

# **Garrigill Conservation Area Character Appraisal and Management Plan**

**March 2020**



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# **1. Introduction**

## **1.1 Background to appraisal**

- 1.1.1 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.
- 1.1.2 The village of Garrigill lies within the South Tyne valley high in the North Pennines. The main area of the village lies at a crossing point of the South Tyne River. It has a beautiful and dramatic landscape setting with green agriculturally improved pastures enclosed by stone walls, with areas of deciduous and Scots pine woodland, particularly along the river banks, gills and around the steadings. This relatively sheltered landscape opens out dramatically and suddenly onto windswept fells which enclose the village on all sides.
- 1.1.3 A character appraisal for Garrigill conservation area was published in December 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 Garrigill conservation area along with new and/or revised planning policies relating to conservation of the historic environment.

## **1.2 Adoption and publication**

- 1.2.1 This character appraisal has been developed with assistance from Elaine and Brian Grew of Garrigill.

## **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, 2019**

- 2.1.6 The National Planning Policy Framework (NPPF) was published by the Department for Communities and Local Government (DCLG) in 2012 and a revised version was published in July 2018 then 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 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 adopted in March 2011 provides guidance to the public and developers when considering proposals in conservation areas. It is also 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 having to obtain 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. History

- 3.1.1 Garrigill lies in the South Tyne valley high in the North Pennines. The name Garrigill is thought to derive from the valley or glen of Gerard, a Saxon Chief who brought his people over the Pennines from the Eden Valley.
- 3.1.2 Garrigill lay within the manor of Alston Moor granted to William Vipont or Veteripont by William the Lion, King of Scotland, before 1209. Although most likely having developed as an agricultural settlement, mining of lead ore and silver is known to have been well established in the area by the twelfth century. There is a record of a chapel at Garrigill on the west bank of the Tyne in 1215 when Ivo Veteripont, son of William, gave the 'advowson of the church at Alderstone and chapel of Gerardgill' to Hexham Abbey. In 1315 an inquest into the death of Nicholas de Vipont revealed amongst his possessions '33 tenants at Gerardsgill who held 33 shielings'.
- 3.1.3 The manor passed through various families until in 1618 it came into the Radcliffe family who developed several of the Garrigill mines. It reverted to the Crown following the execution of James Radcliffe for his part in the Jacobite rebellion of 1715. In 1735 it was given by Act of Parliament to Greenwich Hospital. The Governors of Greenwich Hospital leased the mines in the area to various companies including the Quaker-owned London Lead Company that was to have a strong influence on the development of the area until 1882.
- 3.1.4 During the eighteenth and nineteenth centuries much of the village as we see it today was built or rebuilt and the village underwent a period of relative prosperity. The London Lead Company further developed the mines concentrated around the north of the village. It purchased and developed houses and cottages in and around the village and embarked on a programme of social welfare, supporting and establishing local schools, institutes and reading rooms.
- 3.1.5 Until the nineteenth century, Garrigill was very isolated with roads into and out of the village virtually non-existent or impassable by cart. In the mid-nineteenth century these were properly surfaced and new roads created.
- 3.1.6 The present Anglican Church, St John's, was erected in 1790 on what is thought to be the site of the medieval chapel. It was restored in 1890 with financial assistance from the London Lead Company. Throughout the eighteenth and nineteenth centuries, nonconformist flourished in the North Pennines and Garrigill was no exception. The oldest extant chapel at Garrigill is the former Congregational chapel at Redwing built in 1756 and now in a very poor state of repair. The Methodist chapel at Beldy was first established in 1790 and apparently rebuilt in 1814. The present chapel, now disused, was built in 1859. The Primitive Methodist chapel at the south end of the village was built in 1825 and apparently rebuilt in 1856, but the present chapel is dated 1885. It remains in use as the Methodist chapel.

