | | 100% |
| 3. What do you value about the conservation area you live in? | | | 46.1 | 70.1 | 25 | | | | | | N/A |
| 4. What in the area has little or no merit? | | | | | | | 12.3 | 55.3 | 30.7 | 4.6 | N/A |
| 5. In what specific ways could the area be improved environmentally? | | | 40 | | 30.7 | 29.2 | | | | | N/A |
| 6. Have you made any contribution to your area? | | 41 59# | | | | | | | | | 100%* |
| 41% - No response 59% - Had contributed through planning applications and conservation area applications and attended Neighbourhood meeting or are part of a Neighbourhood Watch scheme | | | | | | | | | | | |

* Respondents were allowed to choose more than one answer to questions 3, 4, and 5.

6.3 APPEAL SUPPORT

In Hackney Inspectors have not challenged the credibility of policies relating to conservation areas. When preparing an appeal statement relating to conservation issues, the local authority includes a detailed account of the various approaches employed in dealing with applications of conservation areas. This results in a lengthy statement, explaining the background of the local authority's conservation policies, to secure the Inspector's support.

In an appeal against Hackney Council's refusal to permit the display of a non-illuminated 48-sheet poster panel at 217 Stoke Newington High Street, the Inspector, in dismissing the appeal stated the following:-

"The site directly overlooks the impressive statutorily listed entrance to Abney Park Cemetery...when viewed in the context of the high street, the panel sits well above the general level of commercial activity which is mainly concentrated at ground floor level. Furthermore, it is at right angles to the road with a relatively extensive range of visibility overlooking a stretch of road which is wholly residential on its western side. I consider that the combination of its size, height and siting makes the panel stand out as an unduly obtrusive feature in this particular streetscene and that its presence detracts from the character of the conservation area." (Department of the Environment Ref. T/APP/U5360/H/98/1482).

In another appeal against the decision of the London Borough of Hackney to refuse planning permission for the retention of a non-illuminated 48-sheet poster panel at 33 Kingsland High Street the Inspector, in dismissing the appeal, concluded as follow:-

"By virtue of the display being in a busy high street in full public view and directly adjacent to a group of prominent buildings of high architectural quality in an area which the Council was seeking to improve, the hoarding was considered to be a discordant feature within the area. From the south the panel is seen at its second floor level and right angled position to the road above a row of single storey shops. It therefore

enjoys long views from this direction and, due to its height and size, in my opinion appears over-dominant and intrusive in the streetscene, to the detriment of amenity. Immediately beyond the appeal site is a Victorian block with many typical detailed architectural features. The appeal panel is seen from the south in this context and, in my view, because of its over-dominance in the streetscene, detracts from the amenity of these buildings, particularly at the higher levels". (Department of the Environment Ref. T/APP/U5360/H/96/1324).

In another appeal against the London Borough of Hackney Council for refusing planning permission for the re-erection of a terrace house and conversion to provide three, two-bedroom flats and associated craft workshops at the rear, at 155 De Beauvoir Road, the Inspector made the following statement:-

"...Although the front elevation of the proposed building would be similar to those of the other houses in the terrace, the proposed triangular shaped extension would be seen, mainly through the wide space between the rebuilt houses at No. 117, as a large, irregular shaped feature, at variance with the rectangular lines of all the houses in the vicinity. Moreover, combined with the proposed 5 metre high workshop, it would introduce a considerable bulk of building in the generally open back garden area immediately behind the houses fronting De Beauvoir and Englefield Road...I consider that the size, shape and position of the proposed extension would be obtrusive and to the detriment of the character of the adjoining area, in particular because the appeal site adjoins part of the De Beauvoir Conservation Area in which there are buildings of somewhat similar appearance and character...For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal."

From the above review of appeal decisions, the central theme is for any development to "preserve" and "enhance" the character of the conservation area. Where the Inspector, after considering the recommendation, did not think preservation and enhancement were met he agreed with the planning officer's recommendations and dismissed the appeal." (Department of the Environment Ref. T/APP/U5360/A/91/185447/P8).

Another way of finding out how effective conservation legislation

and policies have been effective in practice is by examining some of the environmental improvement and enhancement schemes implemented in Hackney.

Funding

Funding of enhancement activity is central to the success of conservation. Local planning authorities often carry out a wide variety of "enhancement schemes", yet not all schemes are initiated or wholly funded by the local planning authorities. Some of the sources of funding in Hackney include the following:-

- English Heritage
- Hackney Building Preservation Trust
- Renaisi
- Heritage Lottery Fund
- Conservation Area Partnerships
- Single Regeneration Budget (SRB)
- European Regional Development Fund and English Partnerships
- Housing associations
- Private owners

English Heritage is a major agency for urban and rural regeneration. It offers added value to local initiatives and can provide the key to securing substantial communities and quality environment in deprived neighbourhoods.

Hackney Building Preservation Trust is an offshoot of the Hackney society and receives funding from English Heritage.

Renaisi is an agency managing the delivery of regeneration programmes for the benefit of local communities.

Heritage Lottery Fund (HLF) is a national organisation with the aim of dispensing charitable funds from the Lottery to promote preservation

of our heritage. It incorporates a joint scheme for churches where there is 50% funding provided by English Heritage. The HLF provides ,40 million pounds of grant aid for churches across England.

Conservation Area Partnerships is a partnership with English Heritage for exterior works to buildings and is part funded by the Lottery, London Borough of Hackney and property owners.

Single Regeneration Budget (SRB) The SRB Challenge Fund provides funding for local regeneration partnerships. It is intended to be a catalyst for local regeneration and complements or attracts other resources - private, public or voluntary. It helps to improve local areas and enhance the quality of life of local people.

European Regional Development Fund (ERDF) and English Partnerships (EP) Public sector finance eg. ERDF and EP can contribute to projects so long as it only contributes to the proven funding gap and not to the commercially viable part of the project (or the "main funding"). The principle exception where the main funding for a project can be public finance is in the case of registered housing associations using social housing grants and a mixture of other finances where there are exceptional abnormal site development costs such as derelict land.

6.4 ENHANCEMENT AND ENVIRONMENTAL PROJECTS

Conservation policies allow for intervention in poor areas and have proved effective in repairing putting back into use No. 143 Lower Clapton Road, Hackney. In 1995 No. 143 Lower Clapton Road in Hackney was the subject of a compulsory Purchase Order by English Heritage, in order to save the building from structural collapse and demolition. The English Heritage Engineering Team made the building structurally sound and watertight. The building was subsequently granted planning approval for conversion into three flats. In this case the building has been refurbished and has

PLATE 16: *BEFORE – Stoke Newington Park Crescent (26/08/94)*



PLATE 17: *BEFORE – Stoke Newington Park Crescent (26/08/94)*



PLATE 18: AFTER – Stoke Newington Park Crescent



PLATE 19: AFTER – Stoke Newington Park Crescent



Source: LONDON BOROUGH OF HACKNEY – Author's photographs (1998)

PLATE 20: THE ROUND CHAPEL – LOWER CLAPTON ROAD



PLATE 21: SUTTON HOUSE – HOMERTON HIGH STREET



Source: LONDON BOROUGH OF HACKNEY – Author's photographs (1998)

enhanced the Lower Clapton Road conservation area and has also fulfilled a social need by providing housing accommodation.

Another environmental enhancement project worth discussing is No. 207-223 Stoke Newington Church Street (Park Crescent). This is a 1850 terrace of Grade II listed houses located in a conservation area. It had lain derelict for over ten years and was unlawfully occupied. As it was beyond Hackney's Council's resources to refurbish, it was sold to a housing association with an associated planning and listed building consent and nomination rights enabling families with identified housing needs to be housed. It was a joint venture with an Asian housing association. Housing associations have a social remit to provide housing and qualify for conservation area grants. This scheme also involved the development of nine new dwellings at the back of the terrace, to cross-subsidise work to the listed buildings that are attractive and prominent. With the scheme completed, it has enhanced and preserved the Stoke Newington Church Street Conservation Area and has also met the real needs of residents in need of social housing in line with the redistributive aims of planning. Photographs illustrating the terrace before enhancement works began and those showing the present state of the refurbished terrace clearly shows how much the area has been enhanced and preserved.

Another classic example of the success of conservation in "preserving" and "enhancing" the built environment is seen at the United Reformed Church in Lower Clapton Road, Hackney. In 1990 this large redundant chapel was threatened with demolition, but English Heritage drew together a partnership embracing the local council and the Hackney Historic Buildings Trust. With the aid of SRB funding and from English Heritage a ,350,000 repair grant, it has now been converted into a theatre, arts centre, place of worship and community uses, including a nursery and office space for community groups.

Another enhancement project is the St John's The Baptist Church in

Hoxton, Hackney. A Grade II* listed building, it was threatened with redundancy until the determined vicar approached English Heritage for grants to repair the fabric and save the building from total ruin. This stimulated further investment by the Heritage Lottery Fund to adapt and convert parts of the church for social and community uses, including a cafe and meeting rooms, so that it is now in use every day of the week. The churchyard has also been improved so that, instead of being a threatening area of dereliction, it is once again an attractive focus for the local community.

Other enhancement and environmental projects are the St Mary's Church of England Primary School railings and the St Mary's Church new railing and lighting, St Mary's Old Church new boundary wall. The above projects have been completed with funding from Hackney's Single Regeneration Budget for enhancement works in the Stoke Newington Church Street Conservation Area. These projects have given the area a great amount of attractiveness.

Financial Spend on Improvements in Conservation Areas in Hackney Conservation Area Partnership

The South Shoreditch Conservation Area Partnership set up in 1995 and the Kingsland Corridor Conservation Area Partnership set up in 1996 are responsible for enhancement and improvement projects within Hackney. This is in accordance with the Council's UDP conservation policies where the local authority's duty is to preserve and enhance conservation areas, and the Council's statement of intent to formulate positive schemes for the preservation and enhancement of conservation areas.

