

Skirwith Conservation Area Character Appraisal and Management Plan

March 2020

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1 Introduction

1.1 Background to appraisal

- 1.1 Conservation areas are defined in planning law as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance' (Planning (Listed Buildings and Conservation Areas) Act 1990). Local planning authorities have a responsibility to designate areas within their authority which are considered to be of special architectural or historic interest as conservation areas. The planning authority also have a duty to review these designations on a regular basis and where necessary, alter the boundary of the conservation area, or even remove the designation altogether.
- 1.2 A character appraisal for Skirwith conservation area was published in October 2007 by Eden District Council. This appraisal and management plan includes an up to date description and assessment of the historical, architectural and townscape qualities of Skirwith conservation area along with new and/or revised planning policies relating to conservation of the historic environment. It should be read in conjunction with the published character appraisal.

2 Planning Policy Context

2.1 National Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.1.1 Section 69 requires that local planning authorities shall determine which parts of their area are areas of special architectural or historic interest and shall designate those areas as conservation areas.
- 2.1.2 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places on local planning authorities the duty to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts.
- 2.1.3 Section 72 of the Act places a duty on the local planning authority in the exercise of their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 2.1.4 Section 73 of the Act requires the local planning authority to publicise proposals which would in their opinion affect the character and appearance of a conservation area. Such proposals need not be within the conservation area but would affect its setting, or views into or out of the area.

The Enterprise and Regulatory Reform Act, 2013

- 2.1.5 The ERR Act 2013 was introduced in an attempt to simplify heritage regulations. The following measures were taken into account and introduced as part of the Act:
 - Measures to provide clarity on what is and is not protected when a building is listed;
 - A Certificate of Immunity from listing can be applied for at any time;
 - The removal of the requirement for Conservation Area Consent but the retention of the requirement to obtain planning permission for demolition of buildings within conservation areas;
 - National and local class consents which automatically grant consent for certain works to listed buildings; and
 - The introduction of a Certificate of Lawfulness of proposed works to listed buildings.

National Planning Policy Framework (NPPF), DCLG, 2018

- 2.1.6 The National Planning Policy Framework (NPPF) was first published by the Department for Communities and Local Government (DCLG) in 2012 and a revised version was published in July 2018 and again in February 2019. It sets out the Government's planning policies for England and specifies how these policies should be applied.
- 2.1.7 Chapter 16: Conserving and enhancing the historic environment sets out policies to conserve heritage assets in a manner appropriate to their significance. Key paragraphs relating to development within conservation areas are outlined in appendix A.

Advice Notes

- 2.1.8 Historic England is the Government's adviser on the historic environment in England. They have published a number of advice notes intended to assist local planning authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy contained within the NPPF and Planning Practice Guidance. A list of the documents can be found in appendix A and can be downloaded from Historic England's website <https://historicengland.org.uk/images-books/publications/>.
- 2.1.9 The document Conservation Principles (2008) sets out criteria used to determine the significance of heritage assets. Significance is assessed against four heritage values:
- **Evidential value** - the potential of a place to yield evidence about past human activity.
 - **Historic value** - derived from the way the past can be connected to the present, it can be illustrative or associative.
 - **Aesthetic value** – the ways in which people draw sensory and intellectual stimulation from a place.
 - **Communal value** – derived from collective experience or memory
- 2.1.10 A consultation on a revised Conservation Principles document closed in February 2018 and Historic England are working to publish a new version in 2019.

2.2 Local Planning Policy

Local Development Plans

2.2.1 The NPPF 2019 (paragraph 185) sets out policies for the preparation of Local Development Plans by the local planning authority. To be compliant with the NPPF local development plans should set out a positive strategy for the conservation enjoyment of the historic environment including heritage assets most at risk of neglect, decay and other threats. The strategy should take account of the following:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

2.2.2 The Eden Local Plan 2014-2032 adopted in October 2018 sets out how we are planning to manage the growth of new jobs, homes and infrastructure in Eden over the period 2014-2032. Table 1 in appendix A outlines the key policies relating to the historic environment of the Eden District as contained in the Eden Local Plan.

Supplementary Planning Documents

2.2.3 The role of Supplementary Planning Documents (SPD) is to provide guidance on local planning matters. The Management of Conservation Areas SPD is intended to provide guidance to the public and developers when considering proposals in conservation areas. It will also be used as a material planning consideration in the determination of relevant planning, advertisement, listed building and conservation area consent applications as well as to inform management issues in our town centres and villages designated as conservation areas. It will complement other SPDs namely:

- Eden Design Guide Summary (1999)
- Shopfront and Advertisement Design (2006)
- Accessible and Inclusive Environment (2005)
- Housing (Draft 2019)
- Cumbria Landscape Character Assessment Toolkit (2011)
- North Pennines Area of Outstanding Natural Beauty (AONB) Building Design Guide (2011)

- North Pennines Area of Outstanding Natural Beauty (AONB) Planning Guidelines (2011).

Neighbourhood Planning

- 2.2.4 The 2011 Localism Act introduced a new set of tools for neighbourhoods to come together and shape the future of their local areas. One of these tools is neighbourhood plans. Neighbourhood Planning enables Town and Parish Councils or Neighbourhood Forums to prepare, with the community, a formal planning document for their area. It allows local people to take a proactive role in shaping the future of the areas in which they live and greater ownership of the plans and policies that affect their local area. A second tool is a Neighbourhood Development Order which allows neighbourhoods to grant permission for certain developments to take place in their area, without planning permission from the District Council.
- 2.2.5 Within the Eden District there are 13 parishes designated as a Neighbourhood Planning Area and able to produce their own neighbourhood plan or development orders. A further 2 parishes have also applied to be designated as a Neighbourhood Planning Area. See appendix A for the full list.
- 2.2.6 The Upper Eden Neighbourhood Development Plan 2012-2025 was approved at a local referendum and adopted as planning policy by Eden District Council in April 2013.