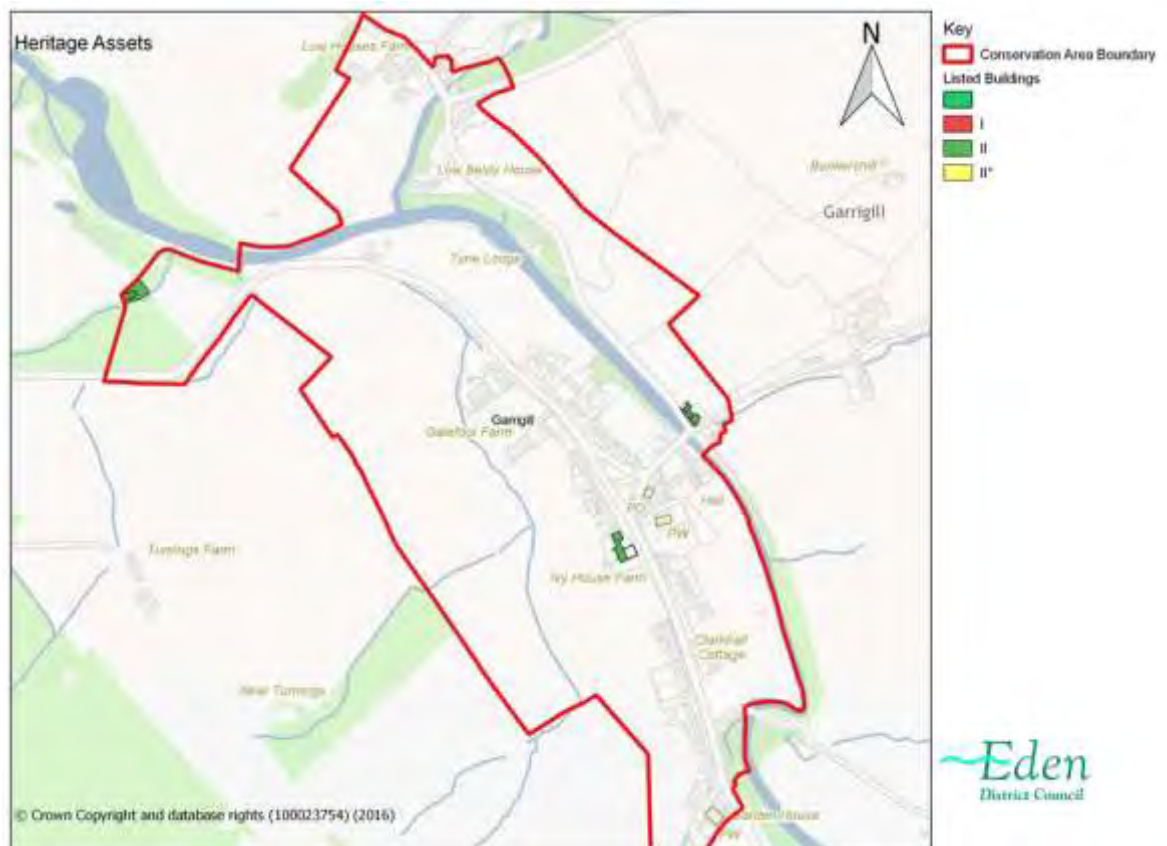
- 3.1.7 In 1831 the population had grown to 1614, but cheaper imported lead and a reduced demand led to a population decrease and emigration throughout the nineteenth century. A further slump in the 1880's led to the closure of most of the mines and the population significantly declined.
- 3.1.8 The majority of the present buildings in the village date from the eighteenth and nineteenth centuries, although there is some fabric from earlier periods. There has been further development in the twentieth century including both new building and the conversion of existing buildings.
- 3.1.9 The history of Garrigill is of a village where agriculture and mining have co-existed for centuries with the population engaged in and supporting both industries. There is little obvious evidence now around the village of the scale of the previous mining activity.

## 4. Character Appraisal

### 4.1 Designated Heritage Assets

- 4.1.1 There are 8 listed buildings and structures found within the conservation area boundary, as shown on figure 1. There have 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 1 Heritage Assets



### 4.2 Character Areas

- 4.2.1 The conservation area can be divided into 4 individual character areas.

#### Character Area 1

- 4.2.2 The area defined as character area 1 comprises of the small settlement of Beldy which lies on the confluence of the Garrigill Burn and the Nent to the north of Garrigill village.



Figure 3 Character area 2



4.2.7 The buildings at Gate foot farm have some of the earliest surviving fabric and features in the village including a 17th century fire window and a steep roof pitch associated with thatch. The farmhouse is however of later origin constructed in the early 19th century.

4.2.8 Infill developments of mid-20th century semi-detached houses join Gate foot to the central part of the village. These are constructed of materials not wholly in-keeping with the vernacular character and feature uPVC windows installed under permitted development, but do have stone boundary walls around front gardens that reflect the streetscene and layout of the village.