Fig. 16

TH SHOREDITCH CONSERVATION AREA
PARTNERSHIP

| | BF Ref | Project Cost | Total Grant | Date | LBH cont. | EH cont. | Other grant |
|--|--------|----------------------------|-------------|----------------|-------------------------|-----------|--------------|
| 1 Hoxton Square/Rufus St | | 119,455.08 | 119,455.08 | 19/11/97 (rev) | 25,000.00 | 33,676.00 | 25,000 (DCP) |
| 2 24-27 Charlotte Rd | 1 | 23,191 | 11,424 | 27/03/97 | - | 11,424.00 | 0 |
| 3 71-72 Charlotte Rd | 2 | 12,000 | 12,000 | 27/03/97 | - | 12,000.00 | |
| 4 125 Shoreditch High St | 3 | 20,240 | 9,500 | 27/03/97 | - | 9,500.00 | |
| Year Two - 1997/98 | | | | | | | |
| 1 Hoxton Square / Rufus St | | 64,379.59* brought forward | | | 5,703.59 | b/f | 25,000 |
| 2 Phipp Street / Luke St | | 27,614 | 27,614 | 17/02/98 | 27,614.00 | - | 0 |
| 3 Scruton St/Holywell Row | | 37,829.02 | 37,829.02 | 10/02/98 | - | - | 37,829.02 |
| 4 Shoreditch Town Hall | | | 68,000 | 01/03/98 | | 10,000.00 | 58,000 |
| 5 340-342 Old Street | 4 | 170,000 | 15,000 | | | | |
| 6 71-72 Charlotte Road | 96/2 | | 6,000 | | 6,000.00 | | |
| 7 58-60 Great Eastern St | 6 | | 13,796 | | | 3,220.77 | |
| 8 13-14 Hoxton Market | 1 | | 8,645 | | | 8,645.00 | |
| 9 126-127 Shditch High St | 2 | | 8,760 | | | 4,380.00 | |
| 10 128-129 Shditch High St | 3 | | 10,900 | | | 6,520.00 | |
| 11 54-56 Great Eastern St | 5 | 46,000 | 9,200 | 22/01/98 | offer withdrawn 4/03/98 | | |
| 12 The Theatre, Curtain Rd | 7 | 2,610 | 870 | 03/02/98 | | 870.00 | |
| 12 1 Rufus Street | | | 12,500 | | | | |
| 13 30 Coronet Street | 6 | | 15,521 | | | 15,521.00 | |
| 14 56 Hoxton Square | | | | | | | |
| 15 9 French Place | | | | | | | |
| 16 305 Old Street | | | | | | | |
| 17 23 Charlotte Road | | | | | | | |
| * - incl. A £2,000 reduction on traffic control fees agreed 20/11/97 | | | | | | | |
| Year Three - 1998/99 | | | | | | | |
| 1 30 Coronet St | 97/6 | | 3,415.62 | | 3,415.62 | | |
| 2 125 Shoreditch High St | 96/3 | | 1,890.00 | 17/04/98 | 1,890.00 | - | |
| 3 126-127 Shditch High St | 97/2 | | 4,886.00 | 08/03/98 | 4,886.00 | - | |
| 4 13/14 Hoxton Market | 97/1 | | 3,670.00 | 19/08/98 | 3,670.00 | - | |
| 5 33 Charlotte Road | 1 | 27,903.00 | 12,745.00 | 09/10/98 | - | 12,745.00 | |
| 6 73 Charlotte Road | 2 | 30,538 | 7,635.00 | 07/08/98 | 3,835.00 | 3,800.00 | |

Fig. 17

| THE KINGSLAND CONSERVATION AREA PARTNERSHIP INDICATIVE FUNDING PROGRAMME | | | | | |
|---|---------|---------|---------|---------|---|
| SOURCE | YEAR 1 | YEAR 2 | YEAR 3 | TOTAL | % |
| HERITAGE LOTTERY/ ENGLISH HERITAGE | 180,000 | 180,000 | 270,000 | 630,000 | |
| LONDON BOROUGH OF HACKNEY | 180,000 | 180,000 | 180,000 | 540,000 | |
| HAGGERSTON SRB | 10,000 | 10,000 | 10,000 | 30,000 | |
| PRIVATE SECTOR | 57,000 | 70,000 | 100,000 | 227,000 | |
| TOTAL COST | 427,000 | 440,000 | 560,000 | | |
| The HLF/EH funding includes £35,000 p.a. for management and administration, and £15,000 p.a. for the publicity, interpretation and access programme | | | | | |

South Shoreditch Conservation Area Partnership - Action Plan

The aims and objectives of the South Shoreditch CAP Action Plan are to:-

- (a) Promote a partnership that conserves and preserves the historic built fabric and public realm of Shoreditch.
- (b) Promote and co-ordinate physical and economic regeneration.
- (c) Generate and promote examples of good practice in historic areas and building conservation.
- (d) Promote conservation as a positive instrument of physical and economic regeneration.
- (e) To demonstrate the value and importance of conservation-led urban regeneration and the effectiveness of regeneration strategies which adopt a conservation bias. The financial contribution involves ,65,000 a year from the London Borough of Hackney and English Heritage each over a three-year period. Fig. 14 outlines the programme of expenditure over the three-year period 1996 to 1999. (South Shoreditch Conservation Area Partnership Action Plan, 1996).

Kingsland Conservation Area Partnership Scheme (CAP) - Action Plan

This scheme has been running since April 1998 to March 2001 and the total spend is approximately ,1.3m within the area. The types of projects eligible for funding include repairs and re-installment of historic architectural features and structural elements to buildings in conservation areas. This includes repairs to roofs, windows, repointing, shopfronts, repairing and street furniture. The Kingsland Conservation Area Partnership Scheme is to aid the economic regeneration of the area in order to achieve long-term sustainable conservation and management of the conservation asset. The Council has demonstrated its commitment to the area through the preparation of a Conservation Area Appraisal, undertaking extensive consultation on designation and preparing of Committee reports

seeking approval of designation. Following approval of the preliminary application by English Heritage/Heritage Lottery Fund in July 1997, the Council has sought funding of the CAP scheme and identified a range of potential projects. The Council has linked the CAP scheme with other initiatives including the Haggerston SRB programme in order to achieve an integrated conservation and regeneration approach. An overall grant of ,630,000 is available for the CAP scheme. Other sources of funding include the London Borough of Hackney, Haggerston SRB and the private sector as illustrated in Fig. 15. The London Borough of Hackney contribution involves ,190,000 a year over the three-year period. English Heritage's contribution involves ,180,000 for the first two years and ,270,000 in the third year. (Kingsland Conservation Area Partnership Scheme - Action Plan, 1998).

6.5 CONCLUSION

It is evident from this chapter that the introduction of conservation areas in Hackney "preserve" and "enhance" the environment leading to an improved environment. It is also clear that Hackney does not have as many financial resources or staff resources as Islington, yet has demonstrated commitment to the designation of conservation areas. It has done this through the number of designations, its conservation policies, and its commitment to Hackney Agenda 21 in its vision of a sustainable urban environment.

The table of resident's responses revealed that 59% of respondents have contributed to conservation areas through commenting on conservation area applications, attending meetings, or as part of a neighbourhood watch scheme. What this reveals is that public consultation is working in Hackney. Hackney is the only Borough out of itself and the other two case studies, Islington and Sutton, that has set up five Conservation Area Advising Committees (CAACs). More recently, since 1 April 1999, there has been a new quarterly newsletter "SPACES", which aims to inform residents about key developments in the Borough. "SPACES" will discuss issues such as community involvement in planning, contemporary urban design and architecture, urban regeneration, the public realm, streets, open spaces and conservation.

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CHAPTER 7

7.0 FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

INTRODUCTION

This chapter sets out the aim of the thesis and how this has been carried out. The aim of this thesis is to test the hypothesis that conservation legislation and policies have led to preservation and enhancement of the environment. This has been achieved through literature reviews, the legislative framework for conservation areas and the examination of the policies and practices of three London boroughs. This chapter will summarise the findings of this research and make recommendations for corrective action and future research.

7.1 RESEARCH FINDINGS

The study of literature review, interviews and questionnaires revealed that conservation areas are very popular with local authorities and local residents. To date 9,000 conservation areas have been designated. Local residents expressed their support for conservation as they realise that as a result of regeneration funding, conservation plays a vital role in improving the environment and the social and economic conditions of those concerned. Conservation can now act as a catalyst for the regeneration of struggling town centres and rundown urban areas. In Hackney an example of this is the refurbishment of a terrace of houses in Park Crescent, Stoke Newington Church Street, which now has a significant impact on enhancing the townscape quality and improving social housing. Hackney has adopted a positive approach in the last few years, to ensure the preservation and enhancement of its historic environment through the amount of funding it has received, the environmental improvement schemes implemented and the quality of the improvements. Despite the above positive aspects of conservation there are shortcomings with the conservation legislation and policies.

7.2 LEGISLATION AND POLICY WEAKNESSES

The literature review on the legislation revealed that the concept of "preservation" and "enhancement" is vague and open to interpretation. This opinion is also expressed by critics of the legislation. The legal hiatus of the words "preserve" and "enhance" is discussed in Chapter 2. The vagueness of the concepts gives planning officers the opportunity to behave rigidly and property owners become more confused.

The conservation concept is subjective and gives rise to the debate on different opinions of what constitutes "preservation" and "enhancement". The differences in opinion are reflected in appeal decisions, public opinions, opinion of professional planners and critics. As the saying "Beauty lies in the eye of the beholder". The policies and procedures laid down by statute are interpreted by official guidance, usually in the form of circulars. These interpretations may vary from time to time, as the political nature of Government changes or as influential individuals within the system change. The statutes and guidance are interpreted by users and as a last resort, by the courts. Another problem is that conservation areas can whittle away by small development not requiring conservation area consent leading to the gradual destruction of the conservation area.

The findings of the case studies in Chapters 3, 4 and 5 indicate that boroughs closer to the City centre have designated more conservation areas than those further away from the City. The reasons include the fact that London developed from the City centre and spread outwards. As early developments occurred in the boroughs closest to the City, these have older buildings with historical and architectural significance. Examples of these are the Westminster Abbey, the Palace of Westminster and the Tower of London. From this study, Hackney and Islington which are close to the City have more conservation areas and well staffed conservation

teams, than has Sutton, an outer London borough.

As the functions of the City expanded the more affluent people moved away from the Inner Cities to the suburbs. The result was decay and decadence in Inner Cities. The criteria for funding from English Heritage for improvements in conservation areas depend on the state of an area's dereliction. As a result of this the more rundown inner cities attract more funding for regenerating and enhancing their conservation areas. This explains the reasons for Hackney and Islington designating more conservation areas. The amount of funding Hackney has received over the last few years, for regeneration and enhancement projects, is discussed in Chapter 6.