3. Character Appraisal

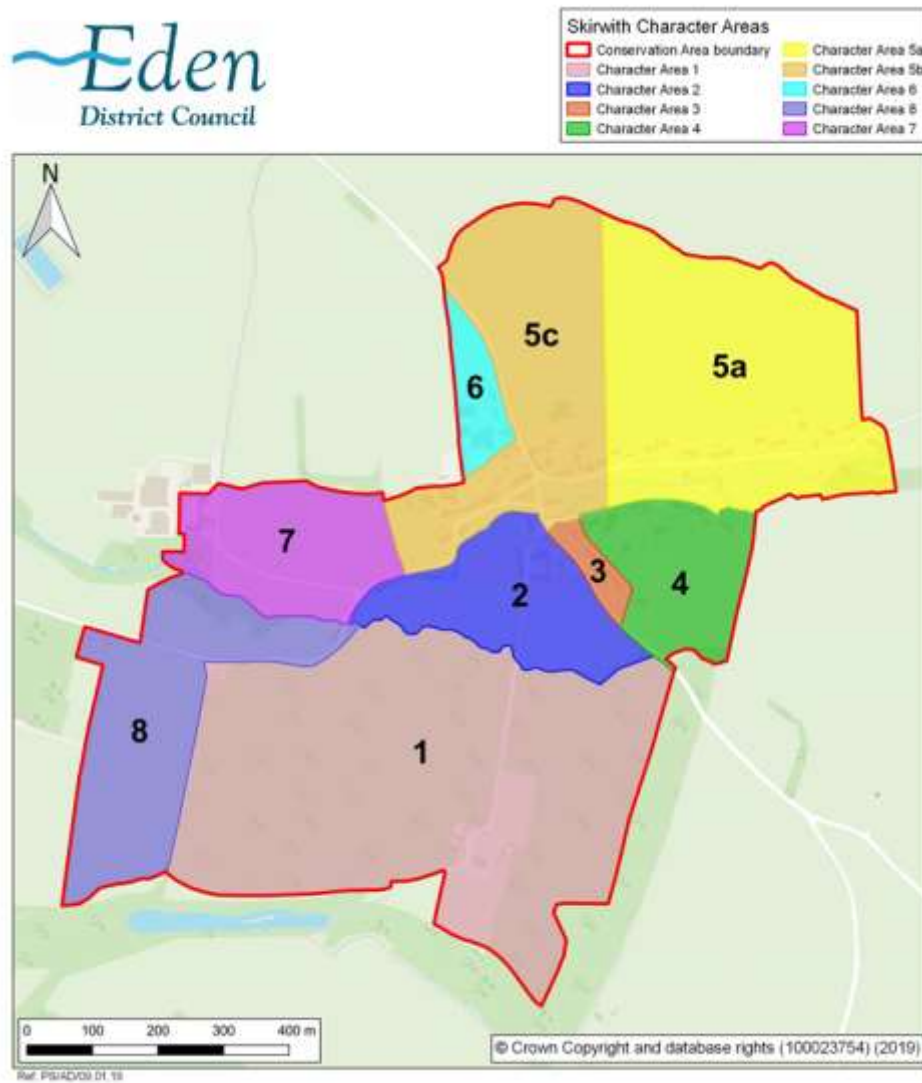
3.1 History

- 3.1.1 Skirwith lies at the foot of the North Pennine fells straddling Skirwith Beck. The origins of the village are not known, but the Eden Valley in general was populated in Roman times with many small scattered settlements and farmsteads consisting of stone huts and enclosures often found on the higher land. The Roman road, Maiden Way, lies less than 2 miles from the village. The layout of the village suggests medieval development or redevelopment in an eastern and western direction along the route from Kirkland to Langwathby and Penrith concentrated around a crossing point of Skirwith Beck.
- 3.1.2 The name of the village is believed to mean a wood in common use deriving from Old English or Old Norse.
- 3.1.3 The manor of Skirwith was part of the barony of Adam Fitz-Swein and we know that Jordan Spiggurnal owned the manor in the reign of King John (1199 - 1216). The manor house known as Skirwith Hall, which lay to the west of the present village, was taken down in 1795, and the present farm complex built on its site. The manor was formerly part of the parish of Kirkland and the village did not have its own church until the nineteenth century, previously using the thirteenth century Parish Church at nearby Kirkland. The present Church of St John was built in 1856.
- 3.1.4 Skirwith Abbey, to the south of the village, was erected in the late eighteenth century on what is said to be the site of a religious house supposed to have belonged to the Knights Templars. The presence of earthworks close to the site does suggest some earlier activity in this area. A Mr Parker purchased Skirwith Abbey in 1822 together with the surrounding estate which formerly belonged to the Aglionby's of Nunnery. Mr Parker built an inn (formerly the Sun Inn) and 'some neat cottages' in the village and is said to have founded the church. A Wesleyan chapel was erected in 1868.
- 3.1.5 Although most of the present buildings date from the late eighteenth and nineteenth centuries there are some properties believed to have existed in the seventeenth century such as Home Farm; the buildings at Beck Farm; the buildings at Town Head and Guilders Cottage. It is likely therefore that much rebuilding of earlier medieval buildings has taken place within the area between these properties.

3.2 Character Areas

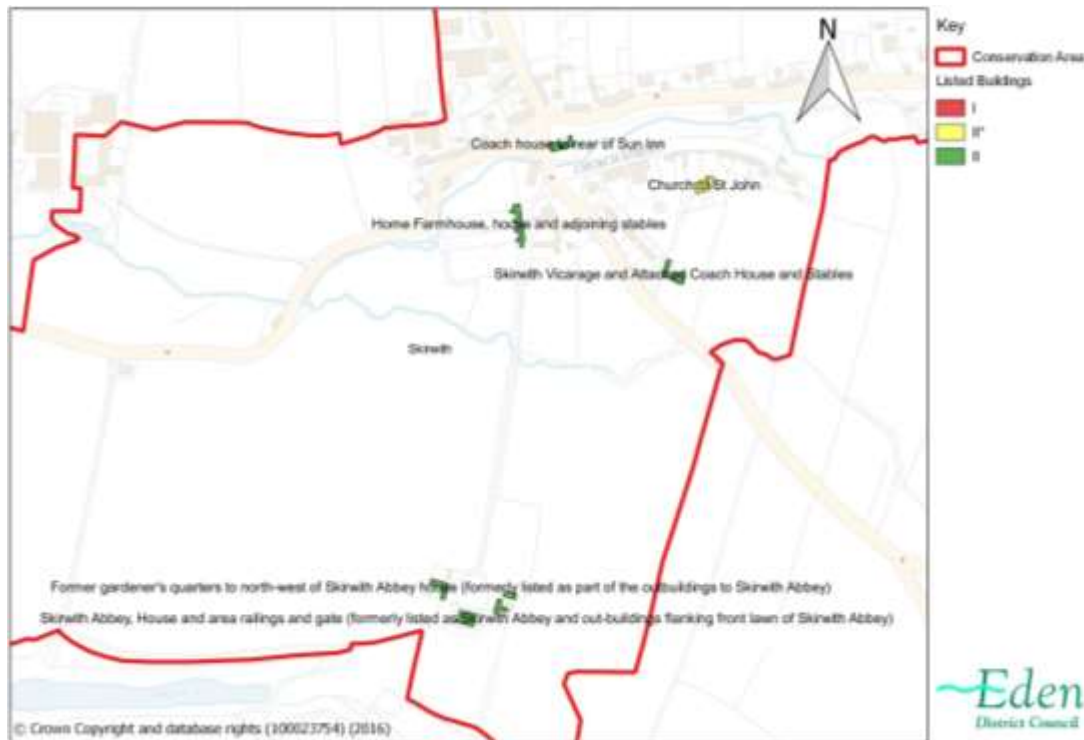
- 3.2.1 The 2007 published character appraisal for Skirwith conservation area provides a short historical account of the development of the village.
- 3.2.2 The conservation area can be divided into eight individual character areas as shown on figure 1.

Figure 1 Character Areas



3.2.3 There are 7 listed buildings and structures found within the conservation area boundary, as shown on figure 2. There have not been no additional assets designated or any assets removed from the national heritage list since the appraisal in 2007. The list descriptions for these designated assets are contained within appendix B.

Figure 2 Heritage Assets



Character Area 1

3.2.4 The area defined as character area 1 comprises of the grounds and buildings of Skirwith Abbey located outside of the main village settlement in a formal parkland landscape of large grazing fields. The buildings are set in a u-shaped development form with the main house located at the south end of a circular drive and fronting north with views towards the private tree lined access road. To the east is a former barn (assumed not used due to boarded windows and its overall condition) and current stables. To the west is a two storey dwelling and garages forming an L-shape development.

- 3.2.5 The 18th century Skirwith Abbey house is two storeys plus a basement and is constructed of ashlar with string courses and a graduated slate roof. The parapet has balustrading on all sides. The main entrance in the north elevation is accessed by sandstone steps which bridge over the sunken walkway encircling the house. This walkway is bounded by cast iron railings.
- 3.2.6 Both the house and the dwelling to its west are designated as grade II listed buildings.

Character Area 2

- 3.2.7 The area defined as character area 2 comprises of the buildings of the former Holme Farm farmstead which are located south of the bridge in the centre of the village and are surrounded by large arable fields – with the exception of the eastern side. Bridge House is also located within this area. Field boundaries are sandstone walls.
- 3.2.8 The farmstead is divided by a single lane road passing through the development and continuing to Skirwith Abbey. On the east side of the road is a courtyard bounded on three sides by buildings which are now in residential use. On the west side of the road is the grade II listed farm house with an attached barn that has been converted into residential use. Beyond the house and barn are large stone walls pertaining to the former walled garden.

Figure 3 Entrance to Holme Farm development



- 3.2.9 The 17th/18th century farm house with 19th century alterations is two storeys and constructed of sandstone. The sash windows have been replaced with uPVC sash windows and are set in stone surrounds. The attached former stable/barn is constructed of sandstone and also features uPVC windows. The courtyard buildings are all constructed of sandstone with modern tile roofs and uPVC sash windows.

The two storey sandstone Bridge House is in a poor condition requiring repairs and maintenance. The barn to the rear of the house is in a dilapidated condition urgently requiring roof repairs.

Character Area 3

3.2.11 The area defined as character area 3 comprises of a late 20th century infill development along the eastern edge of the road to Blencarn and the western edge of the Church and former vicarage grounds. The buildings are four pairs of semi-detached houses set back from the roadside with large front gardens bounded by sandstone walls and/or hedges with accesses for drives and paths. They are all similar in style and scale, constructed of roughcast render with a modern tile roof, brick chimneys and uPVC casement windows. The developments have to a large extent respected the traditional layout of the village but their design and materials are out of keeping with the traditional form and design of buildings in the village.

Figure 4 Webster Place developments



Figure 5 Car parking on grass verges



Figure 6 (below left) Roughcast rendered bus shelter is not aesthetically pleasing. Figure 7 (below right) recycling bins



Character Area 4

3.2.12 The area defined as character area 4 comprises of a mixture of detached and semi-detached two storey buildings abutting the south side of Church Street overlooking the small river valley that passes through the village. The buildings are a mixture of 19th and 20th century buildings with sandstone and painted roughcast render being the predominant building materials. Roof coverings are a mixture of green and blue slate and modern tile featuring sandstone chimneys. The predominant material used for window construction is uPVC.

3.2.13 The St John Evangelist Church and graveyard are set back from the roadside in a large plot bounded by a sandstone boundary wall and large mature trees. This position has created an informal parking area in front of the church gates. The 19th century church is designated as a grade II* listed building and the former vicarage is designated as grade II listed building.

Figure 8 (below left) St John the Evangelist Church and parking area. Figure 9 (below right) Houses abutting roadside with attached modern garage



The area is also home to the village hall and the former school.