Figure 4 Gate foot Farm



Figure 5 Redwing Chapel



4.2.9 On the road towards Alston, there are two former institutional buildings – the former school and the redundant Redwing Congregational Chapel (grade II listed). The mid-18th century chapel features a chamfered door surround and windows with semi-circular heads and cavetto mouldings. The mid-19th century school building provided education for girls to complement that of the boys in the schoolroom near the village green. It is now a residential house.



## Character Area 3

Figure 6 Character area 3



4.2.10 The area defined as character area 3 covers the centre of the village including the green and the bridge. The development around the bridge is fairly tight knit with dwellings facing the road. The village then widens out onto the triangular village green dissected by a number of historic access lanes - a characteristic of the area.

4.2.11 This area continues to provide the services remaining in the village including the village hall, post office and shop, The George & Dragon public house and a place of worship (St Johns Church). The George & Dragon public house is currently (April 2020) seeking planning permission for its refurbishment.

Figure 7 St John's Church



Figure 8 George & Dragon Inn



4.2.12 The oldest houses are those found on the eastern side of Garrigill Bridge which date from the late 18th century. The Shieling, Four Pines and Bridge House are grade II listed. The Shieling and Four Pines have attic rooms with windows below the eaves but Bridge House (originally two cottages now one) is three storeys. Four Pines has recently been refurbished, but The Shieling is in a poor condition requiring repairs and maintenance. Some steps have also been taken to repair Bridge House.

Figure 9 The Shieling and Four Pines



Figure 10 Bridge House



4.2.13 A scatter of farmsteads are located on the periphery of this central area which was central to the development of the village including the grade II listed Ivy House Farm. Ennerdale House has makings of the longhouse form. The Old Fox building and adjoining cottage was originally a second, 18th century public house within Garrigill.

Figure 11 Ivy House Farm



Figure 12 Garrigill House



4.2.14 Around the Green are a series of 18th and 19th century houses. At the eastern side before the bridge are 19th century Garrigill House, St Johns House and Varty House. They are two storeys and constructed of coursed stone with blue slate roofs. Garrigill House features a central door with fanlight in stone surround with pediment reflecting the increased prosperity of its time.

4.2.15 Those to the south include the George and Dragon Inn and the post office shop. The range of buildings are in two storeys, three bays and constructed of coursed stone with a mixture of graduated stone flag and blue slate roofs.

Some timber 4 pane sash windows remain but some windows and doors have unfortunately been replaced with uPVC under permitted development.

- 4.2.16 The row of cottages lying parallel to this range of buildings, are in various states of disrepair and two have been recently demolished. This group of buildings ends in the early 19th century single storey former endowed school that later became a reading room.

Figure 13 Post Office and shop



Figure 14 Former schoolroom and reading room



- 4.2.17 The building that incises onto the SW corner of the village green is the former early 19th century Smithy which echoes the house over byre building type with upper floor accommodation reached by an external staircase.

- 4.2.18 On the western side of the green there is long row of two storey houses of part coursed stone with predominantly graduated stone flag roofs. At the northern end, East View is the earliest building of 18th century date and the row then developed piecemeal in the early 19th century. In the terrace of Tynedale House, Heather Lea and Bridge View the banding of contrasting colours of rubble is an unusual feature.

- 4.2.19 The northern edges of the village green are bordered by late 19th century two storey semi-detached houses of coursed stone with blue slate roofs, stone chimneys and stone cills. Unfortunately the windows and doors have been replaced with uPVC under permitted development rights. The houses are set back slightly from the roadside with front gardens bounded by stone walls.

Figure 15 Heather Lea and Tynedale House



Figure 16 Semi-detached houses facing village green





4.2.20 There are a small number of twentieth century buildings in this area including the village hall, St John's Annex and two residential bungalows. The bungalows are constructed of more modern materials such as brick with render and stone facing, concrete tile or grey slate roof and feature uPVC windows and doors, uPVC conservatory/sun room and garages. However they are located towards the northern end of the village and are set back so they do not heavily encroach on the character of this central area.

4.2.21 Tarmac pavements and some road verges have concrete kerbs but otherwise verges are informal. There is a small parking area on the edge of the green outside the post office shop and some drives have been created on wide verges but otherwise cars park on the roadside. Road markings are minimal and where used to mark junctions around the green are considerably faded.

