

Listed Buildings & Conservation Areas



Introduction

Old buildings and their settings are an important part of our local and national heritage. They are a social and historical record, making up the core of many of the towns and villages in the District. They are limited in numbers, irreplaceable and unusual among historic objects because the vast majority are still in everyday use. It is important that they are properly cared for, sympathetically repaired when necessary and not made subject to inappropriate alterations. Indeed, they should be treated the same way as any historic object.

Listed Building and Conservation Area legislation exists to protect historic buildings and their settings. It provides a balance between the rights of owners and occupiers and the common need to protect our heritage. It places special responsibilities on owners and occupiers of historic buildings and the District Council.

This leaflet outlines the special responsibilities.

If you have any queries, do not hesitate to contact the Conservation Architects in the Planning Department, for further advice, clearly stating the address and present use of the property in question.

For further information contact :-

Warwick District Council
Planning & Engineering Department
Conservation and Design Section,
P O Box 2178, Riverside House,
Milverton Hill, Royal Leamington Spa,
Warwickshire. CV32 5QH.
Telephone : [01926] 450000,
Extension : 3107. Fax : { 01926] 832715.

Listed Buildings

Buildings of special Architectural or Historic interest, known as "listed" buildings are those chosen by The Department of Culture, Media and Sport for their particular importance and relevance to the heritage of Britain. The DCMS take advice from English Heritage as part of the process.

What is "Listed"

The list is a register of buildings and structures of special architectural or historic interest. It gives a description of the building, in order that it may be identified. The description sometimes highlights important internal features or famous associations. Each listed building is allocated a grade. There are three grades of building, which recognises their relative importance.

Grade I

These are the buildings of exceptional interest. Only 2% of buildings so far listed fall into this category. Examples in Warwick include St Mary's church, the Lord Leicester Hospital and Westgate.

Grade II*

These are particularly important buildings of more than special interest. About 4% of listed buildings fall into this category. The Market Hall, Warwick., Abbotsford School, Kenilworth., and Landsdowne Crescent in Royal Leamington Spa, are Grade II* buildings.

Grade II

These are buildings of special interest, which warrant every effort being made to preserve them.

The listed building is the entire building,

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internally and externally and includes any object or structure fixed to the building, and object or structure within the cartilage of the building. All buildings, whatever their grade, benefit from full statutory protection.

Warwick District contains over 1,500 listed buildings, many of which are of national importance.

The copy of the list for the District is held at the Planning Department; queries as to the status of any building can be answered over the telephone.

The Setting of Listed Buildings

The settings of listed buildings are important, in terms of both visual appearance and historical context.

The setting of a listed building should always be respected, retained and enhanced, where ever possible. This includes the avoidance of subdivision of grounds, and the careful siting of any new development



The Listing Procedure

Buildings are evaluated following a survey, and recommendations are made to the Department of Culture Media and Sport. When a building is listed, the owner and occupier are notified informally on the day of the listing. Formal notice is served later by the District Council.

From time to time, lists are updated following the resurvey of a particular area. The District Council can also serve Building Preservation Notices which have the effect of temporarily listing a building that may be under threat, until it can be decided whether or not it can be "spot listed".

The term "spot listing" is used to denote the listing of a building by th Department of Culture Media and Sport, in isolation, rather than as part of a survey of the area.

An owner of a property can apply for a certificate of exemption from the Department of Culture Media and Sport that the building will not be listed during the next five years. A certificate does not however give immunity from Conservation Area consent, which is required if it is proposed to demolish a building in a Conservation Area.

Listed building Consent

Listed building consent is required for any works of alteration, extension or demolition of a listed building, which effects its character as a building of special interest. In practice this means that most work requires consent. Necessary repairs, however using matching materials and methods of construction, may not.

The Conservation Architects of the District Council will advise if consent is required. It is important to check, as any work, even what seems to be minor, can affect the character of a building.

It is an offence to deliberately damage a listed building or to carry out works without consent. Even if the work is considered reasonable, it is still an offence to carry it out until listed building consent has been obtained.