Figure 10 The Old School

Figure 11 20th century village hall



Character Area 5

3.2.14 The general layout of character area 5 displays characteristics of a medieval village with its rectilinear layout. It consists of tight knit development around the cross road junction in the centre of the village and then larger plots as travel east and west along the access roads. The buildings have a varied roof height with similar chimneys. The peaceful setting of the village is interrupted by through traffic. There are long distance views of the Pennine Fells from the centre of the village. Character area 5 can be subdivided into two sub character areas namely 5a and 5b.

3.2.15 Character area 5a comprises of the developments along Kirkland Road to the east of the village centre, strip fields emanating northwards and the beck. Developments are predominantly detached dwellings (predominantly of two storeys but a small number of bungalows are present) set back from the roadside at an elevated position to its northern side. The built form comprises of a mixture of 17th century (including Guilders Cottage), 18th, 19th and 20th

century dwellings and the majority have large front gardens and drives. The buildings are constructed of a mixture of sandstone and roughcast render with green and blue slate or modern tile roofs featuring a mixture of sandstone, brick and rendered chimneys. The predominant window construction material is uPVC casements although a small number of sliding sash and 2 or 3 light mullioned windows also remain.

3.2.16 The late 20th century houses and bungalows have to a large extent respected the traditional layout of the village but their design and materials are out of keeping with the traditional form and design of buildings in the village.

3.2.17 The beck flows on the south side of the road and is bordered by heavily vegetated areas, an allotment, field currently used for grazing horses, and a play park. Two residential dwellings are located at a level below the road in close proximity to the beck but the area is sensitive to further development. The south side of the road features a mixture of sandstone wall and stone post with metal rail boundary treatments. The church spire is visible from Kirkland Road.

Figure 12 Looking east along Kirkland Road towards Beck Cottage



3.2.18 Character area 5b comprises of the tight knit developments in the centre of the village in proximity to the village green and cross road junction. Located to the east of the cross roads are the early 19th century agricultural developments of Aglionby Farm and 18th century Gate Farm. On the north side of the road to west of the cross roads, buildings are predominantly short rows of early 19th century houses with front gardens and overlooking the village green. The 18th century buildings at Beck Farm are in a deteriorated condition. The western part of the character area at the edge of the village is home to the 18th century Beck Farm (in a deteriorated condition) and some 19th century farmsteads and cottages (as evidenced by visible date stone inscriptions).

3.2.19 Buildings are all two storeys with sandstone or roughcast render walls and predominantly have greenslate roof coverings featuring sandstone chimney stacks. The area retains a high percentage of historic windows in comparison to other areas of the village although replacement windows using modern materials are also evident.

3.2.20 Grassed bank areas around the crossroad junction are used for informal parking by local residents. Around the junction there are a number of traffic signs including cycle route signs, a grit salt bin, single bench, and a phone box containing a defibrillator. The 18th century Sun Inn is a landmark building located between the crossroad junction and the bridge making it visible from all directions on approach. The central area of the village around the village green is sensitive to further development.

Figure 13 (below left) Sun Inn Figure 14 (below right) Tight knit development on north side of road and village green on south side of road



Figure 15 Informal parking area



Figure 16 Road signs at cross road junction



Character Area 6

3.2.21 Character area 6 is a small area of late 20th century developments on the western side of the road to Ousby. The developments consist of two modern bungalows with paved drives and a modern farmhouse with large iron roofed agricultural sheds located to the rear (west) of the house.

Figure 17 Modern agricultural sheds to rear of 21st century house



Character Area 7

3.2.22 The area defined as character area 7 comprises of part of the Skirwith Hall farm development on the western edge of the village settlement. The farmstead is located at the end of a long tarmacked road through arable fields. The river forms a boundary to the south of the character area and its banks are lined with large mature trees.

Figure 18 Entrance gate and drive to Skirwith Hall farm



Character Area 8

3.2.23 Character area 8 forms the western section of the conservation area outside of the village. It has a peaceful setting in large arable fields bounded by sandstone walls. The river and its tree lined banks border the area to the north and the road to Langwathby traverses through the large fields. Development consists of a single detached dwelling located on the roadside by the river and a small 19th century hamlet called Newtown. Newtown is a linear development of two sets of semi-detached dwellings set back from the roadside (south side) with front gardens. The buildings are two storeys constructed of sandstone with green or blue slate roof coverings, sandstone chimney stacks and uPVC casement windows in stone surrounds.

Figure 19 The Smithy and its countryside setting

Figure 20 Hamlet of Newtown



3.3 Present Condition assessment

- 3.3.1 Overall the central area of the village retains an attractive and relatively unspoilt historic character and layout. The buildings in the village form a coherent group with a distinctive and limited palette of materials. Certain alterations such as the replacement of windows have detracted a little from the character and appearance of the village. However unlike other villages within the district, Skirwith has escaped any further detrimental harm from inappropriate housing developments in the early 21st century.
- 3.3.2 The conservation area has a significant amount of small areas of woodland and a considerable number of mature trees which have a positive contribution to its landscape character and historic setting. The indicative location and species of these trees and woodland areas are shown on the Townscape features plan (figure 21).

4 Management Plan

4.1 SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats)

- 4.1.1 Despite its issues, Skirwith is a dynamic place where people live, work and visit. The conservation area designation is not designed to preserve what is there at present, but is intended to guide change and to enable development which makes the best use of the area's attributes for the benefit of all. There are a number of measures which can be taken to actively preserve the qualities of the area and to promote improvement.

Strengths

- Coherent group of buildings with limited palette of materials
- Relatively unaffected by modern housing developments
- Views of surrounding countryside and fells

Opportunities

- Local list of non-designated heritage assets
- Article 4 Direction
- Conservation area boundary review

Weaknesses

- Loss of original features and materials
- Deteriorated condition of buildings

Threats

- Further incremental loss of original features which remain

4.2 Conservation Area Boundary Review

- 4.2.1 The boundary of the conservation area is considered to be appropriate and no amendments are required. The conservation area is considered to retain its special architectural and historic interest which awarded the designation.

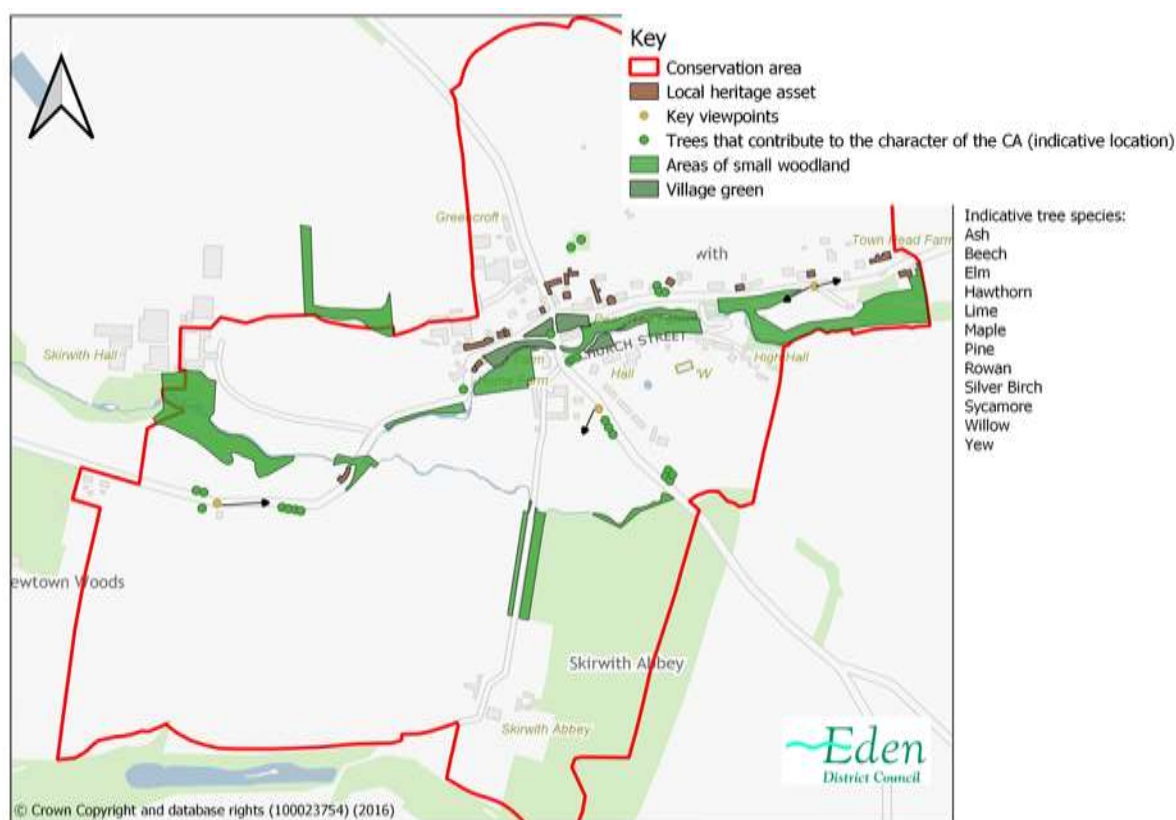
4.3 Protection of the Historic Environment

Designated and non-designated heritage assets

4.3.1 There are only a small number of buildings within the conservation area that are grade II and grade II* listed and afforded extra levels of protection against changes which could erode their architectural integrity. The following non-designated buildings are also considered to contribute to the character and significance of the conservation area.

