



MIDDLETON ON SEA ASSOCIATION

BRIEFING NOTE NOS.2 - UPDATE FOR MOSA AGM

CONSERVATION AREAS

General

Over the last few months both the Planning and main MOSA committees have given considerable thought as to the Association's approach to Conservation Areas and the potential benefits that it may have for Middleton on Sea residents.

Considerable research was undertaken by representatives of the Association and some of this work culminated in Briefing Note number 2, which was sent to all MOSA members and is also attached for information.

MOSA members will be aware that this particular initiative has many supporters and, indeed, detractors and we are very conscious that MOSA needs to be assured that we are providing a full appreciation of the subject before any recommendation is given to members.

An application for Conservation status can be problematic and attract some "benefits" that some residents may have difficulty with. It is against this background that the main committee asked our new planning lead, Nick Hollands, to open discussions with Arun District Council over the viability and possible advantages that any application could have.

A meeting between MOSA's planning sub committee and officers from Arun DC has subsequently taken place and discussions centered around, not only any future conservation status, but also, just as importantly, the appropriate application of existing planning rules and their relevance to properties on the estate. The Association's planning committee has agreed to assist Arun in developing more robust but flexible planning rules within the national guidelines which would facilitate an appropriate planning regime for our residents.

AGM Recommendation

It is recommended by the MOSA Committee that, based on existing information and the ongoing liaison with Arun District Council on development of the local planning rules, any application for conservation status should be should placed "on hold" and reconsidered in twelve months when the outcomes of the initiative can be assessed.

Martin Burrell
MOSA Chairman



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CONSERVATION AREAS

1. Introduction.

Members will be aware that the Sea Lane Estate and related roads forms part of the Middleton on Sea Estate Area of Character which was originally designated by Arun District Council in October 1996. This designation was made in order to provide protection to the area, through rigorous control over new development, whilst recognising that the Area did not quite meet the criteria necessary for the greater control that comes through designation as a Conservation Area.

In recognition of this and in order to provide greater clarity on what we consider makes the Area so special, (as well as guidance on future development), the Middleton on Sea Association (MOSA) commissioned (with input from local residents and businesses) the preparation of the Middleton on Sea Village Design Statement (VDS), which was adopted by Arun District Council in December 2000 as supplementary planning guidance to be taken into account by them when determining planning applications.

The special character of the Area has unsurprisingly continued to attract people wishing to live or own property within the village and as a result there have been growing pressures for new development within the Middleton Area of Special Character.

Those pressures are apparent both in the village centre and elsewhere on the estate by an increasing number of planning applications for demolitions, infill developments, changes of use and other development that whilst perfectly acceptable elsewhere, have the potential to compromise the special character, design principles and layout of the Area.

A major concern for the MOSA Management Committee has been the apparent inability of representations made by MOSA and the Parish Council to influence or even prevent 'demolition' of character properties, even those listed by Arun

District Council as “Buildings of Special Character,” thereby enabling developers to take advantage of VAT breaks for new build development.

Accordingly, it has been suggested that only by upgrading the Area of Character to a “Conservation Area” will controls be reinforced to reduce the impact of demolitions and other development, that not only frequently leads to the loss of character of the properties, but also a change in scale and layout and the potential for speculative ‘infill’ development.

Some members of MOSA have therefore expressed a wish for the Management Committee to consider investigating the potential for MOSA to apply for Conservation Area Status with the District Council. This would need to demonstrate that not only is the Area of Character unable to provide the level of protection previously envisaged, but that a greater level of control is necessary to manage change in order to conserve the character, appearance and layout of the area. A similar situation occurred with the Craigwell Estate in Aldwick and resulted in Conservation Area status being designated in 2009. Currently there are 33 Conservation Areas in existence in Arun.

Whilst an application may have a number of benefits for the estate, it is recognised by the MOSA management committee that a wider and more detailed understanding of such a designation needs to be obtained, together with an opportunity for all members to express their views before any future application is considered.

This Note is intended to give MOSA members an initial briefing on the subject and allow further discussion, (in the first instance), with their Road Representatives, ahead of a specific member meeting with the MOSA Committee, District and Parish Councils (and where possible, owners of existing Conservation area properties).

It should be highlighted that the Committee is very keen to be guided by you, the members, as to whether or not we make any future application and as such we will undertake to provide all members with a voting opportunity, either electronically, via a written form or a meeting vote to decide the future.

2. General

- It will be Arun District Council who will ultimately define the actual boundaries of any Conservation Area.
- The process is likely to take at least 12-18 months

- Conservation status can lead to additional planning constraints (potentially including demolition, window replacements, design requirements, removal of Permitted Development Rights, prior approval for tree surgery work, etc) and building costs may be higher for certain repairs or alterations
- Arun District Council will continue to administer and determine planning applications made within the Conservation Area.
- MOSA and the Parish Council will continue to make representations when consulted on planning applications and development proposals.
- Although some residents might be apprehensive about possible increased restrictions, other residents might welcome those restrictions as being more effective in preventing unsuitable developments and/or demolitions.
- Studies suggest that Conservation Area designation can have a beneficial impact on property values

3. Frequently Asked Questions

What is a Conservation Area?

Conservation Areas are defined as: 'an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance' and is contained within the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

Arun District Council, ("the Council") as the local planning authority, has the duty to designate Conservation Areas and there are currently 33 Conservation Areas in the District.

Why Designate a Conservation Area?

The Council has a duty to designate any area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance as a conservation area.

Designation is a means of recognising the importance of the quality of an area as a whole, as well as protecting individual buildings. Conservation Areas are not designated to stop future development. Instead, designation seeks to manage change in order to enhance Conservation Areas and ensure that new development preserves and enhances their character.