4.2.22 This central area contains the most street furniture in the village including: traditional cast iron black and white signs, modern metal signs for the coast to coast cycle route, litter bins, public seating outside the post office shop, and public notice boards on the gable wall of the former schoolroom.

4.2.23 There are large mature trees on the village green.

Figure 17 Concrete kerbs, faded road markings and parking area on edge of village green



Figure 18 Public seating and signage on edge of village green



Figure 19 Public advertisement board

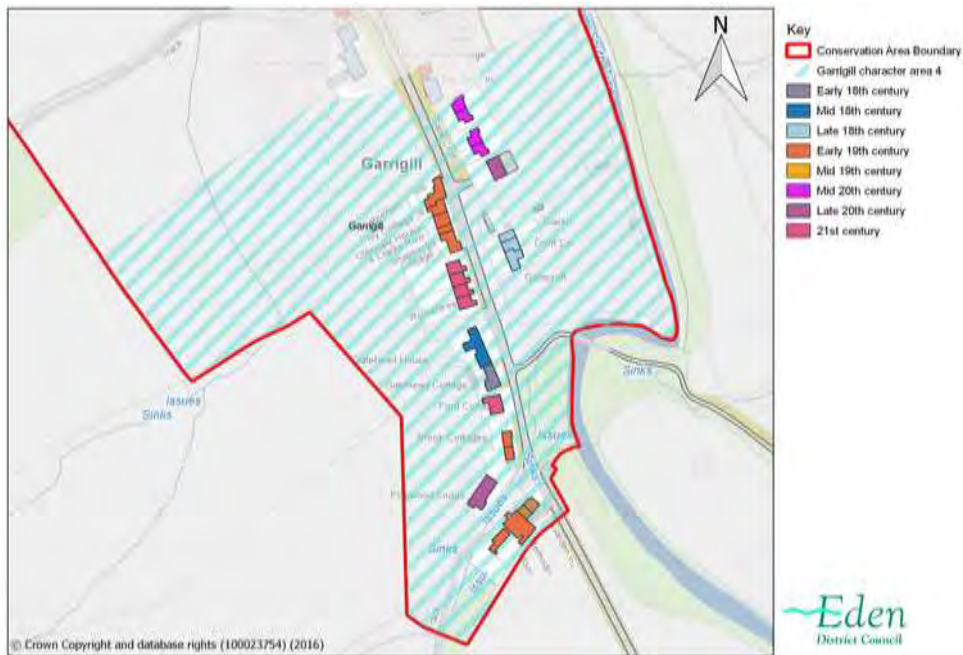


Figure 20 Mature trees on triangular village green



## Character Area 4

Figure 21 Character area 4



4.2.24 The area defined as character area four covers the southern end of the village where there is a rectilinear plan of 18th, 19th, 20th and 21st century developments. The developments comprise of clusters of buildings facing the road and verges interspersed with areas of unbuilt frontage.

4.2.25 Gatehead House is the most substantial house in the area retaining its 18th century style. The cottage adjoining to the south elevation is of earlier fabric and may have been the original farmhouse with the taller house added later. Although no thatch remains, evidence of the steep pitch associated with thatch can be seen on the buildings at Gatehead. Gate croft and Croft Cottage form the other 18th century buildings in this area and were historically known as Clarkhall.

Figure 22 Gatehead House



Figure 23 Gatehead Cottage



Figure 24 Gatecroft



Figure 25 Primitive Methodist Chapel



- 4.2.26 The Primitive Methodist chapel and a garage make up the non-residential buildings in this character area. The Primitive Methodist chapel was founded in 1825 and rebuilt in 1859 and altered in 1885. It is currently in need of repair and maintenance.
- 4.2.27 Residential buildings are two storeys with the exception of a bungalow. They come in the form of rows of cottages, semi-detached houses and terraced houses.
- 4.2.28 Construction materials in this character area consist of a variety of materials including part coursed stone, painted stone, roughcast render and stone facing for walls; graduated stone flag, blue slate, green slate, modern slate/concrete tile and corrugated iron roof coverings; stone and brick chimneys. Windows are predominantly uPVC casements and doors are also uPVC or modern timber.
- 4.2.29 Buildings in the area also lack architectural details with a low number of heads and cills, and fanlights. Over half of the buildings feature a stone porch to the main entrance. Stone boundary walls to properties are a significant feature of this area.