- Guilders Cottage
- Town Head farm
- Croft House
- Chapel House
- Aglionby Farm house and attached barn
- Gate Farm house
- The Barn
- The Granary
- Greencourt
- Brook View
- Hayriggs
- No.1 and No.2 Corner House
- Smithy Cottage
- Beck Farm
- Pear Tree
- Garth House

Figure 21 Townscape features



Permitted Development Rights and Article 4 Directions

- 4.3.2 Permitted development rights allow householders to improve and extend their homes without the need to apply for planning permission. Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended. Schedule 2, Part 1 of the Order covers various types of development and what is acceptable under permitted development. Appendix C includes a guidance note on the types of the ‘development’ that fall under Permitted Development Rights.
- 4.3.3 Householder Permitted development rights do not apply to Listed Buildings, houses which are flats, or houses created through a change of use for example from a shop or agricultural building. They also do not remove requirements for permissions or consents under other regimes such as the building regulations and Party Wall Act.
- 4.3.4 The buildings within the conservation area are predominantly residential and therefore subject to permitted development rights for incremental changes including replacement of windows. However those works that do require planning permission but where none was sought may be subject to enforcement action.
- 4.3.5 A local planning authority is allowed to restrict permitted development rights in specific areas by issuing an Article 4 Direction. This withdraws automatic planning permission granted by the GPDO for certain types of work and a householder would need to apply for planning permission for those works.

Article 4 Directions offer the opportunity to restrict 'permitted development rights' to protect historic features that are of importance to the character of a conservation area.

- 4.3.6 It is important to emphasise that an Article 4 Direction to restrict permitted development rights should only be introduced where there is a clear justification to do so. With this in mind and following the outcome of the conservation area review, it is considered unlikely that an Article 4 direction would be of benefit to Skirwith conservation area.

Planning Policies

- 4.3.7 Other elements of note exist in the retained historic cobble setted surfaces outside of Aglionby Farm. These surfaces are a key part of the character of the conservation area. Wherever possible they should be retained and reinstated where they have sustained damage.
- 4.3.8 The following set of generic management aims and objectives (included within each conservation area management plan) are based on the understanding of the conservation areas. They seek to provide guidance to both Eden District Council in determining planning applications for development, but also to building owners and developers when preparing development proposals.

I. New Developments

- Aim: to ensure developments reflect the historic context of the conservation area
- Objective: When determining applications for planning permission, the local planning authority will seek to ensure high quality developments that are of appropriate scale, density, height, form, massing and materials to traditional buildings within the conservation area.

II. Green spaces, woodland and trees

- Aim: To enhance the provision and use of green spaces, woodland areas and trees within the conservation area
- Objective: When determining planning applications, the local planning authority will consider the potential impact of developments that directly effect green spaces, woodland areas and trees and/or their setting and will seek to ensure their contribution to the significance of the conservation area is preserved and where possible enhanced.

III. Doors and Windows

- Aim: To preserve historic fenestration patterns and features
- Objective: When determining planning applications, the local planning authority will consider the potential impact of alterations to traditional windows and doors and seek to ensure their contribution to the significance of the conservation area is preserved and where possible enhanced.

- High quality door and window fenestrations which respect the proportions, form, details and materials of traditional features of individual buildings and the wider streetscape are encouraged. The replacement and loss of historic and important windows and doors will not be permitted, unless it can be demonstrated that they are beyond economical repair and there is a wider public benefit to their replacement.

IV. Views and Setting

- Aim: To preserve key local and long distance views in and out of the Conservation Area, including views of the surrounding countryside that forms the setting of the Conservation Area.
- Objective: The local planning authority will consider the potential impact of development proposals within or on the edge of the conservation area on key views and the setting of the conservation area and seek to ensure their contribution to the significance of the conservation area is preserved and where possible enhanced.

V. Roofscape

- Aim: To ensure the contribution of the roofscape to the significance of the conservation area is preserved and where possible enhanced.
- Objective: the local planning authority will consider the potential impact of development proposals on the roofscape of the conservation area and will seek to encourage the retention, repair and re-use of sandstone flags or blue slate laid in traditional courses.

Guidance and Further Information

- 4.3.9 The information leaflets included within appendix C provide guidance on the types of development works that require: planning permission, planning permission including demolition in a conservation area, and/or listed building consent and are also available to collect from the reception at Eden District Council Mansion House office. Advice is also available via the Eden District Council website (<https://www.eden.gov.uk/planning-and-building/planning-guidance/>) and/or the planning portal website (<https://www.planningportal.co.uk/>).

5 Contact Details

5.1.1 For further information please contact:

Conservation Officer
Eden District Council
Mansion House
Penrith
Cumbria
CA11 7YG

Appendices

Appendix A Planning Policy

Key paragraphs of the NPPF, 2019

185. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

186. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

192. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site;
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or better reveal its significance) should be treated favourably.

201. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Historic England Advice Notes

- Conservation Area Designation, Appraisal and Management: Advice Note 1 (February 2016)
- Making Changes to Heritage Assets: Advice Note 2 (February 2016)
- The Historic Environment and Site Allocations in Local Plans: Advice Note 3 (October 2015)
- Tall Buildings: Advice Note 4 (December 2014)
- Setting up a Listed Building Heritage Partnership Agreement: Advice Note 5 (November 2015)
- Drawing up a Local Listed Building Consent Order: Advice Note 6 (November 2015)
- Local Heritage Listing: Advice Note 7 (May 2016)
- Sustainability Appraisal and Strategic Environmental Assessment: Advice Note 8 (December 2016)
- Historic Environment Good Practice Advice Note 1: The Historic Environment in Local Plans (March 2015);
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (July 2015); and
- Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets (March 2015).

Local Planning Policies

Table 1 Historic Environment Policies within Eden Local Plan

Eden Local Plan 2032	
Policy	Objectives of the policy
ENV10 The Historic Environment	<p>The Council will attach great weight to the conservation and enhancement of the historic environment, heritage assets and their setting, which help to make Eden a distinctive place.</p> <p>The Council will require all proposals for development to conserve and where appropriate, enhance the significance of Eden's heritage assets and their setting. The Council will support proposals that would better reveal the significance of the asset, in particular those heritage assets identified as being most at risk. Opportunities for promotion, interpretation and increasing understanding should also be explored.</p> <p>Development proposals that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits.</p> <p>The Council will require proposals to protect and where appropriate, enhance the significance and setting of Eden's non-designated heritage assets, including buildings, archaeological sites, parks, landscapes and gardens. Where the harm is outweighed by the public benefits of the proposals, the Council will require an appropriate level of survey and recording, the results of which should be deposited with the Cumbria Historic Environment Record.</p> <p>Where a development proposal affecting an archaeological site is acceptable in principle, the Council will ensure preservation of the remains in situ as a preferred solution. Where in situ preservation is not justified, the development will be required to make adequate provision for excavation and recording before or during development.</p> <p>All development proposals affecting the historic environment, heritage assets and their settings (including where there is the potential of unknown archaeological assets) will need to be accompanied by an assessment of the significance of the asset and its setting and how it will be affected by the proposed development.</p>

Eden Local Plan 2032	
Policy	Objectives of the policy
	<p>The level of information required will be proportionate to the significance of the asset and to the scale of impact of the proposal. For archaeological assets, this may where necessary include archaeological desk based assessment and field evaluation.</p> <p>The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>

Neighbourhood Planning Areas

The following parishes within the Eden District are designated as a Neighbourhood Planning Area and can produce their own neighbourhood plan or development orders:

- Alston Moor Parish
- Appleby in Westmorland Parish
- Asby Parish
- Bolton Parish
- Crosby Ravensworth Parish
- Langwathby Parish
- Lazonby Parish
- Matterdale Parish
- Morland ParishPenrith Town Council
- Skelton Parish
- Tebay Parish
- Upper Eden

Ainstable Parish and Greystoke Parish have also applied to be designated as a Neighbourhood Planning Area.

The Upper Eden Community Plan Group is an association of 17 parishes: Kirkby Stephen, Brough, Crosby Garrett, Nateby, Ravenstonedale, Soulby, Brough Sowerby, Hartley, Helbeck, Kaber, Mallerstang, Musgrave, Stainmore, Waitby, Wharton and Winton. The group have prepared the Upper Eden Neighbourhood

Development Plan 2012-2025 which was approved at a local referendum and adopted as planning policy by Eden District Council in April 2013.