Where can I find more information regarding the individual Conservation Areas?

Further information can be found in the [Conservation Areas Supplementary Planning Guidance \[pdf\] 3MB](#). Further information regarding the Craigwell House Conservation Area can be found in the [Craigwell House Conservation Area Statement](#). Information on the Felpham Village Conservation area can be located at <http://www.felphamvillageconservation.co.uk/>

In addition, information on house prices within Conservation areas can be found at:

<http://www.content.historicengland.org.uk/content/docs/research/assessment-ca-value.pdf>

What are the benefits of living in a conservation area?

The extra controls that apply to Conservation Areas are designed to protect the special historic and architectural character of each area. They are intended to prevent attractive historic areas from becoming dull and featureless, containing buildings that have suffered from insensitive alterations.

Every application for development within an area the council deals with is then assessed against the need to preserve or enhance that particular local character.

What Legislation and Guidance is specific to Conservation Areas?

The current legislation relating to Conservation Areas is contained within the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#).

The Government's policies relating to the Historic Environment can be found in section 12 of the National Planning Policy Framework (NPPF).

How are Conservation Areas chosen for designation?

Designation of a conservation area is a matter of judgement for the council, as the local planning authority, guided by specialist conservation advice. The approved criteria used by the Council is as follows:

1. That the area complies with the legal definition that it is of special architectural or historical interest. This suggests that there will normally be a significant number of Listed Buildings in the area.
2. That there is a need for action to preserve or, if appropriate, to enhance its character or appearance.
3. That it is a coherent area, not isolated or individual buildings, better dealt with under Listed Building procedures.
4. Where there is a proposal for the designation of a Conservation Area, the Council will:
 - Give priority to areas under pressure for change;

- Recognise that designation as a Conservation Area is a means of controlling rather than preventing change; and
- Draw boundaries with careful regard to the architectural qualities of the buildings, the spaces around them and the overall character of the area

What does the Council normally do in Conservation Areas?

The Council as local planning authority considers the effect of development proposals on the special architectural and historical character of a conservation area. It also carries out Conservation Area Character Appraisals which identify elements that contribute to the special interest of the area as well as its character and appearance.

Opportunities to preserve or enhance the conservation area are identified (for example, those referred to in the Village Design Statement), and the conservation area's boundaries are reviewed. These character appraisals provide a sound basis for development control decisions relating to proposals for development in or adjacent to Conservation Areas.

How will Conservation Area status affect the area in which I live or work?

The designation of a conservation area indicates the Council's positive commitment to these areas and its intention to preserve and enhance the quality of the environment. Conservation area legislation is one of the strongest methods available in the planning system to maintain the traditional, special and individual character of a place. However, because of this, a common fear is that conservation area status will fossilise an area and not allow it to evolve to the detriment of those living and working within the area.

Whilst conservation area status does lead to additional planning constraints and considerations, it should be recognised that the purpose of conservation is not about preventing all change but about managing it. A surprising amount of work can normally be undertaken to property without the need for planning permission, and consequently the individual and the community play a very important part in maintaining the character of a conservation area.

Consequently, the emphasis is to guide and control development rather than to prevent it. It is important though, that all new development should be sympathetic to the special architectural and aesthetic qualities of the area, particularly in terms of scale, design, materials and space between buildings.

Does Conservation Area Status mean that I will never be able to develop my property?

In general, the Council will require new building work to preserve or enhance the existing character or appearance of the conservation area. Special regard should be given to such matters as scale, height, form, massing, detailed design and quality of materials, in the interests of harmonising the new development with its neighbours. Density of development is an intrinsic part of the character of Conservation Areas and this would help control infill development which is currently a risk to the estate.

This applies to both development within a conservation area and also to development outside it but close enough to affect its setting.

Can I Alter My Windows?

If the property is not a Listed Building and is a single dwelling house (ie not flats or mixed use premises), then no consents (other than those with respect to Building Regulations approval), are normally necessary since the works are classed as 'permitted development'. However, 'permitted development' rights can be removed in a Conservation Area through the use of Article 4 Directions (see below). Currently the Council has no relevant Article 4 Directions relating to window replacements in any of its Conservation Areas. However, this could change.

What about trees and hedges: Do special controls apply?

Trees in Conservation Areas have special protection because of the contribution they make to the character and setting of the area. Tree surgery work on any species of tree, including fruit trees, from simple pruning to crown reduction, thinning or felling, should not proceed unless you have given six weeks' prior notice to the Council.

Permission may also be required to remove a hedge or significantly reduce its height, if it has not been regularly maintained.

Please note that you do not normally need permission to cut down or do work to trees that are less than 75mm (approx. 3") in diameter (measured 1.5m (approx. 5') above ground). Shrub species are also exempt. However, this should be checked with the District Council first.

Trees in Conservation Areas already protected by a Tree Preservation Order (TPO) are, of course, subject to the normal TPO controls.

What are Article 4 Directions, and are there any in Arun District?

Additional controls (in the form of Article 4 Directions) can be applied within Conservation Areas to remove the "property rights" normally available, for a wide range of changes that might otherwise gradually erode the character of a conservation area. These directions might remove rights for extensions, porches,

garden buildings, satellite dishes, alterations to windows and doors or the creation of car parking spaces at the front of a property. Where an Article 4 Direction is applied, planning permission would then be required for specified developments. removing certain 'permitted development' rights.

There is currently only one area in Arun covered by Article 4 Directions: the Craigweil House Conservation Area (which includes controls over proposals for new hard surface areas to front gardens).