

focus on...

Listed Buildings and Conservation Areas

It is common, especially in beautiful parts of the country such as the Thames Valley, for specific buildings to be “listed” or for the area to be designated a Conservation Area or Area of Outstanding Natural Beauty or Green Belt. The implications can be far reaching as significant restrictions may be placed on the owner’s ability to deal with his property as he wishes.

LISTED BUILDINGS

If a building is “listed” it means that it has been placed on a statutory List of Buildings of Special Architectural or Historic Interest. Buildings are listed if they are of special or exceptional interest, which warrants effort being made to preserve them. There are different grades, which give greater or lesser degrees of protection.

What does listing protect?

The whole of the building, both interior and exterior, old and modern, is protected. For this purpose “building” includes not only the principal building but any structure fixed to it or which has been a free-standing part of its own environment since before 1st July 1948. It includes outbuildings, extensions, walls and railings as well as the main structure, and includes the interior fabric and items such as fireplaces, staircases and plasterwork. It can include painting and even the erection of

signs.

Listed Building Consent

Once a building has been listed any proposal which would affect the character or appearance of the building or structures within its own environment requires Listed Building Consent. That is like an additional Planning Permission. Repairs and minor alterations may not need consent particularly if original materials and techniques are used. However, if they require an element of demolition it would be prudent to consult the Conservation Officer at your Local Authority particularly if the façade is to be affected. Demolition will obviously be detrimental, so no demolition, even partial demolition, of a listed building is permitted without first obtaining Listed Building Consent.

It is a criminal offence to demolish a listed building without consent. The Court can impose severe penalties. Both the owner and contractor can be prosecuted. You may also be ordered to rebuild the building or reinstate it. Unlike an ordinary Planning Permission, there is no time limit after which action cannot be taken.

Making a choice

Before you commit yourself to a purchase of a Listed Building or a building in a Conservation Area (see below) consider carefully whether the building is the right one for you. It may have magical qualities, often created by the patina of age, but don’t purchase unless you are prepared to accept its particular character, its quirks,

even its warts. If you feel you may need to make major changes, buy a different property! The property will not have been listed simply for your benefit, but in order to protect it for future generations.

Improvements and Repairs

Having purchased, by all means install modern facilities, but with care to protect the existing structure and fabric, and do so only after carefully considering whether Listed Building Consent may be required. Don’t act hastily or carelessly for what may appear to be worthless could be of historical interest to a practised eye.

Move slowly. Get to know the property thoroughly before acting. The old adage in looking after an older property is to do little, and often, to keep the building in good condition.

Use traditional materials and paints which allow the structure to breathe, not modern ones that form impervious barriers, for often they are what cause damage by damp.

Professional help

Old buildings can be ruined, or their special character obliterated or swept away by ill-advised and hasty actions of new buyers. Mistakes usually arise because of ignorance rather than malevolence.

If you own or are buying a Listed Building discuss with the Conservation Officer of the Local Planning Authority any alterations you may wish to make.

The Society for the Protection of Ancient Buildings publishes leaflets and runs seminars on the subject and can put you in touch with surveyors and architects who enjoy

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older buildings and understand the particular problems posed by them.

The Society is at 37 Spital Square, London E1 6DY: telephone 020 7377 1644: www.spab.org.uk.

CONSERVATION AREA

A Conservation Area is an area designated by the Local Authority as one of special architectural interest the character or appearance of which it is desirable to preserve or enhance.

Special controls exist with regard to demolition of buildings, advertisements and the like within the Conservation Area. The controls cover such items as re-roofing, removal of chimney pots or stacks, exterior painting, replacement of windows and doors and replacement of boundary enclosures. They may even cover such items as satellite T.V. aerials. They cover extensions as well as the original building.

Consent must be obtained for demolition, even if the building is not itself listed. Similarly, trees are treated much as if they were subject to a Tree Preservation Order.

AREA OF OUTSTANDING NATURAL BEAUTY

This is an area designated as such. It is usually rural in nature and larger in area than a Conservation Area.

The consequences are not as far reaching as those for a Conservation Area, but in an

Area of Outstanding Natural Beauty the Local Authority will consider whether the grant of planning permission for a proposed development is likely to affect the beauty of that area. If so, is more likely to refuse planning permission for that development.

GREEN BELTS

These are areas which often encompass the suburbs of towns and are so designated in order to indicate that no further development will normally be allowed.

Buying a property that is Listed or in a Conservation Area or Area of Outstanding Natural Beauty can be an advantage or disadvantage. It may depend on one's own aesthetic views, whether one wants to develop or alter the property and whether it would be an advantage if the neighbours may be less likely to obtain permission to develop their properties.

There may be one distinct advantage in a dwelling being listed: if Listed Buildings Consent has been obtained the cost of improvements (but not repairs) may be exempt from Value Added Tax.

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