

Advice on Existing Planning Controls in Conservation Areas

A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (Planning (Listed Buildings and Conservation Areas) Act 1990). To facilitate this, supplementary planning controls apply in addition to standard planning controls in conservation areas. These are outlined below.

Demolition

Many buildings or structures within a conservation area cannot be demolished, either completely or in part, without the Council's prior consent in writing. Generally, the demolition of any building larger than 115 cubic metres requires consent. There are exceptions to this, and it is always best to contact the Council to check before undertaking any works.

Demolition of a boundary wall, fence or gate will require consent if it is more than 1 metre high, where fronting a highway/public open space, or more than 2 metres high elsewhere. If there is an additional Article 4 Direction then demolition of a boundary feature of any height would need consent.

Generally, there is a presumption in favor of retaining buildings and parts of buildings which make a positive contribution to the character or appearance of the conservation area.

Minor development

If you live in a conservation area, you are required to obtain planning permission before making some changes which might normally be permitted outside a conservation area, in order to ensure that any alterations do not detract from the area's appearance. The following development therefore requires planning permission within conservation areas:

- cladding to the exterior of a house with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- side extensions;
- rear extensions of more than one storey;
- roof extensions and dormer windows;
- any building or enclosure within the grounds of a house required for a purpose incidental to the enjoyment of the dwelling (including swimming pools, garden sheds, garages and summerhouses), which is between a side elevation of a dwellinghouse and the property boundary;
- a container used for domestic heating purposes (for the storage of oil or liquid petroleum gas), which is between a side elevation of a dwellinghouse and the property boundary;
- installation/alteration/replacement of a chimney, flue or soil and vent pipe on a dwellinghouse (where they front a highway and are on the principal or side elevation);
- replacement of a historic roof covering that will materially affect the external appearance of the building, unless the property is a single dwelling;

- paving over front gardens with non-permeable surfacing of an area greater than five square meters.

In dealing with any applications for planning permission within conservation areas, the Council will consider the effect of the proposed development upon the character and appearance of the area.

Applicants are required to describe the significance of all assets affected by development, proportionate to the proposal, and provide sufficient detail to enable the impact of the proposed development on the character of the conservation area to be assessed.

In addition, various other works may require planning permission relating to the designation of Article 4 Directions.

For more information on Article 4 Directions please visit the Council website at <https://www.leicester.gov.uk/planning-and-building/planning-applications/do-i-need-permission/article-4-directions/>

Satellite dishes & solar panels

In a conservation area, planning permission is required to install any satellite dishes on any wall, roof slope or chimney which both faces onto and is visible from a highway or on a building more than 15 metres in height. If a dish is to be installed within a conservation area, then the very highest standards of care in locating and installing the equipment will be required in order to protect the special character of such an area.

If your property is in a conservation area, planning permission will be required if solar panels are to be fitted on the front or side walls and they are visible from the highway. If solar panels are installed on a roof slope they should not be installed above the highest part of the roof (excluding the chimney) and should project no more than 200mm from the roof slope. Planning permission would also be required for solar panels on the wall of a building within the curtilage of a house that would be visible from a highway.

Trees within conservation areas

Trees are recognised as making an important contribution to the character of the local environment. Anyone proposing to cut down, prune, top or lop a tree in a conservation area which is not covered by a Tree Preservation Order (TPO) has to give six weeks' notice in writing to the Local Planning Authority prior to carrying out any works to the tree. The notification should include a description of the tree and any works to be carried out. This applies to surgery works or felling of any tree with a trunk over 75mm in diameter measured 1.5 metres above ground level. The authority can then consider the contribution the tree makes to the character of the area, and if necessary make a TPO to protect it.

Few exceptions, when the written notice is not required exist:

- when working on trees with stem diameters of less than 75mm (measured at 1.5 metres from ground level);
- If the works being carried out are to help promote the growth of other trees, then trees with stem diameters of less than 100mm (at 1.5 metres) may be removed or pruned;
- works which are exempt under the TPO regulations also apply, including removal of dead wood, dying or dangerous trees.

However, the owners should provide the Council with at least five working days' notice prior to cutting down any tree which the owners deem to be dead, dying or dangerous, unless such works are required in an emergency. Carrying out works without giving notice is an offence. It is the tree owner's responsibility to provide proof that the tree was indeed dead, dying or dangerous in the case of challenge. It is always advisable to request an inspection by staff from the City Council's Trees & Woodlands Team prior to carrying out any tree felling operations within a conservation area.

To contact the Trees and Woodland Team please visit the Council's website at:

<https://www.leicester.gov.uk/leisure-and-culture/parks-and-open-spaces/management-and-maintenance/trees-and-woodlands/>

Flats and commercial properties

Flats and commercial properties do not have the permitted development rights available to other residential properties. As such, many of the items listed above may already require planning permission and the conservation area status simply provides an additional consideration in the assessment of any related planning applications.

Advertisements

Under the Town and Country Planning (Control of Advertisements) Regulations 2007, certain advertisements are 'permitted' without the need for express consent. In Conservation Areas, there are additional restrictions that require an application to be submitted on:

- illuminated advertisements;
- flag advertisements;
- advertisements on hoardings;
- captive balloon advertisements;
- advertisements on telephone kiosks.

Detailed advice is available at: <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>

Contact

If you are in any doubt as to whether or not planning permission is necessary, please contact the Planning Department at the Leicester City Council at:

Planning Department
City Hall
115 Charles Street
Leicester
LE1 1FZ

T: 0116 454 2973

E: planning@leicester.gov.uk