Figure 26 20th century semi-detached houses



Figure 27 Row of early 19th century cottages



Figure 28 early 21st century row of cottages



Figure 29 Pair of early 19th century cottages



4.2.30 Grass verges on either side of the linear road are informal with no kerbs. In parts where the grass verges are wide enough, drives have been created to properties but otherwise cars park on the roadside.

4.2.31 Street furniture is virtually non-existent except for some small road signs, a public footpath sign and litter bin at the spur leading off to the Methodist chapel.

4.2.32 The areas of unbuilt frontage provide long distance views of the surrounding fields and rolling hills of the valley.

Figure 30 Informal road verges



Figure 31 Informal road verges



Figure 32 Surrounding fields of valley to west



Figure 33 Street furniture



### **4.3 Summary of the character and current condition of the conservation area**

- 4.3.1 The majority of the present buildings are two storeys (80%) or three storeys with the third floor tucked tightly under the eaves or partly in the roof space (9%). These three storey buildings are an unusual feature in Eden villages.
- 4.3.2 Many of present buildings have replaced or incorporated earlier buildings. Some buildings will have been heightened and the roof pitch reduced to accommodate stone slab roofing in replace of thatch. Stone flags remain the predominant roof covering with blue slate also dominant. There are a low proportion of buildings with modern slate/concrete tile coverings.
- 4.3.3 Many buildings in the village have been extended by way of an outshot - a rear single storey extension under a continuation of the main roof. This remains a particularly attractive feature of the roofscape of the village.
- 4.3.4 A significant number of the buildings of the village have suffered uncharacteristic alterations particularly to windows and doors and the loss of external staircases. Many Georgian and Victorian sash windows have been replaced with timber or uPVC casements or uPVC sash windows. Also many

traditional panelled doors have unfortunately been lost to modern panelled, glazed doors and uPVC doors. The rate of these changes has been slow over the last decade with 20% of the surveyed buildings incorporating changes to windows and doors but unfortunately the predominant material being introduced is uPVC.

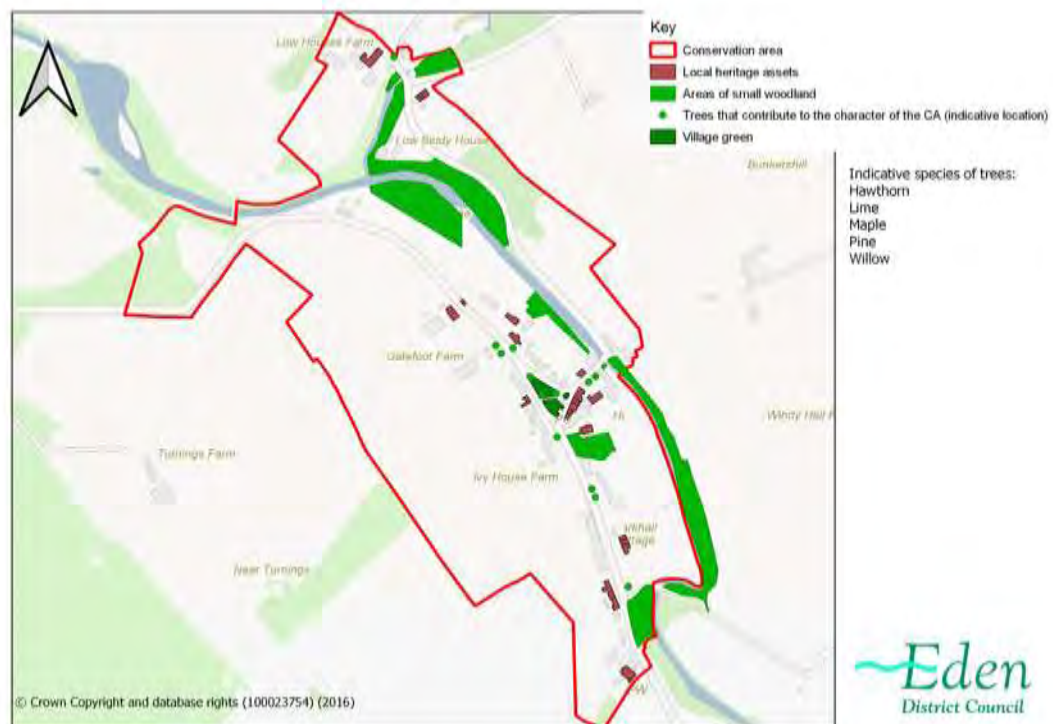
- 4.3.5 In Garrigill, windows and doors lack the full stone surrounds and other stone features so common elsewhere in the Eden Valley.
- 4.3.6 The widespread use of the particular and distinctive stone for buildings and boundary walls gives the whole area an immediate and distinct character and one somewhat different from the character of other villages in Eden District that predominantly feature the use of local red sandstone.
- 4.3.7 The central area of the village green and some verges have been enclosed by narrow concrete kerbs and some pavements with concrete kerbs have been created introducing a suburban element. In addition some verges have been surfaced to form parking areas with other parking taking place on the roadside or private drives to properties. However the village overall retains its attractive informal rural character.
- 4.3.8 A small number of later twentieth century (4) and early 21st century (5) buildings exist within the village. Most of these are not in keeping in terms of their design or materials with the traditional development of the village. However the village has escaped the development of suburban style housing estates so damaging to the character of other Eden villages.
- 4.3.9 There are a few sites within the village which have a negative impact on the appearance of the conservation area including the area around the bridge and the garage adjacent to Clarkhall. The visual impact of these sites could be reduced by minor improvements/repairs to buildings, the removal of scaffolding and greater internal storage of materials and vehicles.
- 4.3.10 The conservation area has a significant amount of small areas of woodland, particularly along the river banks, 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 below (figure 34).