Appendix B List Descriptions for Heritage Assets

Table 2 List descriptions

Property	Grade	Description	Character area
Sun Inn	II	Inn, late C18/early C19. Wet-dashed rubble on plinth with corner pilasters. Parallel graduated slate roofs each have projecting eaves and stone chimneys to gable ends. Double-pile plan. Symmetrical 2-storey, 3-bay front has central door under bracketed cornice; single sash to either side and 2 above. Each return wall has two 1st floor sashes, one of which is trompe l'oeil. All sashes have glazing bars in stone surrounds.	5b
Coach house to rear of Sun Inn	II	Former coach house; late C18/early C19 with later additions and alterations. Rubble walls; graduated slate roof has projecting eaves. Central coach door has elliptical head. Small window and plank door to right; 2 windows above, one now blocked. Included for group value.	5b
Home Farmhouse, house and adjoining stables	II	House, C18 with 1844 additions; (former house (late C17?), now stable). Hammer-dressed ashlar with rusticated quoins on chamfered plinth; band between floors and cavetto moulding to eaves. Graduated slate roof with stone end chimneys. 2-storey, 4-bay front; panelled door in corniced architrave with semicircular pediment. 2 sashes to left and one to right; 3 first-floor sashes with blocked window above door. All windows without glazing bars in architraves. 1844 single-storey wash-house added to right has plank door and 2 sashes. 1.5-storey stable block, adjoining to left, of coursed, squared rubble with quoins; small Yorkshire sash below eaves.	2
Skirwith Abbey, House and area railings and gate (formerly listed as Skirwith Abbey and out-buildings flanking front lawn of Skirwith Abbey)	II	Large house, late C18. Front and rear of ashlar with banding; returns of coursed rubble with string courses carried round tops of bay windows. Moulded plinth and corner pilasters; some rustication. Plain parapet carried on eaves cornice has open balustrading to centre on all 4 fronts. Parallel, hipped, graduated slate roofs with chimney stack between. 2 storeys with basement. Main front symmetrical, 2:3:2, with entrance up splayed, balustraded staircase carried on bridge over sunken walkway encircling house; C20 panelled door in architrave with rusticated semi-circular relieving arch above. Rear similar but 1:3:1 with French window in pedimented doorcase. Each return has a central, full-height, canted bay window with a sash to either side on each floor. All sashes in architraves, most with glazing bars; some trompe l'oeil. Cast-iron railings around edge of retaining walls to sunken walkway have obelisk standards; gate down steps on west side.	1
Former gardener's quarters to north-west of Skirwith Abbey house (formerly listed as part of the outbuildings to Skirwith Abbey)	II	Former gardener's quarters; late C18 with C20 alterations. Coursed rubble with rusticated quoins. Hipped, graduated slate roof with corniced stone mid chimney. 2 storeys. Front, originally 6 bays retains 1st floor sashes with glazing bars; C20 garage doors inserted and only one original door and one trompe l'oeil window survive. South return has rusticated end pilasters and a blind venetian window. Barn range projects to rear at north end. Included for group value.	1

Property	Grade	Description	Character area
Former coach-house & stables to north-east of Skirwith Abbey House (formerly listed as part of the outbuildings to Skirwith Abbey)	II	Former coach-house and stable; late C18. Coursed, squared rubble with rusticated quoins. Hipped, graduated slate roof with corniced stone chimney to north end. 2-storey, 6-bay front has some of original openings wholly or partly blocked; 2 tromple l'oeil 1st floor windows. Stable door and 2 coach doors to rear. South return has rusticated end pilasters and a blind Venetian window. Included for group value.	1
Former coach-house, stable, & grooms' quarters to north-east of Skirwith Abbey House (formerly listed as part of the outbuildings to Skirwith Abbey)	II	Former coach-house, stable, and grooms' quarters; late C18/early C19. Coursed, squared rubble with quoins. Hipped, graduated slate roof has 2 stone chimneys to eaves on north side. Door with 2 sashes above to west return; coach door, stable door, and 3 sashes to south front. Included for group value.	1

Property	Grade	Description	Character area
Church of St John	II*	<p>Parish Church. 1856, by Frederick John and Horace Francis, for the Reverend Christopher Parker; repairs to east end in progress at time of inspection (May 1992). Coursed squared red sandstone, graduated green slate roofs with red ridge tiles. Decorated style. Small 4-bay nave with south-west tower, 3-bay south aisle and 20-bay chancel with 1-bay north vestry. The 3 stage tower embraced by the nave and aisle and projecting to the west, has a chamfered plinth, diagonal buttresses dying at the 3rd stage, with 3 offsets, an embattled parapet with corner gargoyles and a short octagonal spire; a moulded 2-centred arched west doorway with set-in shafts, hoodmould with figured stops, and board door with elaborate foliated strap hinges; a lancet to the 2nd stage; 2 light louvred belfry windows with reticulated tracery, moulded surrounds and hoodmoulds with figured stops; and two tiers of lucarnes to the spire. The nave, with 2 buttresses, has 3, 2-light windows and a 1-light window at the west end, and a large 3-light west window, all these windows 2-centred arched and moulded in 2 orders, with differing forms of reticulated tracery and hoodmoulds with differing figured stops. The south aisle, of full height with its own pitched roof, has a diagonal buttress, and 3 windows like those of the nave and likewise differing in detail. The chancel, also with diagonal buttresses, has 2-centred arched priest door and 2 windows on the south side, a gabled window and one window on the north side, all windows of 2 cinquefoil lights with tracery above, and a 3-light east window with multifoil tracery. All the roofs have gable copings with kneelers and apex crosses.</p> <p>INTERIOR: 3 bay aisle arcade of short octagonal columns and responds with moulded caps, moulded 2 centred arches with hoodmoulds springing from carved moulded foliated stops (all differing); chancel arch in similar style; plastered walls; windows with moulded stone reveals and hoodmoulds with differing figured stops, and stained glass by Wailes of Newcastle; arched-braced hammer-beam roofs to nave and aisle, wagon-roof to chancel; nave has elaborate carved wooden pulpit on stone and marble base, carved octagonal font with elaborate steeply swept wooden cover, and pews with trefoil tracery panels, chancel has choir stalls with poppy-head finials, and carved wooden altar and reredos flanked by outer reredos under paired crocketed canopies. Imported fittings: 2-bay parclose screen forming Lady Chapel in south aisle; medieval reredos in this chapel; large and elaborately naturalistic metal chandelier in nave. HISTORY: Messrs. Francis were successful church and commercial architects of London and Home Counties in mid and late C19. Interior design and fittings reflect ecclesiological and liturgical enthusiasm of donor.</p>	4
Skirwith Vicarage and Attached Coach House and Stables	II	<p>Vicarage. 1856. Designed by Messrs Francis. Red sandstone with graduated stone slate roofs and raised coped gables with kneelers. 2 storey. Chamfered plinth, moulded eaves. South front has slightly projecting off-centre gabled wing with projecting square bay window with 2 cross casements, and above a 3-light cross casement. To the left a cross casement on each floor. To the right a porch with a 4-centred arch doorway. East front also has a projecting gabled cross wing with 2 single light windows and above a cross casement. To the left a small lean-to addition and then a cross casement, above 2 cross casements, one a through eaves dormer. To the west a wall links the house to the coach house and stable block. This is a single storey range with an off-centre carriage arch under a gable with a single window. To the left 2 doors with cross casements between, to the right a 2-light mullion window, a doorway and beyond a cross casement. All these doorways have chamfered 4-centred arches. Interior: Retains all its doors, skirting and plaster ceilings, plus a fine quality staircase with 2 balusters per tread.</p>	4

Appendix C Guidance notes

1. Listed Buildings: A guide for owners and occupiers
2. Conservation Areas: A guide for owners and occupiers
3. A Summary of Permitted Development Rights
4. Replacement Windows and Doors Guidance Note

What are listed buildings?

The Department for Digital, Culture, Media and Sport, on the advice of the Historic Buildings and Monuments Commission for England (Historic England) compiles and maintains a statutory list of buildings which are considered to be of special architectural or historic interest. Any building on this list is known as a "listed building".

There are approximately 500,000 listed buildings in England. The Council holds copies of the lists for Eden District, parish by parish.

Houses are the most common type of listed buildings, but listed buildings can include anything from a barn to a cathedral, or a milestone to a telephone kiosk.

Why are buildings listed?

Buildings are selected for listing for a variety of reasons: antiquity, rarity, historic interest, architectural style, craftsmanship, or their value as part of a group of buildings such as a terrace or square.

Once included in the list, buildings are protected by legislation controlling their demolition or alteration. The purpose of listing buildings is to protect them as a part of our national heritage, by enabling careful control to be exercised over any alterations. Listing is not intended as a means of preventing alteration altogether.

- All buildings constructed before 1700 which survive in anything like their original condition are listed, as are most buildings from 1700 to 1840.
- With buildings from 1840 to 1914, more

selection is necessary as larger numbers of buildings were erected and still survive. Buildings of definite quality or character, good examples of their type and works of the principal architects are likely to be chosen.

- With buildings constructed since 1914, a similar but more rigorous selection procedure applies, often on a themed basis.
- Buildings of between ten and thirty years old are normally only listed if they are of outstanding quality and are under threat.

What do the grades mean?

Grade I Buildings of exceptional national interest - approximately 2% of all listed buildings.