The case studies of the three boroughs reveal similarities in policies relating to conservation and the differences in practices to "preservation" and "enhancement" schemes. In Sutton more priority is accorded to protecting the Green Belt than to conservation areas for the following reasons:-

- In response to the Rio Earth Summit in June 1992, where a framework for action on sustainable development for the next century was agreed, the government launched "Sustainable Development - the UK Strategy". The most widely accepted definition of sustainable development is "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs". (Brundtland Commission, 1987). The Government recognises the role the planning system can play in promoting sustainable development in our cities and this reflected in current planning policy guidance, particularly PPG1 (General Policy and Principles), PPG13 (Transport). Government policies in ensuring that development is compatible with the aims of sustainable development, emphasises the need to preserve Green Belts and concentrate development on "Brownfield sites" or vacant sites in the inner cities. The National

Governments agreed at the 1992 Rio Earth Summit to produce local sustainable development strategies, referred to as "Local Agenda 21". Sutton has a substantial area of open land (612 hectares) which it intends to keep free of buildings. It is clear in its UDP (1995) that it has concern for the quality of the local environment and needs to conserve the finite resources. Sutton is now recognised in the UK and in Europe as a leading local authority in promoting practical solutions to environmental problems. (Sutton UDP, 1995).

- As a result of inadequate staff resources Sutton has one conservation area guide on Cheam Village and one general conservation guidance leaflet. In Hackney there is only one conservation area guide on De Beauvoir Conservation Area produced in 1992. The reason for this is that Hackney has been concentrating on the designation of more conservation areas than it has been on preparing design guidance. It is not good enough to designate many conservation areas without the necessary guidance to assist residents and developers in being aware of what restrictions may apply in the designated areas.
- Section 54A of the Town and Country Planning Act 1990 prescribes that decisions should be made in accordance with the local plan unless material considerations outweigh it. This is in addition to the "preserve" and "enhance" doctrine. The Hackney Unitary Development Plan does not sufficiently deal with each conservation area individually. Some councils, such as Islington have a supplementary guidance read in conjunction with its Unitary Development Plan which have a separate chapter devoted to each conservation area, describing its characteristics and stating policies and design guidance.
- In certain instances the purpose of designation is not simply

because of its appearance. The historical significance of an area also merits designation. In Underwood Street in Hackney, this area was designated as a conservation area to retain its employment history and architectural characteristics. In designating this area as a conservation area, Hackney Council's aim was to prevent the demolition of the buildings and to retain employment use. In the current climate with demand for live/work use, the Council has allowed changes from employment to live/work defeating the purpose of the original designation.

- In Hackney there are five Conservation Area Advisory Committees (CAACs). The advantage of the CAAC is that they are familiar with the area they live in and it is good for local people to determine their own fate.

7.3 RECOMMENDATIONS

Even though this thesis has succeeded in testing the hypothesis that the designation of conservation areas has in practice a positive and beneficial impact upon the area concerned, through literature reviews, questionnaires, case studies and enhancement and environmental schemes, there is more scope for further research. The limitations to this study include the limited time and resources required for the completion of the thesis. It will be helpful if the sample of the population is expanded, the questionnaire questions made more elaborate to probe further residents' views in future research, and a more quantitative approach used.

- (a) It is evident from this study that a major change in conservation legislation and procedures is not required, rather there is the need for the tightening-up of guidance, definitions, particularly the words "preserve" and "enhance" and some procedures.
- (b) The use of Article 4 Directions has also proved problematic in

practice. In Hackney there is a shortage of staff in implementing Article 4 Directions with inadequate guidance in making these Directions. As a result of the above, no Article 4 Direction has been made in Hackney. Further detailed guidance would be of great benefit.

- (c) There has been no mention of de-designation in the legislation or guidance. There are many areas which no longer merit conservation area status as a result of unsympathetic developments that have occurred within them. It is recommended that in any future review of the legislation or guidance, attention should be paid to the formulation of de-designation procedure. It is envisaged that local planning authorities or the Secretary of State in certain cases would use this.
- (d) An evident weakness in the current system is the lack of attention paid by some authorities to conservation areas after designation. Another failing is the lack of character statements leading to questions about the basis for designation and the everyday management of development control issues. Authorities such as Hackney are developing "character appraisals" and "management statements". These are concise, important elements of an area's character, which are written and readable by owner, residents and developers. A character appraisal and management statement should be prepared for each conservation area. This should follow a nationally recognised format and be flexible to suit the individual historic and architectural quality of designated areas. It should be completed after formal designation and be part of the Unitary Development Plan, probably in the form of a supplementary guidance. There will be resource/financial implications involved, however it is important that this is done in order to "preserve" and "enhance" the designated area.

Guidance Leaflets

In local authorities such as Hackney conservation is seen a constraint to the activities of property owners and developers. Their reason for this is the fact that both residents and developers are not clear of the requirements of local authorities. Local authorities need to be clear and consistent in their requirements in order to encourage private investment in conservation areas. The Unitary Development Plan should deal with each conservation area individually. Each conservation area could have a short chapter describing its uniqueness with guidance issues. Some Councils such as Islington have a separate chapter devoted to each conservation area, describing its characteristics and stating policies and design guidance, this forms its supplementary guidance. The advantage of this is that such policies have then been through a statutory consultation process and carry more weight. Informal design guides do not carry such benefit. Informal design guides are also necessary to provide information to residents and developers and these need to be done for each conservation area. Again, there are obviously resource/financial implications that need to be met in order to achieve the full aims of conservation.

Conservation Area Advisory Committee (CAACs)

The advantage of this is that it enables local people to determine their own fate as mentioned earlier. It is suggested that members of CAACs should have more experience in architectural or planning matters in order to provide valuable advice

Human Resources

There is the need for a commitment to conservation by local authorities through human resources. In Sutton there is no conservation team. In Hackney it is only in recent years that two other conservation officers have been employed. There is the need

to employ trained and suitable staff in sufficient numbers to carry out the "preservation" and "enhancement" of designated areas. Apart from this, there is the need to have in-house training for development control officers. Hackney has undertaken training its development control staff in conservation, although this is on a very irregular basis. There is the need to train enforcement staff on conservation issues in order to facilitate recognising unauthorised works and taking the necessary remedial action where a breach occurs. It is clear that conservation benefits greatly from close working relationships between conservation staff, other local authority departments, and highways authorities. Even though this co-operation exists in Hackney and other boroughs, this should be further encouraged.

Conservation-led Regeneration

In order for the real benefits of conservation to be experienced, there is the need to integrate conservation with regeneration. English Heritage, together with local authorities, particularly Hackney, demonstrates that conservation offers real value in providing the key to the future prosperity of many run-down areas. From the enhancement schemes in Hackney it is evident that conservation-led change has a major role to play in the social and economic regeneration of cities and towns, enabling the creation of safe and sustainable communities. It has also allowed a judgement that the demarcation of conservation areas in Hackney has not led to social and economic imbalances, but to social and economic improvement for all residents concerned. Conservation-led regeneration introduced by English Heritage aims to deliver real social and economic benefits to depressed communities. It achieves this by utilising locally cherished historic buildings as assets and ensuring that new development enhances the existing character of an area, bringing back the sense of place and civic pride. This concept should be further encouraged in other boroughs.

Funding

Funding is crucial to the achievement of the formal aims of conservation. Local authorities have already over-stretched budgets and it is suggested that other sources of funding are explored. New sources of funding, not specifically related to conservation, may enable conservation related enhancement to occur. Conservation officers should identify at an early stage sources of funding for enhancement programmes.

7.4 CONCLUSION

This thesis has revealed both the advantages and disadvantages of the legislation and policies. The main advantage of the conservation legislation is that it has identified the need to "preserve" and "enhance" areas of architectural and historic importance and has set out procedures for their designation. The disadvantage of the legislation is that it is unclear or vague and has led to a lot of misinterpretation. Although the Town and Country Planning (General Permitted Development) Order 1995 has enabled restrictions to certain types of developments in conservation areas, it is still not a total solution to stopping the spate of damaging alterations in conservation areas. These disadvantages can be overcome by the following:-

- Tightening of the legislation and a definition of the words "preserve" and "enhance".
- Human Resources
- Clearer and concise guidance and circulars
- Design Guidance that works

A major strength of the British conservation is its emphasis upon local character and this local emphasis is to be defended if London's historic environment is to continue to be a precious asset renowned both abroad and at home.

The conclusion drawn from this study makes it clear that conservation areas are not just about buildings, but about urban design and architecture, streets, open spaces, and trees.

There are differences in the quality and quantity of conservation areas in the three boroughs. In Islington, the most numbers of conservation areas have been designated, as a result of pressure from the middle class population who have prompted the Council to designate more conservation areas. In Islington, there are many

residents who are owner/occupiers who take pride in living in a conservation area, and also because it enhances their property value when they sell. In Hackney the case is different. It is a poorer borough, with fewer resources, and has Councillors who view conservation as a more middle class concern. But areas accord greater significance to protecting the Green Belt, than it does to demarcating conservation areas, accounting for the fewest number of designations within the three case study areas. The differences in the numbers and quality of conservation areas is based on:-

- (1) Local politics
- (2) Social class of residents

Hackney needs a proactive approach to conservation from all concerned.

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APPENDIX A

X



Planning (Listed Buildings and Conservation Areas) Act 1990

CHAPTER 9

LONDON: HMSO

£7.65 net

PART I

(8) Subsection (3) of section 63 of the principal Act (references to applications for planning permission to include applications for permission to retain existing works and uses) does not apply to the construction of this section.

Reference to
Commission of
planning
applications
involving listed
buildings in
Greater London.

68.—(1) Without prejudice to his powers by virtue of section 74(1) of the principal Act, the Secretary of State may by regulations provide for any application for planning permission to which this section applies to be referred to the Commission before it is dealt with by the local planning authority.

(2) This section applies to an application for planning permission for any development in Greater London which would, in the opinion of the local planning authority to which the application is made, involve the demolition, in whole or in part, or a material alteration, of a listed building.

(3) Regulations under this section may—

- (a) provide for the Commission to give the referring authority directions as to the manner in which an application is to be dealt with; and
- (b) provide that an application which satisfies such conditions as may be specified in the regulations need not be referred to the Commission.

PART II

CONSERVATION AREAS

Designation

Designation of
conservation
areas.

69.—(1) Every local planning authority—

- (a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and
- (b) shall designate those areas as conservation areas.

(2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.

(3) The Secretary of State may from time to time determine that any part of a local planning authority's area which is not for the time being designated as 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; and, if he so determines, he may designate that part as a conservation area.

(4) The designation of any area as a conservation area shall be a local land charge.

Designation of
conservation
areas:
supplementary
provisions.

70.—(1) The functions of a local planning authority under section 69 and this section shall also be exercisable in Greater London by the Commission.

PART II

(2) Before making a determination under section 69 the Commission shall consult the council of each London borough of which any part is included in the area to which the proposed determination relates.