## **4.4 Undesignated Heritage Assets**

- 4.4.1 There are only a small number of buildings within the conservation area that are listed and afforded extra levels of protection against changes which could erode their architectural integrity. The following un-designated buildings are also considered to contribute to the character and significance of the conservation area (see figure 34). They include some of the late 18th century buildings that retain features of vernacular building forms such as long houses and evidence of vernacular construction styles such as thatch roofs. The late 19th century buildings have architectural details which indicate increased prosperity at the time that the London Lead Company had a strong influence in development of the area.

- Low Houses Farm
- 1 High Beldy Cottage
- 3 High Beldy Cottage
- 4 High Beldy Cottage
- Gate foot Farm and Barn
- Ennerdale House
- Sharon Cottage
- Garrigill House
- St John's House
- The George and Dragon Inn
- Rosemary Cottage
- The Post Office
- Tynedale Cottage
- Church cottage
- St John's Church
- East view
- Gatecroft
- Clarkhall Cottage
- Croft Cottage
- Gatehead House
- Gatehead Cottage
- Former Methodist Chapel

Figure 34 Townscape Plan



## 5. Management Plan

### 5.1 SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats)

- 5.1.1 Despite its issues, Garrigill is a dynamic place where people live, work and visit. The conservation area management plan 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.

Table 1 SWOT Analysis

Strengths	Opportunities
<ul style="list-style-type: none"><li>• Village green provides public open space</li><li>• Views of surrounding countryside and fells</li><li>• Unaffected by development of suburban housing estates</li><li>• High percentage of surviving 18th and 19th century buildings</li><li>• Distinct character</li></ul>	<ul style="list-style-type: none"><li>• Local List of non-designated heritage assets</li><li>• Article 4 Direction</li><li>• Conservation Area boundary review</li><li>• Readily available guidance notes</li></ul>
Weaknesses	Threats
<ul style="list-style-type: none"><li>• Loss of original features</li><li>• Cars parked on roadside verges</li><li>• Small group of buildings require repair and maintenance</li><li>• Untidy development site</li><li>• Remote location</li></ul>	<ul style="list-style-type: none"><li>• Further incremental loss of original features which remain</li></ul>

### 5.2 Conservation Area Boundary Review

- 5.2.1 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.



## 5.3 Protection of the Historic Environment

### Permitted Development Rights and Article 4 Directions

- 5.3.1 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. Each revised document includes a guidance note within the appendices on the types of the ‘development’ that fall under Permitted Development Rights.
- 5.3.2 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.
- 5.3.3 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.
- 5.3.4 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.
- 5.3.5 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.
- 5.3.6 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 each conservation area review, it is considered unlikely that an Article 4 direction would be of benefit to Garrigill conservation area, to address the remaining residential properties which retain historic details such as sash windows, timber panel doors and fanlights.