Grade II* Particularly important buildings of more than special interest - 4%.

Grade II Buildings of special interest - 94%.

What effect does listing have?

When a building is listed, regardless of its grade, it is the **whole** of the building that is listed, including its internal and external features and any object or structure fixed to the main building.

The listing will usually include any garden walls or outbuildings within the curtilage of the main building.

The description of the building in the list has no legal significance and is intended primarily for identification purposes. It should not be treated as a comprehensive or exclusive record of all the features which are considered to make a building worthy of listing, or of the features protected. Any works for the demolition, alteration or extension of a

listed building which would affect its character, require **listed building consent**. Consent is not normally required for repair work or like for like replacement.

Examples of external works requiring consent:

- replacement of windows and doors with ones of different design, type or materials (eg replacement of timber with plastic).
- changing of roofing materials (eg replacement of natural slate with concrete tile).
- constructing extensions or creating new openings.
- cladding, rendering and in some circumstances painting or re-painting.
- altering or removing chimneys.

Examples of internal works requiring consent:

- removal or alteration of fireplaces, panelling, doors, staircases, etc.
- construction, removal or alteration of internal walls.
- satellite dishes.

It is a **criminal offence** to demolish, alter or extend a listed building without listed building consent. To do this could lead to imprisonment or a substantial fine.

Other forms of consent

Planning permission and/or building regulation approval may also be required for part or all of the work. The normal **permitted development** rights which enable certain alterations to be carried out and extensions and curtilage buildings erected, without the need to obtain planning permission, are significantly reduced in respect of listed buildings.

Repairs

The owner of a listed building is responsible for ensuring that it is maintained in good order. In cases of neglect, the Local Planning Authority can take action against owners requiring them to carry out repairs. Failure to do so can result in the compulsory acquisition of the building.

Grants for heritage at risk may be available for the repair and conservation of listed buildings, scheduled monuments and registered parks and gardens from Historic England.

For further information visit their website:
www.historicengland.org.uk/listing

Legislation and Policies

The Local Planning Authority holds copies of the relevant legislation and government advice affecting listed buildings, which may be viewed at Mansion House or purchased from www.legislation.gov.uk. Copies of the Local Planning Authority's policy documents can be viewed at or purchased from the Department of Communities. This leaflet contains only a brief summary of the regulations affecting listed buildings. If you need advice, please contact Development Management.

Contacts

For general advice on matters relating to listed buildings, advice on the need for consent, or to discuss the merits of any particular proposal, please contact:

Eden District Council
Development Management
Department of Communities
Mansion House
Penrith
Cumbria CA11 7YG

Email: planning.services@eden.gov.uk

Telephone: 01768 817817

Planning Duty Officer:

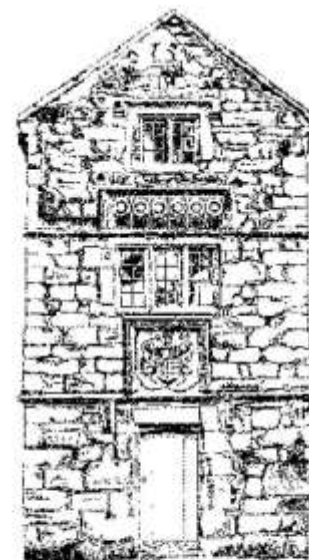
Telephone: 01768 817817 (Available from 10am to 1pm, Monday to Friday)

Website:

www.eden.gov.uk/planning-and-building/conservation/listed-buildings/

Listed Buildings

A guide for owners and occupiers



Eden
District Council

Designed by the Department of Communities
Eden District Council - updated January 2018

What are conservation areas?

Eden District Council, as the Local Planning Authority, may designate conservation areas covering parts of the District which it considers to be "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".

These areas may vary in size and character, from a town centre or whole village to a single street. They are designated because of their historic street pattern, architectural character or general historic interest. The street pattern, buildings, relationships of buildings to each other, open spaces, trees and walls all contribute to their particular character and appearance.

What are the effects of designation?

Conservation area status helps give an area added protection from poor quality or inappropriate development. It enables a greater degree of control to be exercised over new buildings and extensions. It introduces control over the demolition of some buildings, walls and work to certain trees. It also provides an opportunity for the enhancement of the area through positive schemes of enhancement and improvement.

The Local Planning Authority is required to publicise any planning applications which are considered likely to affect the character of a conservation area, allowing interested people an opportunity to comment and thus participate in the planning and development of the area.

What needs consent?

- In conservation areas, the normal "permitted development" rights which enable certain extensions and alterations to be carried out without the need to obtain planning permission are reduced, thereby bringing more development under planning control.
- **Conservation Area Consent** is required for the demolition of certain buildings, walls and other means of enclosure.
- Six weeks notice in writing must be given to the Local Planning Authority of any intention to cut down, top, lop or up-root any tree and work must not be carried out within this period without permission. This procedure does not apply to trees below a certain size or trees which are dangerous.

If you need advice as to whether any form of consent is required, please contact staff in the Development Management section of the Department of Communities who will be pleased to assist.

For further advice about replacement windows and doors, please see the leaflet entitled: "Guidance Note - Replacement Windows and Doors".

For further advice about trees in Conservation Areas, please see the website: www.eden.gov.uk/planning-and-building/trees/trees-in-conservation-areas/ or contact the Council's Arboriculturist.

How are applications considered?

In assessing applications for development in conservation areas, the Local Planning Authority will, in addition to all the normal planning considerations, bear in mind the desirability of preserving and enhancing the conservation area. High quality design and materials will be expected for new development, and in many instances outline planning permission will not be granted without some or all of the details of the proposed development being submitted.



Extensions to existing buildings should, in their design, height, roof pitch, alignment and materials, be in keeping with the existing building. New buildings should be designed and sited to fit in with their immediate surroundings and the character of the area. Favourable consideration may also be given to innovative schemes of high quality in appropriate locations which meet the objectives of conservation area designation.

Conservation does not simply involve preservation. The long term protection and enhancement of a conservation area is dependent on its continued prosperity and the pride and goodwill of its residents, as well as the effective control of development.

Further controls

The Local Planning Authority can remove categories of permitted development rights by way of an "Article 4 Direction" if the character or appearance of a conservation area is being damaged or threatened by the exercise of these rights. Residents would be notified of such a direction if subsequently brought into force. The designation of a conservation area does not affect any other controls which already apply. For example, if your property is a listed building you will still require listed building consent to demolish, alter or extend your property.



Legislation and policies

The Local Planning Authority holds copies of all the relevant legislation and government advice affecting conservation areas, which may be viewed at Mansion House and is available at www.legislation.gov.uk. Copies of the Local Planning Authority's policy documents can also be viewed at or purchased from the Department of Communities. This leaflet contains only a brief summary of the purposes of and regulations affecting conservation areas.

Contacts

For advice on the need for consent or to discuss the merits of any particular proposal please contact:

Eden District Council
Development Management
Department of Communities
Mansion House
Penrith
Cumbria CA11 7YG

Email: planning.services@eden.gov.uk

Telephone: 01768 817817

Planning Duty Officer:

Telephone: 01768 817817 (Available between 10am and 1pm, Monday to Friday)

For advice on trees in conservation areas please contact the Arboriculturist at:

Eden District Council
Development Management
Department of Communities
Mansion House
Penrith
Cumbria CA11 7YG

Email: trees@eden.gov.uk

Telephone: 01768 212159

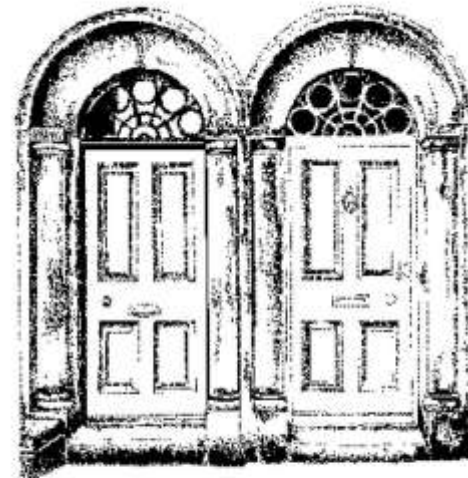
Website:

www.eden.gov.uk/planning-and-building/conservation/conservation-areas/

Designed by the Department of Communities
Eden District Council - updated April 2015

Conservation Areas

A guide for owners and occupiers



Eden
District Council

Local Planning Authority contacts

Eden District Council Website
address: www.eden.gov.uk

Main tel. number: (01768) 817817
Email:
Customerservices@eden.gov.uk

For further advice on the need for consent or application forms, please contact:

Eden District Council
Development Management
Mansion House
Penrith, Cumbria, CA11 7YG
e-mail:
planning.services@eden.gov.uk

Development Management
North Team
Direct Dial on (01768) 212362

Development Management South
Team
Direct Dial on (01768) 212329

Building Control
Building Control Manager
Direct Dial (01768) 212342
Principal Building Control Surveyor
Direct Dial (01768) 212373
Email: building.control@eden.gov.uk