How to Apply for Listed Building Consent

Applications for Listed Building Consent are made to the District Council of forms available from the Planning Department. The forms must be submitted with clear and accurate plans and drawings, illustrating the existing situation and the proposed changes. Photographs are often useful. No fee is required for these applications.

Planning permission may be required if the works constitute development under the Town and Country Planning Act 1990. Permission under the building regulations may also be required.

The Secretary of State is consulted by the District Council on most application for Listed building Consent where demolition is involved, before a decision is made. In addition, applications for demolition and applications relating to Grade I, or Grade II* buildings must be referred to English Heritage by the District Council in order to allow English Heritage to comment on applications at the earliest possible stage before the Planning Department has reached its own conclusions, prior to referral to the Secretary of State.

The Planning Department will also advertise the proposal, by means of a press notice and a notice on site, allowing fourteen days for comment. Local amenity societies and various national bodies, are also asked for their views.

All representations are considered when the Council makes a decision on the application. Usually the process is completed within six to eight weeks, although major, or complicated applications may take a little longer.

Listed building consent, Conservation Area consent and Planning Permission generally last up to five years (or shorter time as specified in the decision notice). If work has not started by the expiry of permission, new applications are required and the decision may not be the same as previously.

If the applicant is aggrieved by the decision on an application or by the failure to reach a decision, an appeal can be made to the Secretary of State for the Environment.

Demolition of Listed buildings

There is a presumption against the demolition of listed buildings. There is also a presumption against the demolition and rebuilding of listed buildings in replica, because the historic structure of the building is lost.

Demolition constitutes not only the complete demolition of a building but also the removal of parts of a building, even if they appear to have no structural or architectural significance, and the removal of internal features such as walls and staircases.

All applications for total demolition and many applications involving part demolition of a listed building, are referred to the Secretary of State for the Environment before a decision is issued. In certain instances, a local inquiry may be held to determine the application.

Where the proposal is for demolition, English Heritage is asked if it wishes to record the building, if it is to be lost. If listed building consent has been granted for demolition, it is only valid if English Heritage has been notified and given access, if they wish, to record the building.



Extensions to, and New uses for Listed Buildings

Not all historic buildings are suitable for extensions, particularly where the integrity of a building may be destroyed by increasing its size, or adversely affecting the historic structure, as may happen with timber framed buildings, for example when designating an extension to a historic building, it is essential that it does not dominate the building in scale, materials or location. The design must compliment the original building; extensions designed to copy the existing building may not be the most appropriate way of achieving this, where historical styles are to be copied,

correctness of detail is of utmost importance. Professional architectural advice should always be sought, preferably from specialists with experience of historic buildings.

The best use for any building is the one for which it is designed, and this use should continue wherever possible. If a building is genuinely redundant in its existing use, new uses may be found, providing that they are sympathetic to the building, would not require alterations or extensions of an inappropriate nature and accord with the District Council's policies for the particular location of the building.

Repairs and Maintenance

The listed building legislation encourages owners of protected buildings to keep them in good repair. It also confers powers on the Secretary of State and Local Authorities to take action, including the carrying out of repair work and compulsory acquisition should it be apparent that a building is being neglected. The repair of old buildings is complicated and requires skill and knowledge. It is advisable to seek professional, specialist advice, as mistakes are not easy to rectify and can result in permanent damage to a building.