### Planning Policies

- 5.3.7 The following set of generic management aims and objectives are based on the understanding of the conservation area. 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.

## **1. 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.

## **2. 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.

## **3. 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.

## **4. 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 form 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.

## **5. 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 village 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**

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/>).

## **6. Contact Details**

6.1 For further information please contact:

Paula Sada  
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 favorably.

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 2 Historic Environment Policies within Eden Local Plan

Eden Local Plan 2032	
Policy	Objectives of the policy
ENV10 The Historic Environment	<ol style="list-style-type: none"> <li>1. Development proposals will be expected to avoid harm to the historic environment wherever possible, and should aim to positively enhance Eden's historic environment.</li> <li>2. In determining planning applications for development proposals that may affect the historic environment key considerations will be the significance of the heritage asset, the degree of harm that will be caused, and the degree of public benefit that will result from the development. Great weight will be attached to the conservation of heritage assets.</li> <li>3. 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 substantial public benefits would outweigh the harm, and that the harm is necessary to achieve those benefits.</li> <li>4. Any proposals that cause substantial harm to or loss of a grade I or II* Listed Building, a Scheduled Monument, or a grade I or II* Registered Park and Garden, will only be permitted in wholly exceptional circumstances. Proposals that cause substantial harm to a grade II Listed Building, a grade II Registered Park and Garden and a Conservation Area will only be permitted in exceptional circumstances.</li> <li>5. Where a development proposal will lead to less than substantial harm to a designated heritage asset, the harm will be weighed against the public benefit of the proposal in determining the application.</li> <li>6. Development proposals in Conservation Areas will be expected to preserve and enhance their special architectural and historic interest.</li> <li>7. Any proposals that affect a non-designated heritage asset will be judged on the significance of the heritage asset and the scale of the harm.</li> </ol>

## 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 (A referendum will take place on 17 October 2019 and if there is a positive outcome the Lazonby neighbourhood plan will be 'made' soon after)
- Matterdale Parish
- Morland Parish
- Penrith 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 3 List descriptions

Property	Grade	Description	Character area
The Shieling	II	Cottage adjoining Four Pines; late C18. Coursed, squared rubble. Graduated stone flag roof with stone end chimney. 2 storeys with attic, 2 bays. Plank door on right, sash to ground and 1st floor on left with 2-light attic window just below eaves. Included for group value.	3
Four Pines	II	House adjoining Bridge House, originally 2 cottages; late C18. Coursed, squared rubble. Graduated stone flag roof with stone mid and end chimneys. 2 storeys with attics, 4 bays. Plank door in openwork porch has single C20 casement to left and 2 to right, with right-hand one replacing a door. 2 sashes to 1st floor and two 3-light attic windows just below eaves; blocked windows between, above door. Main windows have glazing bars. Included for group value.	3
Bridge House	II	House incorporating top floor flat; originally 2 cottages. Late C18. Coursed, squared rubble. Graduated stone flag roof, with stone end chimneys. 3-storey, 4-bay front has 2 panelled doors to centre with single sash to either side and 4 sashes to each floor above; all with glazing bars except ground floor. C20 garage adjoining to south-east not included.	3
Forecourt walls to front of Bridge House, Four Pines and The Shieling	II	Low, drystone forecourt walls with flat coping; 4 gate openings with semi-circular heads to slab gateposts. Included for group value.	3
Ivy House Farmhouse and adjoining barn	II	Farmhouse and byre; C18 with later additions. Coursed rubble with quoins; front of house lime-washed. Graduated stone flag roof has stone end chimney and brick mid chimney. C19 outshut to rear incorporates re-used lintel dated 1694. Tall 2-storey, 5-bay front is symmetrical with central part-glazed door under bracketed hood; sash windows. Byre adjoins north end under same roof; 3 windows and welsh slate outshut to front all C20.	3