For general advice on historic buildings please contact the Conservation Officer at:

Eden District Council
Communities
Planning Policy Section
Mansion House, Friargate,
Penrith, Cumbria, CA11 7YG
e-mail: loc.plan@eden.gov.uk
Direct Dial on (01768) 212317

Other useful addresses

Historic England
www.historicengland.org.uk

Glass and Glazing Federation
Website: www.ggf.org.uk
40 Rushworth Street, London, SE1
ORB

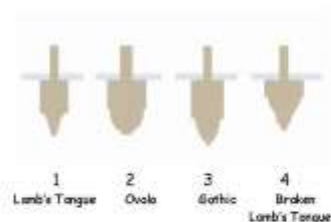
The following organisations publish guidance on period detailing for historic properties:-

The Society for the Protection of
Ancient Buildings
www.spab.org.uk
37 Spital Square, London,
E1 6DY

The Georgian Group
www.georgiangroup.org.uk
6 Fitzroy Square, London
W1T 5DX
Tel 020 7529 8920

The Victorian Society
www.victorian/society.org.uk
1 Priory Gardens, Bedford Park,
London, W4 1TT

Examples of glazing bar profiles

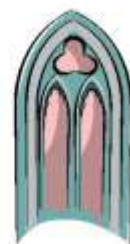


Designed and published by the Department of
Policy & Performance - EDC July 2006



Guidance Note:

Replacement Windows & Doors



1 Introduction

This leaflet is intended to offer advice on the need for permissions from this Council should you wish to alter or replace your windows or doors. You may require more than one form of consent. It is also intended to offer basic practical advice on carrying out such works and to provide a useful list of contacts should you need to speak to us.

Remember, replacement windows and doors may not always be necessary. Few alterations harm the character and appearance of property as much as insensitive changes to windows and doors, which in themselves may reduce the value of the property. Careful repair, if possible, should always be considered, especially where historic details or quality materials survive. Original windows and doors in period buildings are always attractive to buyers.

2. Do I need planning permission to replace my windows and doors?

You **will not** require planning permission if the windows and doors are to be replaced like-for-like, i.e. with windows and doors of precisely the same design, materials and method of opening. You will also **not** require planning permission to alter your windows, if:

Your property is a single 'dwellinghouse' providing that:

- a) It has not had its permitted development rights removed by a condition attached to an earlier planning permission. Such a condition may have been attached to a planning permission for a barn conversion or a high density development where there could be overlooking; and

- b) It is not affected by an Article 4 Direction which restricts permitted development rights. These are usually associated with a conservation area, such as that in Alston.

- Please contact the local planning authority if you require clarification.

You **will** need planning permission to alter your windows and doors if:

- The property is a flat; (a separate self-contained set of premises constructed or adapted for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally.)
- The property is a business premises.

3. Do I need listed building consent to replace my windows and doors?

Listed building consent will almost always be required to alter windows or doors on a listed building. It will always be required for the insertion of double-glazed sealed units. Listed building consent will not normally be required to repair windows or doors, or, if they are beyond repair, to replace them with identical replacements i.e. windows or doors of precisely the same design, glazing bar width and profile, materials, finish and method of opening etc.

It is important to be aware that the alteration of a listed building without the necessary consent is a **criminal offence**.



Should you require listed building consent application forms, or if you are unsure whether your property is listed, you should contact the local planning authority who will be able to advise you further. In formulating any proposals in respect of listed buildings you should have regard to the following points:

- If windows and doors are capable of repair, this should be the preferred option. Historic windows and doors are of considerable aesthetic and historic value. If they have lasted to the present day they are usually of exceptional quality or craftsmanship. Unnecessary destruction of historic fabric is not sustainable;
- Matching materials should always be used for repairs or if necessary, replacement;

Examples of door designs to avoid, particularly in traditional properties



Examples of window designs to avoid, particularly in traditional properties



- The use of uPVC is almost always unacceptable;
- Double-glazing or factory-made standard windows are rarely acceptable; draught proofing or secondary glazing may be better options; (These may or may not require listed building consent.)
- Where replacement is necessary, existing architectural detailing should normally be followed, including glazing bar profiles for windows, panelling details for doors etc. Where alterations are proposed and consent is necessary, then full details of the design of the new units is essential.

Modest grant assistance through the Council's Historic Building Repair Grant Scheme may be available for the repair or, if necessary, like-for-like replacement of historic windows and doors in listed buildings. Buildings purchased within the last two years and buildings within the Lake District National Park are not eligible under this Scheme.

The Council also has available a free guidance leaflet for the owners and occupiers of listed buildings which outlines the purpose and effects of listing. This is also available on the Council's website.

4. Do I need building regulations approval to replace my windows and doors?

From April 2002, all replacement glazing came within the scope of the Building Regulations. Anyone who now installs replacement windows or doors will have to comply with strict thermal performance standards set down by central government. Special provisions exist for **historic buildings** where the building's character also needs to be protected. Alternative ways of improving energy efficiency and/or less strict applications of the thermal performance standards will be considered.

In this context and within Eden District, **historic buildings** are presently defined as:

- Listed buildings; or
- Buildings situated in conservation areas; or
- Buildings within the North Pennines Area of Outstanding Natural Beauty (AONB) and the Lake District National Park.

In order that Councils are not inundated with applications for approval, a scheme known as **FENSA** (Fenestration Self-Assessment) has been established. Set up by the Glass and Glazing

Federation, FENSA meets with central Government approval. A sample of the work of every installer will be inspected by FENSA appointed inspectors to ensure standards are maintained.



FENSA will also inform local authorities of all completed FENSA installations and issue certificates to householders confirming compliance.

If you come to sell your property, your purchaser's surveyors will ask for evidence that any replacement glazing installed after April 2002 complies with the new Building Regulations. There will be two ways to prove compliance:

- a) A certificate showing that the new work has been done by an installer who is registered under the FENSA Scheme, or
- b) A certificate from the local authority saying that the installation has approval under the Building Regulations.

Any installation done by a firm that is not registered to self-certify, or done as a DIY project, will need Building Regulations Approval. The Council knows of the approved installers in its area and will be able to identify unauthorised work very easily. You should note that you, as the house owner, are ultimately responsible for ensuring that the work complies with the Building Regulations.

Before you sign a contract to buy replacement glazing make sure to ask whether the installer is able to self-certify. If not, either they, or you, will need to make an application to the Council for approval under the Building Regulations.

Guidance on the technical aspects of replacement windows is available from the Council's Building Control section or via the website.

You **must** also ensure that any planning permission or listed building consent needed has been obtained. Compliance with the building regulations does not override the need for planning permission or listed building consent, nor does it imply that such consent(s) would be forthcoming.

Checklist: Do I require?

- ☐ planning permission
- ☐ listed building consent
- ☐ building regulations approval



Examples of modern window designs which may be appropriate in unlisted traditional properties, if carefully detailed



Examples of period doors



5. Design and detailing of windows and doors.

Whether or not any form of consent is needed, before you consider replacing your windows or doors, often at considerable expense, you may find the following points useful, particularly if your property is a traditional building:

- Do my windows or doors actually need replacing or would it be more cost effective and sustainable to repair them?
- How long will it take for any savings in my heating costs to pay for the cost of the units and how long will the new units last? How long will it take for the energy cost of their manufacture and installation and the disposal of my existing windows and doors to be offset by energy savings in heating?
- How old are my existing windows or doors? Are they of historic value? Should they be viewed as antiques? Do they add value to my house? Quality historic timber windows and doors can survive for hundreds of years and often outlast modern replacements.

If my windows or doors do need replacing:-

- Does the design of my windows and doors reflect the age and

character of my house, and if so, how can I try to protect this and the value of my property whilst improving energy efficiency?

- Do my windows or doors match those of adjoining or adjacent properties and if so how can I ensure my new windows or doors do not devalue my property or those in the area generally?



For historic buildings where planning permission and/or listed building consent is not required:-

Try to replicate the existing windows and doors as closely as possible. Adding fake heritage features such as leading to windows where this is not original may devalue your property. The loss of elegant traditional features such as Georgian sash windows or panelled doors will devalue your property. (Remember for listed buildings, the repair of the existing or identical replacements will almost always be required.)

If the existing windows are sashes, try to use sliding replacements. These are available as sealed double-glazed units in timber or uPVC.

If glazing bars (astragals) are proposed, how are these to be designed? These may have to be a certain thickness to hold sealed double-glazed units. Will these be too chunky or cut down light? This can be minimised by careful design of the glazing bars and beading, or sometimes by applying the glazing bars externally. False glazing bars sandwiched between panes of glass will not be an effective design solution and is likely to devalue your property.

Consider how the glass will be held in – as traditionally by putty, or by glazing beads, and how will these be designed? Glazing beads can be designed to hold double-glazing without standing proud of the frame or being overly chunky.

Are trickle vents to be incorporated? These can spoil the appearance of otherwise well designed windows.

