

South Tyneside Planning Group

Shaping Our Future

Listed Buildings: A guide for owners and occupiers

January 2013



South Tyneside Council

'Informed conservation' means understanding the historical development, and significance, of your building or area and identifying the most appropriate approach to its management.

Introduction

This guide provides general advice to owners and occupiers of listed buildings. The information contained here is not exhaustive, so you are advised to always check with the council's Development Management team if you are planning on undertaking works to a listed building.

A listed building is considered by English Heritage and the Government to be of special architectural or historic interest, and worthy of protection. Houses are the most common buildings to be listed but listed buildings range from major structures such as Cleadon Chimney, Souter Lighthouse and the Town Hall, to individual boundary walls and lamp-posts.

Inclusion on the statutory list protects buildings from all types of inappropriate and unsympathetic alteration, under the Planning (Listed Buildings and Conservation Areas) Act 1990.



Above: the Grade I Listed Old Town Hall in South Shields Market Square dates from 1767.

Buildings are listed to ensure that their "special interest" is passed down to future generations in good condition. Listed buildings can be a source of great enjoyment and pride not only to those who own or occupy them but also to the general public. The long-term interests of a historic building are best served by keeping it in use, and listing protects buildings while allowing appropriate positive change to occur.

It is a criminal offence to carry out work to a listed building without first obtaining Listed Building Consent, and it could lead upon conviction to a period of imprisonment and a very heavy fine. Such work can be taken to include changes that affect the character or appearance of the listed building, regardless of whether they are internal or external.

Who decides?

English Heritage decides which buildings are included on the statutory list. Anyone can suggest buildings to English Heritage, using a simple form available on their website, but a building will only be included on the list if it is judged to be of special interest after being visited by an English Heritage inspector. Visit www.english-heritage.org.uk for more information.

If a historic building that may be worthy of listing is under threat, the local authority can serve a building preservation notice on the owner and occupier. This 'lists' and protects a building for six months pending a decision by English Heritage and the Secretary of State for Culture, Media and Sport as to whether it should be added to the statutory list.

To check if your building is listed you can use the search facility on the South Tyneside Council website at www.southtyneside.info/conservation or call the Historic Environment Officer on the contact details given at the back of this leaflet.

Buildings are occasionally added to the list or upgraded. If you wish to consult an up-to-date copy of the list then ask to see one at the council, or check the council's website www.southtyneside.info/conservation.

The national Heritage Gateway website also contains details of all listed buildings www.heritagegateway.org.uk as does the Tyne and Wear Historic Environment Record www.twsitelines.info.

What buildings get listed?

Buildings are listed for a number of reasons, including age, rarity, architectural style, historical interest, national interest, connection with famous people or because they form part of a group of buildings, such as a terrace or square, which has a value as a whole. Older buildings are more likely to be included in the lists but even buildings of great age may not qualify if they have been extensively and insensitively altered. English Heritage estimates that 2% of all homes in England are listed.

General criteria

- All buildings built before 1700 which survive in anything like their original form



Above: St Paul's Church in Jarrow. The chancel to the east survives from the 7th century when it formed the monastery's chapel.

- Most buildings built between 1700 and 1840



Above: The Close (formerly Whitburn Rectory) dates from 1818.

- Buildings of definite quality built between 1840 and 1914; selection is designed to include the principal works of major architects



Left: the former Church of St Andrew, Hebburn, by J Johnson of Newcastle dates from 1872.

The adjacent St Andrew's Centre (below) was also built around the same time. Both are Grade II Listed.



- Selected buildings of high quality built between 1914 and 1939
- After 1939, a few outstanding buildings are listed



Above: The Tyne Pedestrian and Cycle Tunnels were opened to the public in 1951. Extensive restoration and refurbishment works are planned for 2013.

What grade is it?

There are around 374,000 listed buildings in England, and more than 200 in South Tyneside. Buildings are classified into grades to indicate their relative importance:

Grade I (one)

Buildings of exceptional interest – about 2.5% of all listed buildings in England.

Grade II* (two star)

Particularly important buildings of more than special interest – about 5.5% of all listed buildings in England.

Grade II (two)

Buildings of special interest which warrant every effort being made to preserve them.

Each grade is equally protected under the planning system, the main difference is that applications for works to buildings of grades I and II* must be referred to English Heritage.

What effect does listing have?

Listed Buildings are protected from demolition and unsympathetic alterations by planning legislation. The main effect of listing is that it is necessary to apply to the local planning authority for Listed Building Consent before any work affecting the character or appearance of a listed building is carried out.