(3) Before making a determination under section 69(3) the Secretary of State shall consult the local planning authority.

(4) Before designating any area in Greater London as a conservation area the Commission shall obtain the consent of the Secretary of State.

(5) A local planning authority shall give notice of the designation of any part of their area as a conservation area under section 69(1) or (2) and of any variation or cancellation of any such designation—

(a) to the Secretary of State; and

(b) if it affects an area in England and the designation or, as the case may be, the variation or cancellation was not made by the Commission, to the Commission.

(6) The Secretary of State shall give notice of the designation of any part of the area of a local planning authority as a conservation area under section 69(3) and of any variation or cancellation of any such designation—

(a) to the authority; and

(b) if it affects an area in England, to the Commission.

(7) A notice under subsection (5) or (6) shall contain sufficient particulars to identify the area affected.

(8) Notice of any such designation, variation or cancellation as is mentioned in subsection (5) or (6), with particulars of its effect, shall be published in the London Gazette and in at least one newspaper circulating in the area of the local planning authority, by that authority or, as the case may be, the Secretary of State.

General duties of planning authorities

71.—(1) It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.

Formulation and publication of proposals for preservation and enhancement of conservation areas.

(2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.

(3) The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.

72.—(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

General duty as respects conservation areas in exercise of planning functions.

(2) The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953.

1953 c.49.

PART II
Publicity for
applications
affecting
conservation
areas.

73.—(1) Where an application for planning permission for any development of land is made to a local planning authority and the development would, in the opinion of the authority, affect the character or appearance of a conservation area, subsections (2) to (7) of section 67 shall apply as they apply in the circumstances mentioned in subsection (1) of that section.

(2) Subsection (3) of section 63 of the principal Act (references to applications for planning permission to include applications for permission to retain existing works and uses) does not apply to the construction of this section.

Control of demolition

Control of
demolition in
conservation
areas.

74.—(1) A building in a conservation area shall not be demolished without the consent of the appropriate authority (in this Act referred to as "conservation area consent").

(2) The appropriate authority for the purposes of this section is—

- (a) in relation to applications for consent made by local planning authorities, the Secretary of State; and
- (b) in relation to other applications for consent, the local planning authority or the Secretary of State.

(3) Sections 7 to 26, 28, 32 to 46, 56, 62 to 65, 66(1), 82(2) to (4), 83(1)(b), (3) and (4) and 90(2) to (4) have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings subject to such exceptions and modifications as may be prescribed by regulations.

(4) Any such regulations may make different provision—

- (a) in relation to applications made by local planning authorities, and
- (b) in relation to other applications.

Cases in which s.
74 does not apply.

75.—(1) Section 74 does not apply to—

- (a) listed buildings;
- (b) ecclesiastical buildings which are for the time being used for ecclesiastical purposes;
- (c) buildings for the time being included in the schedule of monuments compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979; or
- (d) buildings in relation to which a direction under subsection (2) is for the time being in force.

1979 c.46.

(2) The Secretary of State may direct that section 74 shall not apply to any description of buildings specified in the direction.

(3) A direction under subsection (2) may be given either to an individual local planning authority exercising functions under that section or to local planning authorities generally.

(4) The Secretary of State may vary or revoke a direction under subsection (2) by a further direction under that subsection.

APPENDIX B



Town and Country Planning Act 1990

CHAPTER 8

LONDON: HMSO

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Meaning of
"development
plan" outside
Greater London
and the
metropolitan
counties.

1961 c. 33.

1980 c. 66.

54.—(1) Subject to subsection (4), for the purposes of this Act and any other enactment relating to town and country planning, the Land Compensation Act 1961 and the Highways Act 1980, the development plan for any district outside Greater London and the metropolitan counties (whether the whole or part of the area of a local planning authority) shall be taken as consisting of—

- (a) the provisions of the structure plan for the time being in force for that area or the relevant part of that area, together with the Secretary of State's notice of approval of the plan;
- (b) any alterations to that plan, together with the Secretary of State's notices of approval of them;
- (c) any provisions of a local plan for the time being applicable to the district, together with a copy of the authority's resolution of adoption or, as the case may be, the Secretary of State's notice of approval of the local plan; and
- (d) any alterations to that local plan, together with a copy of the authority's resolutions of adoption or, as the case may be, the Secretary of State's notices of approval of them.

(2) References in subsection (1) to the provisions of any plan, notices of approval, alterations and resolutions of adoption shall, in relation to a district forming part of the area to which they are applicable, be respectively construed as references to so much of those provisions, notices, alterations and resolutions as is applicable to the district.

(3) References in subsection (1) to notices of approval shall, in relation to any plan or alteration made by the Secretary of State under section 51, be construed as references to notices of the making of the plan or alteration.

(4) This section has effect subject to Part III of Schedule 2 (old development plans).

(5) Any reference in the Land Compensation Act 1961 to an area defined in the current development plan as an area of comprehensive development shall be construed as a reference to an action area for which a local plan is in force.

PART VIII

(5) Regulations under subsection (3) may also provide for the charging on the land of any expenses recoverable by a local authority under subsection (1).

(6) Where by virtue of this section any expenses are recoverable by a local planning authority, those expenses shall be recoverable as a simple contract debt in any court of competent jurisdiction.

210.—(1) If any person, in contravention of a tree preservation order—

- (a) cuts down, uproots or wilfully destroys a tree, or
- (b) wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it,

Penalties for non-compliance with tree preservation order.

he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum or twice the sum which appears to the court to be the value of the tree, whichever is the greater; or
- (b) on conviction on indictment, to a fine.

(3) In determining the amount of any fine to be imposed on a person convicted on indictment of an offence under subsection (1), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

(4) If any person contravenes the provisions of a tree preservation order otherwise than as mentioned in subsection (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) If, in the case of a continuing offence under this section, the contravention is continued after the conviction, the offender shall be guilty of a further offence and liable on summary conviction to an additional fine not exceeding £5 for each day on which the contravention is so continued.

Trees in conservation areas

211.—(1) Subject to the provisions of this section and section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of section 198(3)(a) be prohibited by a tree preservation order shall be guilty of an offence.

Preservation of trees in conservation areas.

(2) Subject to section 212, this section applies to any tree in a conservation area in respect of which no tree preservation order is for the time being in force.

(3) It shall be a defence for a person charged with an offence under subsection (1) to prove—

- (a) that he served notice of his intention to do the act in question (with sufficient particulars to identify the tree) on the local planning authority in whose area the tree is or was situated; and
- (b) that he did the act in question—

(i) with the consent of the local planning authority in whose area the tree is or was situated, or

PART VIII

(ii) after the expiry of the period of six weeks from the date of the notice but before the expiry of the period of two years from that date.

(4) Section 210 shall apply to an offence under this section as it applies to a contravention of a tree preservation order.

Power to disapply
s. 211.

212.—(1) The Secretary of State may by regulations direct that section 211 shall not apply in such cases as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1), the regulations may be framed so as to exempt from the application of that section cases defined by reference to all or any of the following matters—

- (a) acts of such descriptions or done in such circumstances or subject to such conditions as may be specified in the regulations;
- (b) trees in such conservation areas as may be so specified;
- (c) trees of a size or species so specified; or
- (d) trees belonging to persons or bodies of a description so specified.

(3) The regulations may, in relation to any matter by reference to which an exemption is conferred by them, make different provision for different circumstances.

(4) Regulations under subsection (1) may in particular, but without prejudice to the generality of that subsection, exempt from the application of section 211 cases exempted from section 198 by subsection (6) of that section.

Enforcement of
controls as
respects trees in
conservation
areas.

213.—(1) If any tree to which section 211 applies—

- (a) is removed, uprooted or destroyed in contravention of that section; or
- (b) is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by virtue of the provisions of such regulations under subsection (1) of section 212 as are mentioned in subsection (4) of that section,

it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) The duty imposed by subsection (1) does not apply to an owner if on application by him the local planning authority dispense with it.

(3) The duty imposed by subsection (1) on the owner of any land attaches to the person who is from time to time the owner of the land and may be enforced as provided by section 207 and not otherwise.

Registers of s. 211
notices.

214. It shall be the duty of a local planning authority to compile and keep available for public inspection free of charge at all reasonable hours and at a convenient place a register containing such particulars as the Secretary of State may determine of notices under section 211 affecting trees in their area.

PART VIII

CHAPTER III

ADVERTISEMENTS

Advertisement regulations

Regulations
controlling display
of advertisements.

220.—(1) Regulations under this Act shall make provision for restricting or regulating the display of advertisements so far as appears to the Secretary of State to be expedient in the interests of amenity or public safety.

(2) Without prejudice to the generality of subsection (1), any such regulations may provide—

- (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed and the manner in which they are to be affixed to the land;
- (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
- (c) for applying, in relation to any such consent and to applications for such consent, any of the provisions mentioned in subsection (3), subject to such adaptations and modifications as may be specified in the regulations;
- (d) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

(3) The provisions referred to in subsection (2)(c) are—

- (a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 56, 62, 65 to 68, 69(3) and (4), 71, 80, 81, 91 to 96, 100 and 101 and Schedule 8;
- (b) sections 137 to 141, 143 and 144 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 137(1)(b) or (c));
- (c) section 316.

(4) Without prejudice to the generality of the powers conferred by this section, regulations made for the purposes of this section may provide that any appeal from the decision of the local planning authority, on an application for their consent under the regulations, shall be to an independent tribunal constituted in accordance with the regulations, instead of being an appeal to the Secretary of State.

(5) If any tribunal is so constituted, the Secretary of State may pay to the chairman and members of the tribunal such remuneration, whether by way of salaries or by way of fees, and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as he may with the consent of the Treasury determine.

Power to make
different
advertisement
regulations for
different areas.

221.—(1) Regulations made for the purposes of section 220 may make different provision with respect to different areas, and in particular may make special provision—

- (a) with respect to conservation areas;

PART VIII

- (b) with respect to areas defined for the purposes of the regulations as experimental areas, and
- (c) with respect to areas defined for the purposes of the regulations as areas of special control.

(2) An area may be defined as an experimental area for a prescribed period for the purpose of assessing the effect on amenity or public safety of advertisements of a prescribed description.

(3) An area may be defined as an area of special control if it is—

- (a) a rural area, or
- (b) an area which appears to the Secretary of State to require special protection on grounds of amenity.

(4) Without prejudice to the generality of subsection (1), the regulations may prohibit the display in an area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.

(5) Areas of special control for the purposes of regulations under this section may be defined by means of orders made or approved by the Secretary of State in accordance with the provisions of the regulations.

(6) Where the Secretary of State is authorised by the regulations to make or approve any such order as is mentioned in subsection (5), the regulations shall provide—

- (a) for the publication of notice of the proposed order in such manner as may be prescribed,
- (b) for the consideration of objections duly made to it, and
- (c) for the holding of such inquiries or other hearings as may be prescribed,

before the order is made or approved.

(7) Subject to subsection (8), regulations made under section 220 may be made so as to apply—

- (a) to advertisements which are being displayed on the date on which the regulations come into force, or
- (b) to the use for the display of the advertisements of any site which was being used for that purpose on that date.

(8) Any regulations made in accordance with subsection (7) shall provide for exempting from them—

- (a) the continued display of any such advertisements as there mentioned; and
- (b) the continued use for the display of advertisements of any such site as there mentioned,

during such period as may be prescribed.

(9) Different periods may be prescribed under subsection (8) for the purposes of different provisions of the regulations.

APPENDIX C

1995 No. 418

TOWN AND COUNTRY PLANNING, ENGLAND
AND WALES

The Town and Country
Planning (General Permitted
Development) Order 1995

| | |
|-------------------------------|---------------------------|
| <i>Made - - - - -</i> | <i>22nd February 1995</i> |
| <i>Laid before Parliament</i> | <i>6th March 1995</i> |
| <i>Coming into force - -</i> | <i>3rd June 1995</i> |



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Directions restricting permitted development

4.--(1) If the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than Class B of Part 22 or Class B of Part 23, should not be carried out unless permission is granted for it on an application, he or they may give a direction under this paragraph that the permission granted by article 3 shall not apply to—

- (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or
-

(b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction,
and the direction shall specify that it is made under this paragraph.

(2) If the appropriate local planning authority is satisfied that it is expedient that any particular development described in paragraph (5) below should not be carried out within the whole or any part of a conservation area unless permission is granted for it on an application, they may give a direction under this paragraph that the permission granted by article 3 shall not apply to all or any particular development of the Class in question within the whole or any part of the conservation area, and the direction shall specify the development and conservation area or part of that area to which it relates and that it is made under this paragraph.

(3) A direction under paragraph (1) or (2) shall not affect the carrying out of—

- (a) development permitted by Part 11 authorised by an Act passed after 1st July 1948 or by an order requiring the approval of both Houses of Parliament approved after that date;
- (b) any development in an emergency; or
- (c) any development mentioned in Part 24, unless the direction specifically so provides.

(4) A direction given or having effect as if given under this article shall not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development—

- (a) the maintenance of bridges, buildings and railway stations;
- (b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) the maintenance of docks, harbours, quays, wharves, canals and towing paths;
- (d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;
- (e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;
- (f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome;
- (g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Class A of Part 18 of Schedule 2).

(5) The development referred to in paragraph (2) is development described in—

- (a) Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location;
- (b) Class C of Part 1 of that Schedule, where the alteration would be to a roof slope which fronts a relevant location;
- (c) Class D of Part 1 of that Schedule, where the external door in question fronts a relevant location;
- (d) Class E of Part 1 of that Schedule, where the building or enclosure, swimming or other pool to be provided would front a relevant location, or where the part of the building or enclosure maintained, improved or altered would front a relevant location;
- (e) Class F of Part 1 of that Schedule, where the hard surface would front a relevant location;
- (f) Class H of Part 1 of that Schedule, where the part of the building or other structure on which the satellite antenna is to be installed, altered or replaced fronts a relevant location;
- (g) Part 1 of that Schedule, consisting of the erection, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse;
- (h) Class A of Part 2 of that Schedule, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a relevant location;

- (i) Class C of Part 2 of that Schedule, consisting of the painting of the exterior of any part, which fronts a relevant location, of—
 - (i) a dwellinghouse; or
 - (ii) any building or enclosure within the curtilage of a dwellinghouse;
 - (j) Class B of Part 31 of that Schedule, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location.
- (6) In this article and in articles 5 and 6—
 “appropriate local planning authority” means—
- (a) in relation to a conservation area in a non-metropolitan county, the county planning authority or the district planning authority; and
 - (b) in relation to any other area, the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate;
- “relevant location” means a highway, waterway or open space.

Approval of Secretary of State for article 4(1) directions

5.—(1) Except in the cases specified in paragraphs (3) and (4), a direction by a local planning authority under article 4(1) requires the approval of the Secretary of State, who may approve the direction with or without modifications.

(2) On making a direction under article 4(1) or submitting such a direction to the Secretary of State for approval—

- (a) a county planning authority shall give notice of it to any district planning authority in whose district the area to which the direction relates is situated; and
- (b) except in metropolitan districts, a district planning authority shall give notice of it to the county planning authority, if any.

(3) Unless it affects the carrying out of development by a statutory undertaker as provided by article 4(4), the approval of the Secretary of State is not required for a direction which relates to—

- (a) a listed building;
- (b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or
- (c) development within the curtilage of a listed building,

and does not relate to land of any other description.

(4) Subject to paragraph (6), the approval of the Secretary of State is not required for a direction made under article 4(1) relating only to development permitted by any of Parts 1 to 4 or Part 31 of Schedule 2, if the relevant authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

(5) A direction not requiring the Secretary of State's approval by virtue of paragraph (4) shall, unless disallowed or approved by the Secretary of State, expire at the end of six months from the date on which it was made.

(6) Paragraph (4) does not apply to a second or subsequent direction relating to the same development or to development of the same Class or any of the same Classes, in the same area or any part of that area as that to which the first direction relates or related.

(7) The local planning authority shall send a copy of any direction made by them to which paragraph (4) applies to the Secretary of State not later than the date on which notice of that direction is given in accordance with paragraph (10) or (12).

(8) The Secretary of State may give notice to the local planning authority that he has disallowed any such direction and the direction shall then cease to have effect.

(9) The local planning authority shall as soon as reasonably practicable give notice that a direction has been disallowed in the same manner as notice of the direction was given.

(4) The local planning authority need not serve notice on an owner or occupier in accordance with paragraph (1)(b) where they consider that individual service on that owner or occupier is impracticable because it is difficult to identify or locate him.

(5) The local planning authority need not serve any notice in accordance with paragraph (1)(b) where they consider that the number of owners or occupiers within the conservation area or part of that area to which the direction relates makes individual service impracticable.

(6) On making a direction under article 4(2)—

(a) a county planning authority shall give notice of it to any district planning authority in whose district the conservation area or part of that area to which the direction relates is situated; and

(b) except in metropolitan districts, a district planning authority shall give notice of it to the county planning authority, if any.

(7) A direction under article 4(2) shall expire at the end of six months from the date on which it was made unless confirmed by the appropriate local planning authority in accordance with paragraphs (8) and (9) before the end of that six month period.

(8) In deciding whether to confirm a direction made under article 4(2), the local planning authority shall take into account any representations received during the period specified in the notice referred to in paragraph (2)(d).

(9) The local planning authority shall not confirm the direction until a period of at least 28 days has elapsed following the latest date on which any notice relating to the direction was served or published.

(10) The appropriate local planning authority shall as soon as practicable give notice that a direction has been confirmed in the same manner as in paragraphs (1)(a) and (b) above.

Directions restricting permitted development under Class B of Part 22 or Class B of Part 23

7.—(1) If, on receipt of a notification from any person that he proposes to carry out development within Class B of Part 22 or Class B of Part 23 of Schedule 2, a mineral planning authority are satisfied as mentioned in paragraph (2) below, they may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted by article 3 of this Order shall not apply to the development, or to such part of the development as is specified in the direction.

(2) The mineral planning authority may make a direction under this article if they are satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because—

(a) the land on which the development is to be carried out is within—

(i) a National Park,

(ii) an area of outstanding natural beauty,

(iii) a site of archaeological interest, and the operation to be carried out is not one described in the Schedule to the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984(a)(exempt operations),

(iv) a site of special scientific interest, or

(v) the Broads;

(b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given in pursuance of the provisions of Class B of Part 22 or Class B of Part 23, would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a building shown as Grade I in the list of buildings of special architectural or historic interest compiled by the Secretary of State under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990(b)(listing of buildings of special architectural or historic interest);

(c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or

(d) the development would endanger aircraft using a nearby aerodrome.

(a) S.I. 1984/1286.

(b) 1990 c. 9.

(10) Subject to paragraph (12), notice of any direction made under article 4(1) shall be served by the appropriate local planning authority on the owner and occupier of every part of the land within the area to which the direction relates as soon as practicable after the direction has been made or, where the direction is required to be approved by the Secretary of State, as soon as practicable after it has been so approved; and a direction shall come into force in respect of any part of the land within the area to which the direction relates on the date on which notice is so served on the occupier of that part, or, if there is no occupier, on the owner.

(11) If a direction to which paragraph (4) applies is approved by the Secretary of State within the period of six months referred to in paragraph (5), then (unless paragraph (12) applies) the authority who made the direction shall, as soon as practicable, serve notice of that approval on the owner and occupier of every part of the land within the area to which the direction relates; and where the Secretary of State has approved the direction with modifications the notice shall indicate the effect of the modifications.

(12) Where in the case of a direction under article 4(1)(a) an authority consider that individual service in accordance with paragraph (10) or (11) is impracticable for the reasons set out in paragraph (14) they shall publish a notice of the direction, or of the approval, by local advertisement.

(13) A notice published pursuant to paragraph (12) shall contain a statement of the effect of the direction and of any modification made to it by the Secretary of State, and shall name a place or places where a copy of the direction, and of a map defining the area to which it relates, may be seen at all reasonable hours.

(14) The reasons referred to in paragraph (12) are that the number of owners and occupiers within the area to which the direction relates makes individual service impracticable, or that it is difficult to identify or locate one or more of them.

(15) Where notice of a direction has been published in accordance with paragraph (12), the direction shall come into force on the date on which the notice is first published.

(16) A local planning authority may, by making a subsequent direction and without the approval of the Secretary of State, cancel any direction made by them under article 4(1), and the Secretary of State may make a direction cancelling any direction under article 4(1) made by the local planning authority.

(17) Paragraphs (10) and (12) to (15) shall apply to any direction made under paragraph (16).

Notice and confirmation of article 4(2) directions

6.—(1) Notice of any direction made under article 4(2) shall, as soon as practicable after the direction has been made, be given by the appropriate local planning authority—

- (a) by local advertisement; and
- (b) subject to paragraphs (4) and (5), by serving the notice on the owner and occupier of every dwellinghouse within the whole or the relevant part of the conservation area to which the direction relates.

(2) The notice referred to in paragraph (1) shall—

- (a) include a description of the development and the conservation area or part of that area to which the direction relates, and a statement of the effect of the direction;
- (b) specify that the direction is made under article 4(2) of this Order;
- (c) name a place where a copy of the direction, and a copy of the map defining the conservation area or part of that area to which it relates, may be seen at all reasonable hours; and
- (d) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority.

(3) The direction shall come into force in respect of any part of the land within the conservation area or part of that area to which it relates—

- (a) on the date on which the notice is served on the occupier of that part of the land or, if there is no occupier, on the owner; or
- (b) if paragraph (4) or (5) applies, on the date on which the notice is first published in accordance with paragraph (1)(a).

APPENDIX D

PPG15: PLANNING AND THE HISTORIC ENVIRONMENT

5-384

PPG15: PLANNING AND THE HISTORIC ENVIRONMENT

| | |
|--------------------|--|
| PPG No.: | PPG 15 |
| Date issued | September 1994 |
| Extent: | England only. |
| Background: | This PPG provides comprehensive advice on controls for the protection of historic buildings and conservation areas. It supersedes and cancels the policy advice in DOE Circular 8/87, <i>Historic Buildings and Conservation Areas—Policy and Procedures</i> , but the Ministerial Directions given in that Circular remain in force until revoked and replaced in a forthcoming circular. |

Planning policy guidance notes set out Government policy on planning issues and provide guidance to local authorities and others on the operation of the planning system. They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use. Local planning authorities must take their content into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals.

This PPG, which is issued jointly by the Secretary of State for the Environment and the Secretary of State for National Heritage, updates the advice in Department of the Environment *Circular 8/87*.

5-404 3.48 Prosecution and enforcement relate to breaches of listed building control that have already occurred. Where such a breach is continuing or there is good reason to suppose it is about to occur, authorities should consider seeking an injunction to stop or prevent it. Since a breach of listed building control (unlike development control) is itself a criminal offence, there is no need or statutory provision for stop notices. Authorities may, of course, find written warnings useful deterrents. Injunctions can be obtained speedily from the Court even where the actual or expected offender is not present before the Court, or indeed where his or her identity is not known; the essential ingredient is to satisfy the Court that the application is soundly based. In the case of an interim injunction the Court would normally ask the applicant to compensate the restrained party for any costs the latter might incur as a result of the interim injunction if the Court refuse to grant a final injunction. Anyone who refuses to comply with an injunction is in contempt of Court and may be fined or imprisoned (or both).

4 Conservation areas

5-405 4.1 Section 69 of the Act imposes a duty on local planning authorities to designate as conservation areas any "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". There are now more than 8,000 conservation areas in England. Whilst listing procedures are focused on the protection of individual buildings, conservation area designation is the main instrument available to authorities to give effect to conservation policies for a particular neighbourhood or area. Designation introduces a general control over the demolition of unlisted buildings and provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's special interest.

Assessment and designation of conservation areas

4.2 It is the quality and interest of areas, rather than that of individual buildings, which should be the prime consideration in identifying conservation areas. There has been increasing recognition in recent years that our experience of a historic area depends on much more than the quality of individual buildings—on the historic layout of property boundaries and thoroughfares; on a particular "mix" of uses; on characteristic materials; on appropriate scaling and detailing of contemporary buildings; on the quality of advertisements, shop fronts, street furniture and hard and soft surfaces; on vistas along streets and between buildings; and on the extent to which traffic intrudes and limits pedestrian use of spaces between buildings. Conservation area designation should be seen as the means of recognising the importance of all these factors and of ensuring that conservation policy addresses the quality of townscape in its broadest sense as well as the protection of individual buildings.

4.3 Local planning authorities also have under section 69 a duty to review their areas from time to time to consider whether further designation of conservation areas is called for. In some districts, areas suitable for designation may have been fully identified already; and in considering further designations authorities should bear in mind that it is important that conservation areas are seen to justify their status and that the concept is not devalued by the designation of areas lacking any special interest. Authorities should seek to establish consistent local standards for their designations and should periodically review existing conservation areas and their boundaries against those standards: cancellation of designation should be considered where an area or part of an area is no longer considered to possess the special interest which led to its original designation.

50280/20

Planning R.110: January 1995

4.4 The more clearly the special architectural or historic interest that justifies designation is defined and recorded, the sounder will be the basis for local plan policies and development control decisions, as well as for the formulation of proposals for the preservation and enhancement of the character or appearance of an area. The definition of an area's special interest should derive from an assessment of the elements that contribute to (and detract from) it. Conservation areas vary greatly, but certain aspects will almost always form the basis for a coherent assessment: the topography—for example, thoroughfares and property boundaries—and its historical development; the archaeological significance and potential; the prevalent building materials; the character and hierarchy of spaces; the quality and relationship of buildings in the area and also of trees and other green features. The assessment should always note those unlisted buildings which make a positive contribution to the special interest of the area. More detailed advice on assessment and on other aspects of the management of conservation areas is set out in English Heritage's guidance note *Conservation Area Practice*. 5-405

4.5 The principal concern of a local planning authority in considering the designation of a conservation area should be to form a judgement on whether the area is of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. In deciding whether it is desirable to designate, an authority may take into account the resources likely to be required, not only for the administration of conservation area controls, but also for consultation with local residents and formulation of policies for a new area; without follow-up, designation is unlikely to be effective in itself. An authority's justification for designation, as reflected in its assessment of an area's special interest and its character and appearance, is a factor which the Secretary of State will take into account in considering appeals against refusals of conservation area consent for demolition, and appeals against refusals of planning permission (see also paragraph 2.9).

4.6 Given the nature of conservation area controls—essentially controls over demolition; strengthened controls over minor development; and the protection of trees—designation is not likely to be appropriate as a means of protecting landscape features, except where they form an integral part of the historic built environment and that factor needs to be taken into account in considering any planning applications which would affect them. The Courts have held that it is legitimate in appropriate circumstances to include within a conservation area the setting of buildings that form the heart of that area (*R. v Canterbury City Council, ex p. David Halford*, February 1992; CO/2794/1991). Designation is clearly not a proper means of controlling activities (eg. agricultural operations) which do not fall within the definition of development. Designation may well, however, be suitable for historic parks or gardens and other areas of historic landscape containing structures that contribute to their special interest and that fall within the categories subject to conservation area controls. Where there are no other reasons for designating a conservation area, trees may instead be protected by means of a tree preservation order.

4.7 There is no statutory requirement to consult prior to designation or cancellation of designation, but it will be highly desirable that there should be consultation with local residents, businesses and other local interests (eg. amenity bodies) over both the identification of areas and the definition of their boundaries. The greater the public support that can be enlisted for designation before it takes place, the more likely it is that policies for the area will be implemented voluntarily and without the need for additional statutory controls. Local planning authorities should advise English Heritage and the appropriate regional Government Office when conservation areas are designated.

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- 5-405 4.8 English Heritage and the Secretary of State for National Heritage also have powers to designate conservation areas, but look to local planning authorities in the first instance to consider the case for designation. English Heritage's powers relate to London only, where they are required to consult the London borough council concerned and to obtain the Secretary of State's consent to designation. The Secretary of State must also consult the authorities concerned before using his powers of designation. His policy is to use his own powers only in exceptional cases, for instance where an area is of more than local interest; or where there is evidence to suggest that an authority's ownership of important buildings may have influenced a decision not to use its own powers, and there is a clear threat to the character or appearance of the area. The Secretary of State may also apply such criteria when requested to approve the use of English Heritage's powers.

Policies for conservation areas

- 5-406 4.9 Section 71 of the Act places a duty on local planning authorities to formulate and publish proposals for the preservation and enhancement of conservation areas. It is important that designation is not seen as an end in itself: policies will almost always need to be developed which clearly identify what it is about the character or appearance of the area which should be preserved or enhanced, and set out the means by which that objective is to be pursued. Clear assessment and definition of an area's special interest and the action needed to protect it will help to generate awareness and encourage local property owners to take the right sort of action for themselves.

4.10 The Act requires proposals for the preservation and enhancement of a conservation area to be submitted for consideration to a "public meeting" in the area, but wider consultation will almost always be desirable, both on the assessment of special interest and on proposals for the area. Consultation should be undertaken not only with local residents and amenity societies but also with chambers of commerce, public utilities, and the highway authority. The character and appearance of many conservation areas is heavily dependent on the treatment of roads, pavements and other public spaces (see paragraphs 5.13-5.18). It is important that conservation policies are fully integrated with other policies for the area, eg. for shopping and traffic management. Account should also be taken of wider policies (eg. for house renovation grants) which may affect the area's character or appearance. The preparation of local plans provides the best opportunity for integrating conservation policies with wider policies for the area, though a local planning authority's detailed statement of proposals for the conservation area should not itself be part of the development plan (see paragraphs 2.9 above and 4.15 below). Carefully targeted grant schemes using the authority's powers under section 57 of the Act to help with repair and enhancement should also be considered as part of the policy for an area. In certain cases English Heritage Conservation Area Partnership funding may be available.

Vacant premises over shops

4.11 Bringing vacant upper floors back into use, particularly residential use, not only provides additional income and security for the shop owner, but also helps to ensure that what are often important townscape buildings are kept in good repair it meets a widespread need for small housing units and helps to sustain activity in town centres after working hours. Local planning authorities are urged to develop policies to secure better use of vacant upper premises, eg. by giving careful consideration to planning applications for shop conversions which would eliminate separate accesses to upper floors; by working with housing associations to secure residential conversions; and through the house renovation grant system.

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Local information and consultation

4.12 Once policies for a particular area have been formulated, they should be made available to local residents and businesses in leaflet form, setting out clearly why the area has been designated; what its specially valuable features are; how individual householders can help to protect its character and appearance; and what additional controls and opportunities for assistance designation brings with it. Without such information, the support of local residents is not likely to be realised to the full. (English Heritage's guidance note on conservation areas gives advice on such publicity.) 5-407

4.13 Local planning authorities are asked to consider setting up conservation area advisory committees, both to assist in formulating policies for the conservation area (or for several areas in a particular neighbourhood), and also as a continuing source of advice on planning and other applications which could affect an area. Committees should consist mainly of people who are not members of the authority; local residential and business interests should be fully represented. In addition to local historical, civic and amenity societies, and local chambers of commerce, the authority may wish to seek nominations (depending on the character of the area) from national bodies such as the national amenity societies and the Civic Trust. Authorities should consider whether there is scope for the involvement of local people on a voluntary basis in practical work for the enhancement of an area.