If your property is situated at the back of a footpath, your windows will not be allowed to open outwards over it, as this will be dangerous to passers by. Vertical or horizontal sliding sashes are a good solution here.

If a new panelled door is proposed, authentic panels with appropriate mouldings (as opposed to beading stuck on a flush door to create the illusion of a panel) will look far better.

Timber doors will always look better on traditional buildings and add quality to the appearance and character of your property. They also can be attractively painted or repainted when you feel like a change.

Examples of period windows



16 century Tudor window



16 & early 17 century

- stone mullioned
- diamond leaded fixed lights



Many 16 and 17 century formerly leaded or unglazed windows have now been replaced with timber windows.



Early 18 century horizontal-sliding sash or 'Yorkshire Lights', often found in cottages



Early 18th century 12-paned Georgian sash - without horns



Mid to late 19 century Victorian sash 4-paned with horns



Late 18 early 19 century 16-paned Georgian sash - without horns



Late 19/early 20 century sash

Permitted Development Rights

Introduction

Permitted development rights allow householders to improve and extend their homes without the need to apply for planning permission. Householder permitted development rights are set out in the ***Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended***. Schedule 2, Part 1 of the Order covers various types of development and what is acceptable under permitted development. This is outlined in the following sections.

Permitted development rights **do not apply to Listed Buildings** so if your house is designated you will need to apply for listed building consent to undertake works classed as a demolition, alteration or extension of the building.

They also do not apply to houses created through the permitted development rights to **change use** from, for example shops and agricultural buildings (Part 3 of Schedule 2 to the Order); or **do not apply to any houses which are flats**. In these cases planning permission should be sought.

Permitted development rights do not remove requirements for permissions or consents under other regimes such as the building regulations and the Party Wall Act.

If your house is on land within a National Park, Area of Outstanding Natural Beauty, Conservation Area, and/ or a World Heritage Site there may be some additional rules to be met for a development to fall under permitted development rights.

It is important to note that a local planning authority is allowed to remove permitted development rights in some or all of its area by issuing what is known as an **Article 4 Direction**; or may have removed those rights on the original, or any subsequent, planning permission for the house. Where permitted development rights have been removed in either of these ways a planning application will be needed for development.

Where there is any doubt as to whether a development would be permitted development, advice should be sought from the local planning authority.

Class A Extensions and alterations (including new windows and doors)

1. Development is **not** permitted by Class A if:
 - The proposed extension and other buildings (any existing extensions to the original house) exceed 50% of the curtilage of the existing house.
 - The proposed extension to a house exceeds the height of the highest part of the roof of the existing house (not including chimneys).
 - The height of the eaves of the extension exceeds the height of the eaves of the existing house (the point where the lowest point of a roof slope meets the outside wall).

- The extension would extend beyond a wall which
 - a) forms the principal elevation of the house (generally the front), or
 - b) an elevation that fronts a highway.
 - It is a single storey rear extension that extends by more than 3 metres in depth or exceeds 4 metres in height (4 metres depth by 4 metres height for detached houses).
 - It is an extension to the rear of the house that is more than a single storey and extends by more than 3 metres in depth from the house, and is located within 7 metres of any boundary treatment to the rear of the house.
 - The proposed extension is within 2 metres of the boundary treatments to the side/ front of the house.
 - It is an extension to the side of a house which
 - a) exceeds 4 metres in height,
 - b) has more than one storey, or
 - c) is greater in width than half the width of the original house.
 - The extension includes:
 - a) the construction of a verandah, balcony or raised platform;
 - b) the installation, alteration or replacement of a microwave antenna;
 - c) installation, alteration or replacement of a chimney, flue or soil and vent pipe; and
 - d) an alteration to any part of the roof of the house.
2. In the case of a house on article 2(3) land – National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, and World Heritage Sites – development is not permitted by Class A if:
- It includes the cladding of any part of the exterior of the house with stone, pebble dash, render, timber, plastic or tiles
 - The extension extends beyond the side elevation wall of the house
 - The extension is more than one single storey and extends beyond the rear wall of the house
3. Development that meets the above rules is permitted by Class A subject to the following conditions:
- The materials shall be of a similar appearance to those used in the construction of the exterior of the existing house;
 - Any upper floor window in the wall or roof slope of a side elevation of the house shall be a) obscure-glazed and b) non-opening;
 - The roof pitch of the extension must, so far as practicable, be the same as the roof pitch of the original house.

Class B Additions or alterations to roofs such as loft conversions

1. Development is not permitted by Class B if:
- any part of the house would, as a result of the works, exceed the highest part of the existing roof

- any part of the house would, as a result of the works, extend beyond any existing roof slope forming the principal elevation of the house and roof slope which fronts a highway
 - the cubic content of the resultant roof space would exceed the cubic content of the original roof space by more than 40 cubic metres for a terrace house or 50 cubic metres in any other case
 - the development includes
 - a) the construction or provision of a verandah, balcony or raised platform
 - b) the installation, alteration or replacement of a chimney, flue or soil and vent pipe
 - the house is on [article 2\(3\) land – National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, and World Heritage Sites](#)
2. Development that meets the above rules is permitted by Class B subject to the following conditions:
- The materials shall be of a similar appearance to those used in the construction of the exterior of the existing house.
 - The enlargement shall be constructed so that
 - a) the eaves of the original roof are maintained or reinstated
 - b) the edge of the extension closest to the eaves of the original roof shall be no less than 0.2 metres from the eaves
 - Any upper floor window in the wall or roof slope of a side elevation of the house shall be a) obscure-glazed and b) non-opening

Class C Roof coverings and the installation of roof lights/ windows

1. Development is **not** permitted by Class C if:
- the alteration (for example a roof light) would protrude more than 150mm beyond the plane of the original roof slope
 - the highest part of the alteration is higher than the highest part of the original roof
 - It includes:
 - a) the installation, alteration or replacement of a chimney, flue or soil and vent pipe
 - b) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment
2. Development is permitted by Class C subject to the condition that any upper floor window in the wall or roof slope of a side elevation of the house shall be a) obscure-glazed and b) non-opening.

Class D Porches

1. Development is **not** permitted by Class D if:
- the ground area of the structure would exceed 3 square metres

- the structure would be more than 3 metres high
- the structure would be within 2 metres of any boundary of the house with a highway

Class E Other ancillary buildings e.g. garden sheds

Class E covers the provision of buildings and other development within the curtilage of the house including: swimming pools; a container for the storage of oil or liquid petroleum gas for heating; the keeping of poultry, pets, birds etc; and garden sheds.

1. Development is **not** permitted by Class E if:
 - the total area of ground covered by buildings, enclosures and containers within the curtilage would exceed 50% of the total area of the curtilage
 - the building/development would be situated on land forward of the principal elevation of the house
 - the building is more than a single storey in height
 - the height of the building, enclosure or container would exceed
 - a) 4 metres (if building with a dual pitched roof)
 - b) 2.5 metres (if within 2 metres of the boundary of the house) or
 - c) 3 metres in any other case
 - the height of the eaves of the building would exceed 2.5 metres
 - the building, enclosure, pool or container would be situated within the curtilage of a listed building
 - it includes the construction or provision of a verandah, balcony or raised platform
 - the capacity of the container would exceed 3,500 litres
2. Where land is within a World Heritage Site, National Park, Area of Outstanding Natural Beauty, or the Broads, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from the house would exceed 10 square metres.
3. Where land is within article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between the side elevation of the house and the boundary of its curtilage.

Class F Hard surfaces such as driveways

1. Where the hard surface is situated on land between the principal elevation of the house and a highway, and the area of hard surface exceeds 5 square metres then development is **permitted** by Class F subject to the following conditions:
 - the hard surface shall be made of porous materials, or
 - provision shall be made to direct run-off water from the hard surface to a permeable or porous area / surface within the curtilage of the house

Class G Chimneys, flue or soil and vent pipes

1. Development is **not** permitted by Class G if:

- the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more
- For a house on article 2(3) land - the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which
 - a) fronts a highway and
 - b) forms the principal elevation or side elevation of the house

Class H Antennas

1. Development is **not** permitted by Class H if:
 - It would result in the presence of:
 - a) more than 2 antennas,
 - b) a single antenna exceeding 1 metre in length,
 - c) two antennas which do not meet relevant size criteria,
 - d) an antenna on a chimney exceeding 0.6 metres in length,
 - e) an antenna on a chimney and protruding above the chimney,
 - f) an antenna with a cubic capacity exceeding 35 litres
 - The highest part of the antenna is higher than the highest part of the roof
 - The highest part of the antenna is higher than the highest part of the chimney, or 0.6 metres from the ridge tiles (whichever is lower)
 - In the case of article 2(3) land, it would consist of the installation of an antenna on
 - a) a chimney, wall or roof slope which faces onto a highway
 - b) in the Broads – on a chimney, wall or roof slope which faces onto a waterway
 - c) on a building which exceeds 15 metres in height
2. Development is permitted by Class H subject to the following conditions:
 - An antenna installed on a building shall be sited so as to minimise its effect on the external appearance of the building
 - An antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable