

## CONSERVATION AREAS IN THE DERBYSHIRE DALES

### *Information & Advice Leaflet*



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

Following concerns that the special qualities of areas were being lost by post-war development, the 1967 Civic Amenities Act introduced the concept of a 'Conservation Area'. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives local Councils the power to designate a Conservation Area within their local planning area. 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'***.

### **How is a Conservation Area Designated?**

Conservation Areas are designated in recognition of the importance of both the buildings, (individual and groups) along with the relationship of the spaces, within a specific area. History, architecture, landscape, layout of public and private spaces, parks and gardens, greens, trees, historic street furniture and historic street paving can all be

recognised as important within the framework of a Conservation Area. In order to justify why an area is considered special, central Government, via their advisory body Historic England, has produced a policy statement\* which defines the comprehensive criteria that should be used for the assessment of new and existing Conservation Areas. This includes reference to the origins and development of the settlement; the influence of former uses; its archaeological significance; the architecture and history of the buildings; the contribution of unlisted buildings; the character and relationship of its open spaces; building materials, textures and colours; local details; green spaces and the setting within the wider environment and neutral and negative factors. An important conclusion to any Appraisal is an assessment of the current and/or proposed Conservation Area boundary and whether, in relation to the latter, this should be extended or reduced based on the findings of the Appraisal.

\*This document is called 'Guidance on Conservation Area Appraisals' 2006 and can be found on Historic England's website under 'free publications'.

Within the Derbyshire Dales, outside of the National Park, there are 33 Conservation Areas. Comprehensive *Conservation Area Appraisals* have (to date) been carried out for Ashbourne; Bonsall; Brassington; Carsington & Hopton; Castle Top/Lea Bridge/High Peak Junction; Cromford; Kirk Ireton; Longford; Lumsdale; Matlock Bath; Matlock Bank; Matlock Bridge, Middleton; Old Matlock; Riber; Shirley; Somersal Herbert; Sudbury and Wirksworth. (These documents can be viewed on the Council's website)

The District Council has adopted a programme for the completion of Conservation Area Appraisals for the remaining areas and several others are currently in the process of preparation. Those already completed are available on the Council's website, or available to view at the Council offices in Matlock. These Appraisals are a useful 'tool' for identifying important qualities within an area that should be preserved or enhanced, and can be used by residents, potential developers and

the Council who can formulate the Appraisal to guide development and design in a particular area.

## **What does Conservation Area Designation mean?**

Conservation Area designation\* introduces some extra planning controls (which are listed below) in order to protect the *special* qualities of the area. This means that Planning Permission may be required for certain work that, outside the boundary of a Conservation Area, would normally be classed as 'permitted development'. Once an area is designated a Conservation Area, the Council has a duty to advertise development proposals that may affect it, by site notice and in the local press, so that public opinion/comment can be obtained. Applications for 'outline' Planning Permission in a Conservation Area may often not be appropriate as full information as to the impact of a proposal may be required in order to properly assess the scheme.

\* refer to separate information leaflet entitled – **'What does Conservation Area designation mean?'**

### **Demolition:**

**Substantial/total** demolition of a building (if in excess of 115 cubic metres) within a Conservation Area requires *Planning Permission*, as does the removal of certain walls, fences and gates. (Where a wall/fence/gate requires Planning Permission to be erected it will require Planning Permission to remove it). Any building proposed for demolition will be assessed as to whether that building is considered to make a 'positive' contribution to the Conservation Area. If it does, then its proposed demolition will be resisted by the Council. Any proposal for demolition within a Conservation Area will need to be comprehensively justified.

Application forms can be obtained from the planning department, or the website.

### **Trees:**

Trees within a Conservation Area\* are often a valuable asset in forming the *special* character of an area. If you are proposing to prune or fell **any** tree in a Conservation Area, then you need to give **six** weeks written notice to the District Council. This is so that the Council can consider whether they regard the tree to be important within the context of the area and, if necessary, they will then make a Tree Preservation Order (TPO) to protect it. Some trees are already covered by a Tree Preservation Order which requires that an application must be made to the District Council (or County Council, depending on who made the TPO) to prune or fell.

Further advice on trees can be obtained from the District Council's Tree Officer. Application forms for works on trees are available from Planning & Housing Services. There is no fee for this type of application.

\* For further advice refer to information leaflet entitled - **'Trees in Conservation Areas & Protected Trees'**

### **Minor developments:**

**Residential** properties within a Conservation Area have additional planning controls which means that Planning Permission may be required for certain extensions depending upon their size and location on the building.

**In addition to normal planning requirements –** Planning Permission is likely to be required for:-

- A proposed extension which will extend beyond a wall forming a *side* elevation of the house.
- A proposed extension which will have more than one storey, and extend beyond the rear wall of the house.
- 'Cladding' a building.
- A building proposed in the grounds of a house between a wall forming a side elevation and the boundary of the house.
- Alterations to roofs, where there is an addition (e.g. dormers).
- The installation of satellite dishes, dependent upon their location on the building.

- The installation of a chimney, various flues, & soil and vent pipes dependent on their location on the building.
- The installation of solar thermal equipment\*, dependent on their location on the building, and stand-alone solar equipment within the grounds of the house. (\*refer to information leaflet entitled – '**Installation of Microgeneration Equipment**')

Application forms for Planning Permission are available from the planning department, on the Council's website for download, or via the national Planning Portal. In most cases a planning application fee is required.

**You are advised to check with the planning department** if you are unsure of the requirement for Planning Permission for any proposed works to your property.

**Commercial** properties (this includes flats and apartments), located within or outside a Conservation Area, have **limited** permitted development rights and, therefore, Planning Permission is generally required for most development works.

#### **'Article 4 Directions':**

The Council can also introduce 'Article 4 Directions' where it considers that the importance of the area warrants even more stringent controls. This type of Direction introduces further controls (to both residential and commercial properties) than those itemised above which can apply to a wide variety of works, such as control over replacement windows and doors; the introduction of porches; the building of walls; retention of architectural detail and painting to name a few. In the Derbyshire Dales District (outside the National Park) there are 'Article 4 Directions' on many properties in **Wirksworth**, **Matlock Bridge** and **Matlock Bath** Conservation Areas, the latter predominantly along North and South Parades. There is also a specific 'Article 4

Direction' on a row of properties within the **Osmaston** Conservation Area.

***You are advised to check with the planning department to ascertain if your property is covered by an Article 4 Direction, and any restrictions that may be applied to it.***

In most cases a planning application fee, for works to properties covered by an 'Article 4 Direction', is required.

#### **Listed Buildings:**

Listed buildings have stringent planning controls as a consequence of their nationally recognised status. The District Council has a separate information leaflet entitled '**Buying & Owning a Listed Building**'.

#### **What Policies guide Development in a Conservation Area?**

There are specific policies relating to Conservation Areas in the Derbyshire Dales Local Plan (2017). National legislation is contained in the **Planning (Listed Buildings & Conservation Areas) Act 1990**. **The National Planning Policy Framework** (2012), and the **National Planning Policy Guidance** (2014) also provide policy guidance for the determination of planning applications in Conservation Areas.

The Council has also adopted two, relevant, Supplementary Planning Documents (SPDs) on '**The Conversion of Farmbuildings**' 2005 and '**Shopfronts & Commercial Properties**' 2006 (modified June 2012). These are available to view/download on the Council's website.

#### **What can the Council do in a Conservation Area?**

The District Council can –

- encourage and ensure that proposed new design harmonises with the buildings and the surrounding area.
- prepare development or design briefs for sites in Conservation Areas.

- endeavour that traffic control measures are not at odds with the character of the area.
- consider enhancement schemes and look to environmental improvements.
- exercise certain controls over advertisements and shop signage (including, where considered applicable, the introduction of an 'Area of Special Control of Advertisements'\*).

*\*Area of Special Control of Advertisements*

A large number of properties and land within, and around, the **Matlock Bath** Conservation Area are designated as an 'Area of Special Control of Advertisements'. This imposes additional controls on advertisements and signage. **Prior** to installing any new advertisement or signage you should contact the planning department who will be able to explain these additional controls and whether, or not they relate to your property/land.

**What Grants are available in a Conservation Area?**

There is currently no District Council grant aid scheme available for funding repairs to historic buildings/sites within Conservation Areas.

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**List of Conservation Areas in the Derbyshire Dales (*outside the Peak Park*):**

- Ashbourne**
- Bolehill**
- Bonsall** (part in the Peak Park)
- Brailsford**
- Brassington**
- Callow Hall**
- Carsington & Hopton**
- Castle Top, Lea Bridge & High Peak Jtn**
- Cromford**
- Gorsebank**
- Hognaston**
- Hulland**
- Kirk Ireton**
- Kniveton**

- Lumsdale**
- Longford**
- Mapleton**
- Matlock Bank**
- Matlock Bath**
- Matlock Bridge & Crown Square**
- Matlock Dale**
- Middleton**
- Norbury**
- Old Matlock**
- Osmaston**
- Riber**
- Rocester** (small part only)
- Shirley**
- Snelston**
- Somersal Herbert**
- Stanton Lees** (part in the Peak Park)
- Sudbury**
- Wirksworth**

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*For further information contact:*

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