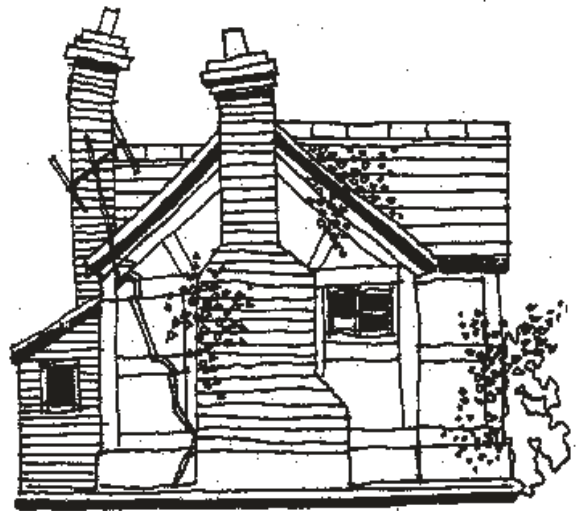
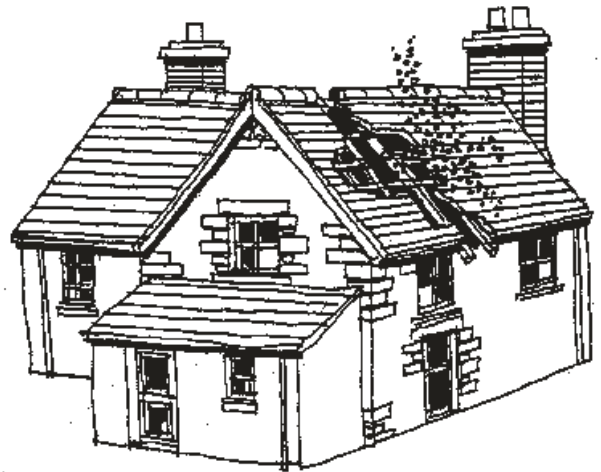
With all repairs, the aim must be to conserve as much as possible of the original building. Any necessary reconstruction of the building should be carried out using materials to match the original in all respects. Modern materials are generally not appropriate and can degrade the integrity of the original structure. When restoring lost details, it may be appropriate to replace with exact copies, but again they must be authentic to avoid degrading the building. Wholesale replacement of features such as windows and doors, and timber frame members must be avoided. In most instances they can be sympathetically repaired.

Whilst it may be appropriate to remove modern alterations, any form of restoration should respect the historical development of the building and specialist advice should always be sought to avoid destroying features that may be of historic interest. Over restoration of a listed building can destroy its character.

Specialist advice on all aspects of repair and restoration, is available from the District Council's Conservation staff.

The District Council has produced leaflets detailing the care and repair of windows and roofs, the painting of facades, the conversion of farm

buildings, and shopfront and sign and security design guides.



Neglected Buildings

The District Council or the Secretary of State can arrange for urgent works to be carried out to preserve unoccupied listed buildings, after giving at least seven days notice to the owner who is given the opportunity of doing the works. Costs are reclaimed from the owner.

The District Council or the Secretary of State can also serve an urgent preservation Notice under Sections 54 and 55 of the Planning (Listed Buildings and Conservation Areas Act 1990) or repairs notice, under Sections 47 to 50 of the same Act, if it is considered that repairs are " reasonable and necessary for the proper preservation of the building ". If after the service of the notice, it becomes apparent that reasonable steps are not being taken to preserve the building, it may be compulsorily acquired from the owner. Minimum compensation may be paid if the building has been deliberately neglected.



The Designation of Conservation Areas

The designation of conservation areas is done by the District Council. Warwick District has twenty one Consecration Areas, covering parts of the following places :-

Ashow	Lowsonford
Barford	Norton Lindsey
Bishops Tachbrook	Offchurch
Bubbenhall	Rowington
Cubbington	Sherbourne
Kenilworth	Stoneleigh
Kenilworth St Johns	Warwick
Lapworth	Whitnash-Church Green
Royal Leamington Spa	Whitnash-Chapel Green
Leek Wootton	Wroxall
	Wasperton

Financial Assistance

The repair and maintenance of historic buildings is often more costly than for non-listed buildings due to the specialist nature of much of the work. Grants are available towards the upkeep of listed buildings and certain non-listed buildings which contribute towards the character of the conservation area.

Warwick District Council offers a comprehensive range of grants, some in conjunction with other partners, to assist with the repair of the District's historic building stock. Separate leaflets explain the various grants available. It is important to contact the Conservation Section for details before any work is done, as grants cannot be paid retrospectively.

Value Added Tax

In certain instances, Value Added Tax may not be payable on works to listed buildings. The current ruling on VAT and works to listed buildings can be clarified by H.M. Customs and Excise. (See " useful address " section).

Conservation Areas

Conservation Areas are designated to protect areas of buildings and related open spaces in towns and villages. The formal definition of a Conservation Area within the Planning (Listed Buildings and Conservation Areas Act 1990) is :-
 " An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance ".

Conservation Areas may include listed and unlisted buildings and open spaces which are important to the setting of the buildings. Trees within the Conservation Area are protected in order to help preserve the balance between greenery and buildings. Large areas of open countryside or farmland cannot be included. These may be afforded separate protection under Green Belt Legislation.

The Consequences of Designation

The designation of a Conservation Area has several formal consequences in respect of the following :-

- the demolition of most buildings is controlled, requiring Conservation Area Consent from the District Council
- it is an offence to cut down, uproot, lop, top or wilfully damage or destroy any tree in the area, except with the consent of the District Council.
- the amount of " permitted development ", that which can be built without planning permission is more limited.
- additional limitations apply to the display advertisements. Further advice on any of the aspects of legislation may be sought from Warwick District Council Planning department.

Other Specialist Controls

In certain areas, additional controls may exist in the form of Article 4 Directions. For example, in the Leamington Conservation Area, the colour of

the exterior of many buildings is controlled in this way to help maintain a unified appearance. Details of Article 4 Directions may be obtained from Warwick District Council Planning Department. In certain instances, separate leaflets have been produced to cover Article 4 Directions.

Many buildings which are not listed contribute to the character of the Conservation area in which they have been included. In order to maintain and enhance this character, it is important that any alterations, extensions or repairs should be carried out in a sympathetic manner. In many instances the guidelines set out in this publication for Listed Buildings will also apply to non listed buildings in Conservation Areas.

In addition to Conservation Area Consent being required, Planning permission will be required for most alterations and extensions, including all alterations which materially affect the external appearance of a building not a single dwelling house. This may include the alteration of windows, doors and similar features. Advice from the Planning department should also be sought before commencing work to a building in a Conservation Area.

What Permissions are Required

Planning Permission is required for the development of land and buildings, including changes of use and works which materially alter the external appearance of a building. Some works can be carried out under the provisions of the General Development Order 1988. The Planning Department can advise on whether development requires permission, if it is covered by The General Development Order, or the recommendation on a planning application that may be made to the Planning Committee.

Listed building consent is required for any alteration or addition to, demolition or part demolition of a listed building. This includes internal as well as external works, painting or other types of cladding over stone, brickwork or render, and replacement windows and doors (even if the ones to be replaced are not "original"). Conservation area consent is required for the demolition of buildings in a Conservation Area.

Advertisement consent is needed for the display of most signs, although there are exceptions. In Conservation Areas, almost all illuminated signs require consent.

Conservation Area Leaflets

Individual leaflets have been produced for all the Rural Conservation Areas in the District. These describe the merits of each area, any special features and Listed building as well as guidance on the effects of Conservation Area designation. Copies may be obtained from Warwick District Council Planning Department or the Town or Parish Clerk for a particular area.

Useful Addresses

The Planning & Engineering Department
Warwick District Council
Riverside House
PO Box 2178
Royal Leamington Spa
Warwickshire CV32 5QH
Tel: (01926) 450000

English Heritage
West Midlands Regional Office
112 Colmore Row
Birmingham

The Commission for Architecture and The Built Environment,
Fortress House
23 Saville Row
London W1X 1AB

Department of The Environment
2 Marsham Street
London SW1P 3EB

Department of Culture Media and Sport
2-4 Cockspur Street
London SW1Y 5DH

Customs and Excise
Park Court
Warwick Road
Coventry CV3 6QP

The Georgian Group
37 Spital Square
London E1 5DY

The Victorian Society
1 Priory Gardens
Bedford Park
London WC 1TT

The Ancient Monuments Society
St Ann's Vestry Hall
2 Church Entry
London EC4V 5HB