Property	Grade	Description	Character area
Forecourt walls, gate and end piers to Ivy House Farmhouse	II	Forecourt enclosure, probably C18. Low walls of coursed, squared rubble with flat coping. Rubble end, and rusticated central gate piers, square in plan with ogee caps. C20 gate. Railings missing.	3
Congregational Chapel	II	Congregational Chapel, made redundant c1977; dated 1756 on door lintel. Coursed squared rubble with quoins. Graduated stone-flag. Later lean-to added at west end. Single-storey; chamfered surround with dated lintel to plank door in centre of east wall. South side has 4 windows with semi-circular heads and cavetto moulding to surrounds; external hinge-pins for shutters remain but windows now (1983) boarded over. No openings on north side. Previous list (1951) describes interior as retaining original reading desk and box pews.	2
Churchyard walls and wooden gate to Congregational Chapel		Drystone wall c4 ft. high with semi-circular coping. C20 wooden gate to centre of east wall. Included for group value.	2

## **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](http://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](http://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](mailto:planning.services@eden.gov.uk)

Telephone: 01768 817817

### Planning Duty Officer:

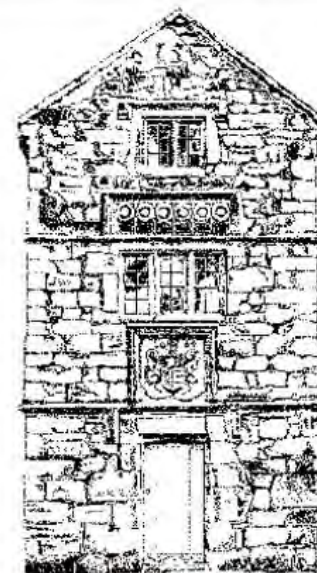
Telephone: 01768 817817 (Available from 10am to 1pm, Monday to Friday)

### Website:

[www.eden.gov.uk/planning-and-building/conservation/listed-buildings/](http://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/](http://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](http://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](mailto: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](mailto:trees@eden.gov.uk)

Telephone: 01768 212159

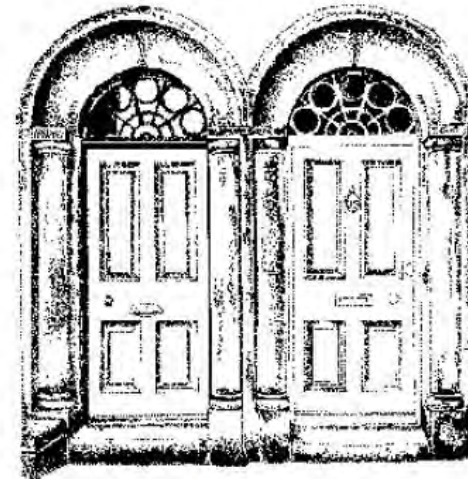
#### Website:

[www.eden.gov.uk/planning-and-building/conservation/conservation-areas/](http://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](http://www.eden.gov.uk)

Main tel. number: (01768) 817817  
Email:  
[Customerservices@eden.gov.uk](mailto: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](mailto: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](mailto: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](mailto:loc.plan@eden.gov.uk)  
Direct Dial on (01768) 212317

## Other useful addresses

Historic England  
[www.historicengland.org.uk](http://www.historicengland.org.uk)

Glass and Glazing Federation  
Website: [www.ggf.org.uk](http://www.ggf.org.uk)  
40 Rushworth Street, London, SE1  
0RB

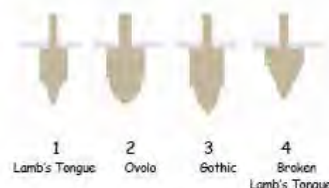
The following organisations publish guidance on period detailing for historic properties:-

The Society for the Protection of  
Ancient Buildings  
[www.spab.org.uk](http://www.spab.org.uk)  
37 Spital Square, London,  
E1 6DY

The Georgian Group  
[www.georgiangroup.org.uk](http://www.georgiangroup.org.uk)  
6 Fitzroy Square, London  
W1T 5DX  
Tel 020 7529 8920

The Victorian Society  
[www.victorian/society.org.uk](http://www.victorian/society.org.uk)  
1 Priory Gardens, Bedford Park,  
London, W4 1TT

## Examples of glazing bar profiles

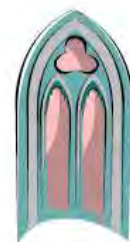


Designed and published by the Department of  
Policy & Performance - EDC July 2008



## 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:

- a) Listed buildings; or
- b) Buildings situated in conservation areas; or
- c) 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 18th century 12-paned Georgian sash - without horns



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



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



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



Late 19/early 20 century sash

# Permitted Development Rights

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## 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