Use of planning powers in conservation areas

4.14 Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those which relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area. Local planning authorities are required by section 73 to publish a notice of planning applications for development which would in their opinion affect the character or appearance of a conservation area.

4.15 The status now accorded to the development plan by section 54A of the principal Act makes it particularly important that an authority's policies for its conservation areas, insofar as they bear on the exercise of development controls, should be set out in the local plan. There should also be a clear indication of the relationship between the plan itself and detailed assessment documents or statements of proposals for particular conservation areas, making clear that development proposals will be judged for their effect on the character and appearance of the area as identified in the assessment document.

4.16 Many conservation areas include the commercial centres of the towns and villages of which they form part. While conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change. Policies will need to be designed to allow the area to remain alive and prosperous, and to avoid unnecessarily detailed controls over businesses and householders, but at the same time to ensure that any new development accords with the area's special architectural and historic interest.

4.17 Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high

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5-407 quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.

4.18 Local planning authorities will often need to ask for detailed plans and drawings of proposed new development, including elevations which show the new development in its setting, before considering a planning application. In addition to adopted local plan policies, it may be helpful to prepare design briefs for individually important "opportunity" sites. Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (eg. the scale and spacing of window openings, and the nature and quality of materials). General planning standards should be applied sensitively in the interests of harmonising the new development with its neighbours in the conservation area.

4.19 The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

4.20 As to the precise interpretation of "preserve or enhance", the Courts have held (*South Lakeland District Council v. Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

Permitted development in conservation areas

5-408 4.21 The GDO requires planning applications for certain types of development in conservation areas which are elsewhere classified as permitted development. These include various types of cladding; the insertion of dormer windows into roof slopes; the erection of satellite dishes on walls, roofs or chimneys fronting a highway; and the installation of radio masts, antennae or radio equipment housing with a volume in excess of two cubic metres (unless the development is carried out in an emergency). The size of house and industrial extensions that may be carried out without specific planning permission is also more restricted.

4.22 On 30 March 1994 the Government announced a new proposal to enable local planning authorities to make directions withdrawing permitted development rights for a prescribed range of development materially affecting some aspects of the external appearance of dwellinghouses, such as doors, windows, roofs and frontages. There would be no requirement to obtain the Secretary of State's approval for such directions, but authorities would have to publicise their proposals in advance and have regard to the views of local people. Further details of these new arrangements will be published by circular shortly.

4.23 The withdrawal of permitted development rights outside these categories will continue to require Article 4 directions for which the Secretary of State's approval is generally needed before they can become effective. The

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Secretary of State takes the view that permitted development rights should not be withdrawn without clear justification and that, wherever possible, residents in conservation areas should continue to enjoy the same freedom to undertake development as residents elsewhere. He does not consider that the designation of a conservation area in itself automatically justifies making an Article 4 direction. Such directions may, however, have a role to play if they would help to protect features that are key elements of particular conservation areas and do not come within the categories that will be subject to the arrangements set out in paragraph 4.22 above. The Secretary of State will generally be in favour of approving directions in conservation areas where these are backed by a clear assessment of an area's special architectural and historic interest, where the importance to that special interest of the features in question is established, where the local planning authority can demonstrate local support for the direction, and where the direction involves the minimum withdrawal of permitted development rights (in terms of both area and types of development) necessary to achieve its objective. 5-408

4.24 Sections 107 and 108 of the principal Act make provision for the payment of compensation in certain circumstances where permitted development rights have been withdrawn by an Article 4 direction or an amendment to the GDO.

Conservation area control over demolition

4.25 Conservation area designation introduces control over the demolition of most buildings within conservation areas (section 74 of the Act); exceptions are specified in section 75 and in the relevant direction. Applications for consent to demolish must be made to the local planning authority or, on appeal or call-in, to the Secretary of State. Procedures are essentially the same as for listed building consent applications. Authorities' own applications must be made to the Secretary of State. Scheduled ancient monuments are exempt from conservation area control: scheduled monument consent for proposed works must be sought from the Secretary of State for National Heritage (see PPG 16). 5-409

4.26 In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and, as with listed building controls, this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

4.27 The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16–3.19 above). In less clear-cut cases—for instance, where a building makes little or no such contribution—the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

4.28 Section 336 of the principal Act states that a building includes “any part of a building”. The demolition of part of a building should therefore be regarded as falling within the scope of conservation area control. What 5-409

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- 5-409 constitutes a demolition or demolition of part of a building must be a matter of fact and degree, to be decided in the particular case and ultimately by the Courts. Routine works of repair, maintenance or replacement, including work involving such items as doors or windows, would not in the Secretary of State's view normally constitute demolition. Likewise, the removal of internal features, whether replaced or not, would not usually constitute a demolition and for the purposes of conservation area consent would not, in any event, have a material impact on the building's appearance or affect the character or appearance of the area.

4.29 It will often be appropriate to impose on the grant of consent for demolition a condition under section 17(3) of the Act, as applied by section 74(3), to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted. In the past, ugly gaps have sometimes appeared in conservation areas as a result of demolition far in advance of redevelopment.

Leasehold reform

4.30 The extended arrangements for leasehold enfranchisement under the Leasehold Reform, Housing and Urban Development Act 1993 included wider provisions for estate management schemes aimed at maintaining the appearance and amenity of areas currently under a single landlord's control. Schemes can be applied for by landlords or representative bodies such as residents' associations up to 30 October 1995 (in some exceptional cases later with the Secretary of State's agreement) and, when approved, transferred to local planning authorities or specially constituted bodies. Within conservation areas, schemes can by default be promoted by authorities or English Heritage between that deadline and 30 April 1996. The costs of management under such schemes fall to be met by the freeholders. In considering whether to approve a scheme the leasehold valuation tribunal is required to have regard *inter alia* to the past development and present character of the area and to architectural or historical considerations. Moreover, in conservation areas, applicants for schemes are required to notify English Heritage and the local planning authority and invite them to make representations to the tribunal. These provisions should enable authorities in appropriate cases to help maintain the appearance of an architecturally unified estate through regulation of the development, use and appearance of property beyond what can be enforced under the planning system (eg. by regulating external decoration and cleaning), and through being able to require proper maintenance and repair of the structure and external elements of the buildings. Further information is available from English Heritage.

Advertisement control

- 5-410 4.31 All outdoor advertisements affect the appearance of the building or the neighbourhood where they are displayed. The main purpose of the advertisement control system is to help everyone involved in the display of outdoor advertising to contribute positively to the appearance of an attractive and cared-for environment. So it is reasonable to expect that the local planning authority's duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area will result in practice in applying more exacting standards when the authority consider whether to grant consent for a proposed advertisement in such an area.

- 5-409 4.32 In conservation areas it is important for local planning authorities to be sensitive in the use of their powers under the Town & Country Planning (Control of Advertisements) Regulations 1992, because many areas include

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retail and commercial premises, ranging from small corner-shops to thriving commercial centres. Outdoor advertising is essential to commercial activity in a free and diverse economy, and the success of local businesses will usually help owners and tenants of commercial premises to maintain buildings in good repair and attractive appearance. 5-410

4.33 Local planning authorities may wish to adopt advertisement control policies as part of their duty to formulate and publish proposals for the preservation and enhancement of conservation areas. Such policies can inform prospective advertisers about the type of displays likely to prove acceptable in an area; and they should provide a rational and consistent basis for decision-making on all advertisement control matters, including the serving of discontinuance notices.

4.34 Because of the special interest of most conservation areas, certain categories of "deemed consent" advertisements which may have a significant visual impact are not permitted for display in a conservation area without the local planning authority's specific consent. But a general prohibition of the display of certain classes of advertisement, or the withdrawal or limitation of those which may be displayed with deemed consent, is not usually justified solely because of designation.

4.35 Attention is drawn to the value of education and co-operation to help prevent unsympathetic advertisements. Local planning authorities may wish to consider mounting programmes, in association with local businesses, to promote advertisement policies by providing advice about the design and siting of suitable displays which respect the character and appearance of an area (either by the publication of design guidelines, the mounting of exhibitions, the setting-up of an advisory service in a Planning Department, or a combination of these approaches).

4.36 Where a local planning authority has pursued this approach, but considers that it has not prevented unsuitable or harmful advertisement displays, the Secretary of State will be prepared to consider making a direction under regulation 7 of the 1992 Regulations referred to above, if the authority can justify it. In seeking such additional control, authorities will be expected to show that they have well-formulated policies for the display of advertisements in the area and that the vigorous use of normal powers of control has proved inadequate. Similarly, when considering whether an advertisement is causing "substantial injury to amenity", so that its display should be discontinued, the Secretary of State will particularly consider any evidence, on appeal, that the authority have acted in accordance with a well-formulated advertisement control policy.

4.37 Further advice on outdoor advertisement control, including in conservation areas, is given in PPG 19.

Trees in conservation areas

4.38 Trees are valued features of our towns and countryside and make an important contribution to the character of the local environment. Under Part VIII of the principal Act, local planning authorities have a power to protect trees and woodlands in the interests of amenity by making tree preservation orders. In addition to this general power, authorities are under a duty to make adequate provision for the preservation and planting of trees when granting planning permission for the development of land. They do this by a combination of planning conditions and tree preservation orders. 5-411

4.39 Many trees in conservation areas are the subject of tree preservation orders, which means that the local planning authority's consent must be obtained before they can be cut down, topped or lopped. In addition to these controls, and in view of the contribution that trees can make to the character and appearance of a conservation area, the principal Act makes special 5-41

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the coming into operation of a redundancy scheme authorities are advised to discuss the application of the controls with the diocesan or parish bodies concerned where the authority is considering taking action under the urgent works provisions of section 54 of the Act or where the diocesan board of finance considers it necessary to remove fixtures for safe keeping under section 49(2) of the Pastoral Measure.

8.18 Many churches, of all denominations, when no longer required for worship may nevertheless have a continuing and valuable contribution to make to the community in terms of architecture, art, social and local or national history. They often occupy central and convenient positions in villages and towns and can, therefore, offer suitable venues for a variety of social and community purposes, such as meetings, concerts, exhibitions, indoor sports and evening classes. Even where the building itself is not worthy of individual listing as of architectural or historic interest, it may nevertheless be a familiar and important feature of an urban or rural landscape—while a surrounding churchyard may possess considerable ecological interest. It is important that once a church becomes redundant no unnecessary delay should occur in finding an alternative use for it. Conversion to another use which preserves the most interesting elements, internal and external, is to be preferred to demolition.

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ANNEX A

THE LEGISLATION AND THE MAIN HERITAGE BODIES

A.1 The provisions relating to listed buildings and conservation areas are set out in the Act (as amended) augmented by the Planning (Listed Buildings and Conservation Areas) Regulations 1990* and directions and notifications. Further provisions relating to grants by English Heritage (formally known as the Historic Buildings and Monuments Commission for England) are set out in sections 3A–6 of the Historic Buildings and Monuments Act 1953 (as amended) and paragraph 3(1) of Schedule 2 to the Local Government Act 1985.

Central and local government

A.2 The Secretary of State for National Heritage is responsible for the general legislative and policy framework; for the listing of buildings of special architectural or historic interest; for the exercise of statutory powers to secure repairs to historic buildings and to designate conservation areas; for the scheduling of ancient monuments and for deciding applications for scheduled monument consent; and for the funding of the main heritage agencies.

A.3 Because of their close links with development control, the Secretary of State for the Environment is responsible for deciding called-in applications and appeals against refusals of listed building or conservation area consent, in consultation with the Secretary of State for National Heritage. Further details of the division of responsibility between the two Departments are given in Department of the Environment *Circular 20/92*.

A.4 Local planning authorities (primarily district and borough councils) have the crucial leading role in securing the conservation of the historic environment in their areas. They are responsible for the integration of conservation policy with wider planning policy for their areas, and for the designation of conservation areas. They exercise controls over works to listed

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* referred to in these Annexes as "the 1990 Regulations".

buildings and over demolitions in conservation areas. They have powers to secure the repair of listed buildings which have been allowed to fall into disrepair, and to make grants towards the cost of repairing historic buildings (whether or not listed). **5-419/13**

A.5 Authorities should have adequate specialist expertise available to them for the discharge of their responsibilities for listed buildings and conservation policy generally. The availability of advice from English Heritage, and from the national amenity societies on certain categories of listed building consent application, does not relieve authorities of the need to ensure that they have their own expert advice suitably deployed to enable them to deal both with day-to-day casework and with longer-term policy formulation. Whether this expertise should take the form of full-time conservation staff, or the use of consultancy expertise, is a matter for individual authorities to consider. The Secretary of State may direct a district planning authority to submit for approval the arrangements which the authority propose to make to obtain specialist advice in connection with their conservation functions (paragraph 7 of Schedule 4 to the Act).

English Heritage

A.6 English Heritage was established under section 32 of the National Heritage Act 1983. Its general duties under the Act are: **5-419/14**

- (a) to secure the preservation of ancient monuments and historic buildings situated in England;
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England;
- (c) to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.

A.7 English Heritage's specific functions involve giving advice in relation to ancient monuments, historic buildings and conservation areas situated in England, including advice to the Secretary of State on the inclusion of buildings in the statutory list of buildings of special architectural or historic interest and the scheduling of ancient monuments; it may make grants and loans in relation to historic buildings, land and gardens, conservation areas, and ancient monuments, and in respect of archaeological investigation. It also compiles registers of parks and gardens of special historic interest, and of historic battlefields, and sponsors surveys of listed buildings at risk.

A.8 With the consent of the Secretary of State, English Heritage may acquire historic buildings, land or gardens, and acquire or become the guardian of ancient monuments. It manages about 400 sites and monuments on behalf of the Secretary of State.

A.9 English Heritage gives advice to local planning authorities on certain categories of listed building consent application which have to be notified to English Heritage, and similarly advises both Secretaries of State on planning and listed building consent applications and appeals and on other matters generally affecting the historic environment.

Royal Commission on the Historical Monuments of England (RCHME)

A.10 The RCHME is the national body of survey and record. Its aim is to compile and make available a basic national record of England's historic buildings and ancient monuments for use by individuals and bodies concerned with understanding, conserving and managing the built environment; this information is held in the National Monuments Record. **5-419/14**

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- 5-419/14** A.11 The RCHME has a specific responsibility to consider the need for recording and to record listed buildings threatened with total or partial demolition (section 8 of the Act). Works for such demolition are only authorised under the Act if the RCHME has been afforded reasonable access to the building in order to record it.

Royal Fine Art Commission (RFAC)

- 5-419/15** A.12 The RFAC advises Government departments, local planning authorities and other bodies in England and Wales on mainly architectural, town planning and landscape matters. It does so primarily by means of comment on individual major development proposals which are submitted for scrutiny (see paragraph 2.13 above).

National Heritage Memorial Fund (NHMF)

A.13 The NHMF was established to give financial assistance towards the cost of acquiring, maintaining or preserving land, buildings, works of art and other objects of outstanding interest which are also of importance to the national heritage. The Fund is in the control of independent trustees, and was intended as a memorial to those who have died for the United Kingdom. The Fund operates throughout the United Kingdom and concentrates its activities on securing, through co-operation with other heritage agencies and funding bodies, the retention or preservation of outstanding heritage entities which are perceived to be at risk in some way.

A.14 The NHMF will have responsibility for distributing that part of the proceeds of the National Lottery which will be made available for heritage purposes. It will do so in consultation with other heritage bodies, including English Heritage. Separate guidance on applications etc. will be issued in the autumn.

The National Amenity Societies

A.15 The six national amenity societies aim to protect different aspects of the built heritage. The societies are:

- (a) the Ancient Monuments Society, which is concerned with historic buildings of all ages and types, but with a particular interest in churches;
- (b) the Council for British Archaeology, which is concerned with all historic buildings, but with a particular interest in the archaeology of subterranean and standing structures;
- (c) the Society for the Protection of Ancient Buildings, which is concerned mainly with structures constructed before 1700, but also with philosophical and technical aspects of conservation;
- (d) the Georgian Group, which is concerned with architecture and architecture-related arts between 1700 and 1840;
- (e) the Victorian Society, which is concerned with Victorian and Edwardian architecture and architecture-related arts between 1840 and 1914; and
- (f) the Twentieth Century Society (formerly the Thirties Society), which is concerned with architecture of the twentieth century in all decades except the first.

The first five of these are required to be notified by local authorities of applications to demolish listed buildings, either in whole or in part; the Twentieth Century Society receives relevant notifications via the Victorian Society.

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A.16 The Garden History Society was closely involved in setting up the Register of Historic Parks and Gardens, now maintained by English Heritage. Its work, however, is analogous to that of the national amenity societies mentioned above and it has more experience of dealing with planning applications affecting parks and gardens than any other body. **5-419/15**

A.17 Many local amenity societies affiliated to the Civic Trust, and local branches of the national societies, work closely with their local authorities to secure conservation objectives. The Secretaries of State attach particular importance to the activities of the voluntary sector in heritage matters, and hope that local authorities will work in close co-operation with national and local amenity bodies and draw on their expertise to the full.

Architectural Heritage Fund (AHF)

A.18 The AHF is a national conservation fund established to give local non-profit-making building preservation trusts access to working capital at favourable rates of interest. Such trusts play a particularly valuable role in renovating and finding new uses for historic buildings at risk from neglect and disrepair. The AHF also gives grants for feasibility studies on potential projects. Its entire capital is at all times available for low-interest loans on a "revolving fund" basis, since running costs and all non-loan activities to help trusts are paid for out of interest earnings, with some assistance from grants from the Department of National Heritage. The AHF has played a leading part in establishing the United Kingdom Association of Building Preservation Trusts. **5-419/16**

Church bodies

A.19 This annex also contains addresses for the Church of England and the four other denominations for which exemption is to be continued in England (see paragraph 8.7).

A.20 So far as the Church of England is concerned, the Church Commissioners for England have administrative and quasi-judicial duties in connection with pastoral reorganisation and redundant churches (see paragraph 8.15). Where there are plans to demolish a redundant church, the Commissioners must consult the Advisory Board for Redundant Churches (which grants the appropriate certificate). Where the Board advises against demolition, a non-statutory public inquiry may be held. The Council for the Care of Churches has certain statutory responsibilities under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Pastoral Measure 1983 and a significant grant allocating functions concerned with the conservation of furnishings and works of art in churches. The Cathedrals Fabric Commission for England gives advice on the care and conservation of cathedrals and determines applications for the approval of proposed works to cathedrals under the Care of Cathedrals Measure 1990 (see paragraph 8.8). The Churches Conservation Trust (formerly the Redundant Churches Fund) is the trustee body for the preservation, in the interests of the nation and of the Church of England, of churches vested in it on account of their historic, archaeological and architectural interest (paragraphs 8.15 and 8.17); it is grant-aided by the Church Commissioners (30 per cent) and the Department of National Heritage (70 per cent).

A.21 The Historic Chapels Trust was set up in 1993 to preserve by acquisition redundant chapels and other places of worship of outstanding architectural or historic interest belonging to Free Church, Roman Catholic, Jewish and other religious bodies. It will normally receive 70 per cent grants from English Heritage for the repair and maintenance of its buildings, raising the remainder privately. The Department of National Heritage also provided support for its setting up. **5-419/16**

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APPENDIX E

CONSERVATION AREA QUESTIONNAIRE**What is a Conservation Area?**

- **"An area of special architectural or historic interest, the character of which it is desirable to preserve or enhance": the definition given in the Planning (Listed Buildings & Conservation Areas Act) 1990.**
 - **An area which the Council considers as being of consistent quality in terms of its architecture (both historic and modern), quality of streetscape, vistas, green spaces etc.**
- 1. Do you consider this area to be "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance?"**
 - 2. Did you know that your area has been designated as a conservation area?**
 - 3. What do you value about the conservation area that you live in?**
 - 4. What in the area has little or no merit or interest?**
 - 5. In what specific ways could the area be improved environmentally? For example, restoration of lost features, tree planting, changes to street furniture, areas and buildings in specific need of improvement**
 - 6. What contribution have you made to your area?**

APPENDIX F

**CONSERVATION AREA QUESTIONNAIRE FOR
LOCAL AUTHORITIES**

- 1. Name of Local Authority**
- 2. Number of Conservation Areas**
- 3. Number of staff in the Planning Department**
- 4. Number of Conservation Officers**
- 5. Number of Design Officers**
- 6. Number of Enforcement Officers**
- 7. Does your authority hold pre-application meetings, which officer would discuss with applicant/developer for proposals in a Conservation Area**
- 8. Has your authority any policies on signs and shopfronts?**
- 9. Has your authority produced any design guidance on conservation ie. leaflets?**
- 10. Does your authority provide design seminars/training on conservation for:-**
 - DC Officers**
 - Council Members**
 - General Public**
 - Professionals ie. Surveyors, Architects, Planners**
- 11. How many Conservation Area Enhancement Statements have been produced in your authority?**
- 12. Are there any plans by your authority to promote good designs/sensitive developments or enhancement of conservation areas?**