



WHAT IS THE EFFECT OF LISTING

These notes are for guidance only and you are always advised to discuss your proposals with the Borough Council Conservation Team before starting any work. If you are not sure whether or not a building is listed, we will be able to advise you.

Listed Building Consent is required for any works involving demolition, or alterations, or extensions, which change the character or appearance of a Listed Building. This is in addition to any planning permission or building regulation approval which may be required.

It should be noted that any ancillary buildings within the curtilage of the Listed Building which were built before 1948 and are deemed to be listed as are boundary walls, railings, gates and historic garden features.

It is a criminal offence to demolish a listed building, or to alter or extend it in a way which affects its character without obtaining consent, and to do so may result in prosecution under Sect.9 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The penalties are often heavy and may take the form of a large fine.

Legislation is not intended to stop alteration or change altogether but rather to ensure that:-

- important features, both inside and out, are retained
- extensions and alterations are done in such a way that the special character of the building is conserved and/or enhanced
- repairs are carried out using appropriate methods and materials
- demolition is only undertaken when fully justified and in exceptional circumstances

Owners of listed buildings have a responsibility to keep their buildings wind and watertight, structurally sound and in a good state of repair. If an owner continues to neglect a building, the Council has the power to serve a Repairs Notice specifying the extent of work required to secure the building. Non compliance may result in compulsory purchase at a price set by the District Valuer and taking into account the condition of the building.

If a property is wholly or partially unoccupied, the council may serve an urgent works notice requiring sufficient work to make the building weather tight and safe from

collapse. If the notice is not complied with within a specified time scale, the council may carry out the work on a rechargeable basis.

LISTED BUILDING CONSENT (LBC)

LBC is always required for demolition, alterations or extensions which would affect the character or appearance of the property. LBC & PP where appropriate, must be obtained before work begins.

It is important to understand that changes which may seem quite minor are still classed as alterations therefore need consent. Even changes which are desirable e.g. the re-instatement of lost features still need the correct paperwork.

Like for like repairs do not usually need formal consent but where there are changes of material, appearance and in some cases colour, an application will be required.

In general terms LBC is necessary for:-

- demolition – from full demolition to the demolition of minor structures such as chimneys, and the removal of any internal walls or features such as chimney breasts. If a building is considered dangerous, the Council should be contacted immediately and before work begins.
- additions or alterations such as conservatories and porches - even if planning permission is not required
- changes to roofing materials, and the insertion or removal of roof lights or dormers
- any changes to windows and doors, including re-opening those which may have been blocked in the past.
- the removal of any internal features such as panelling or staircases
- cleaning, revealing or covering brickwork, stonework etc.
- changing the colour on existing painted walls.

This list is not comprehensive and you should always contact the Borough Council if you have any doubts or queries about any work you wish to undertake.

The procedure for obtaining Listed Building Consent is similar to that of obtaining Planning Permission and the same information is required i.e. location plan, site plan, elevations & floor plans as existing & as proposed, details of proposed materials & colours if relevant. In some instances photographs may prove helpful, as may a plan showing the position of adjacent buildings. Where a considerable amount of demolition or change is proposed a report from a Structural Engineer and a

conservation statement may be required. Applications will also need to be accompanied by a Design and Access Statement

Applications for LBC and planning applications which affect the setting of a Listed Building must be advertised for a *minimum* of 21 days before a decision is made, and depending on the proposal, the Council has to consult other external bodies including English Heritage, and local amenity groups.

Where proposals include the demolition of a Grade II Listed Building, or any work to a Grade II* or Grade I building, applications must be referred to English Heritage.

Listed Building Consent will last for a specified period of time and may be subject to conditions such as the agreement of material or joinery details. Work should not commence until consent is given and any conditions discharged.

Carrying out unauthorised work to a Listed Building is a criminal offence and may result in prosecution. Where unauthorised work has been undertaken, the Council has the power to serve an enforcement notice requiring that the work be undone and the building returned to its original condition at the owners expense. This is in addition to any penalties imposed for carrying out unauthorised work.

THE CHARACTER OF LISTED BUILDINGS

As far as possible, any proposals for change should respect the character of the existing building. To help with this, some of the issues taken into account when considering LBC applications are as follows:-

- The importance of the building in terms of its list grading (I, II* or I) and its architectural and/or historic interest both nationally and locally.
- The particular features of the building which justify its listing status. This may include design, form, materials or location. The listing description often refers to specific features but the lists are not exhaustive and other important features may be found, especially inside the building.
- The setting of the building, and its contribution to the local scene. For example, where it is part of a group or terrace, or shares architectural features/detailing/materials with other nearby buildings. The setting of a building is often an essential part of its character and a building may suffer if it is divorced from its surroundings, or alternatively if the surrounding area becomes “cluttered”
- The extent to which the proposals will benefit the local community, particularly in terms of the economic regeneration or enhancement of an area.
- The elements which make up the special interest of the building. This is often the obvious visual features, but may also include archaeological interest, spaces and layout.

- Proposed new uses, bearing in mind the effect of changes on the building against the viability of the proposed use and other possibly less damaging alternatives.

CHARACTER ASSESSMENT

The character of a listed building can be defined by looking at a combination of things including the original structure and the effects of latter additions and alterations, but it is important to remember that each building or structure was initially conceived as an overall design. Many old buildings have undergone a series of alterations over the years and these may or may not have masked the merits of the original concept.

In many cases a building has features from different periods. Where changes have been carried out well and thoughtfully, and with respect for the original, they should be preserved as part of the character of the building. As well as making a contribution to it's appearance, they represent ongoing changes in the economy and fashion, architectural style and life style, and as such are important evidence for many historians.

It therefore follows that, to avoid damaging the special character of a building, it is necessary to understand its development and structure. Points to consider are:-

- orientation including plan form and positioning and details of window and door openings
- materials and methods of construction
- scale and form, and relationship with adjacent properties etc.
- known history, either visible on the building, (e.g. empty peg holes, rough edges where features have been cut away, ghosts of lost features, changes in materials) and also documented evidence (e.g. old photos, drawings, written descriptions)

WHAT TO PROTECT

The structure and the features which make that building worthy of listing in the first place. The key words should always be ***“minimum intervention”***

Alterations should be carried out in a way that retains much of the original, and the cutting of new openings should be avoided. Extensions should not obscure or spoil a well designed or balanced elevation.

Internal changes should not damage the spatial quality of the existing building or hide historical or architectural features.

ALTERATIONS – GENERAL PRINCIPLES

Many buildings can withstand some degree of carefully thought out alterations which may be needed to ensure continuing use, but the following points must be taken into account:-

- Later features should not always be removed to restore a building to an earlier form. If carefully thought out and well executed, they often do not detract from the building, and are of interest in their own right as part of it's history.
- Restoration of some missing features or parts may be acceptable, but only after proper research to ensure authenticity.
- Fascadism is not normally appropriate as it can destroy much of special interest and cause problems with long-term stability.

EXTENSIONS

There will always be some buildings where any extension would be damaging, but most can accommodate some form of extension to deal with changing lifestyles and uses so long as the new work is carefully done. Successful extensions require an in depth knowledge of the building type and an understanding of it's special character.

Extensions should not dominate the existing building. They may echo the existing style and materials so that the new and the old blend into one. Alternatively they may be a style of their own which contrasts with the original, but generally more care needs to be taken with this approach to ensure that new and old blend sympathetically. In either case, points to consider are scale, form, detailing, the use of materials and the size/proportion of openings.

The buildings' surroundings and relationship with adjacent properties also needs careful consideration.

For further information and advice, please contact:

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