This applies to the whole of a listed building – both exterior and interior, regardless of its grade – and to any object or structure fixed to it or forming part of the land within its curtilage (grounds) unless it is a free-standing building, object or structure that was built after 01 July 1948. Boundary walls are usually protected by the listing of the main building but may also be listed in their own right.

You should also always check whether you need Planning Permission or Building Regulations approval as well.

If your application involves a historic building or there is evidence of local historic activity close to the site, it's usual for planning authorities to require landowners to undertake some level of assessment or recording to provide information on the history of the site and its previous uses. This is to ensure that records of the building as it currently stands are made and preserved for future generations.

Pre-application advice

You should always contact the council's Development Management team for advice on whether you need Listed Building Consent and whether your proposals are likely to obtain consent, before having detailed plans drawn or committing to any works.

A pre- application enquiry is likely to save you a lot of time and unnecessary expense in the long run.

Unauthorised works are liable to lead to prosecution, and could also result in you being required to return a building to its previous state at your own expense.

The Development Management Team's contact details can be found at the back of this guide. Please note, however, that the council has limited resources and priority may need to be given to certain cases. You should therefore plan your works well in advance. www.planningportal.gov.uk

What alterations need consent?

Listed Building Consent is required for any alteration which affects the character of a listed building. For example, consent would normally be needed for any of the following alterations:

External:

- Adding an extension or rebuilding walls in different materials.
- Changing the roof pitch or roof covering materials.
- Inserting roof lights, removing, altering or adding dormer windows, adding solar panels or other micro-generation equipment.
- Altering or removing chimney stacks and pots.
- Covering existing wall surfaces, e.g. rendering, cladding or painting.
- Changing the size of a door, window or other opening.
- Altering window frames or doors, replacement with different types, including replacement of single-glazing with double-glazing.
- Removing historic features, e.g. door cases, chimney breasts.
- Forming new openings for any reason, including boiler flues.
- Changing the material of any rainwater goods, e.g. cast iron to plastic.
- Adding any feature including porches, signs, satellite dishes, security alarm boxes, CCTV cameras or external floodlights.
- Inserting cavity wall insulation.
- Works to boundary walls.
- Works to buildings in the grounds that were present in 1948 and at the time of listing.

Internal:

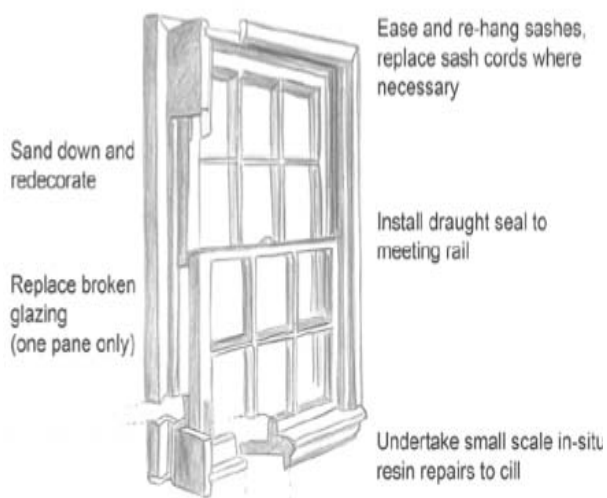
- Altering the plan by removing or adding walls or forming new openings.
- Taking out or altering original features including staircases, fireplaces, decorative plasterwork, panelling, shutters, doors, architraves and skirting boards.
- Installing new ceilings, partitions, doors and secondary glazing.
- Filling in cellars, or digging out cellars to increase usable floor space.
- Removing or replacing floors or floor finishes.
- The obliteration of wall paintings, decorative tiles and mosaics.
- Installing new ducting, waste pipes and openings associated with new bathrooms.
- Inserting damp proof courses or tanking systems.

Changes to windows:

One of the most common types of alteration to a listed building involves changes to windows.

Many windows are replaced when they could, in fact, have been repaired and retained. A good joiner can replace damaged sections of a timber window, whilst retaining the undamaged parts, thereby retaining historic fabric and the integrity of the building, and preserving the visual appearance of the window. This is often much cheaper than replacing the window completely.

The sample image below shows some alterations to windows that may be acceptable:



You need to apply for Listed Building Consent when:

- The windows are to be replaced with a new style of window, even if replacing unsuitable frames with more acceptable ones
- There is a change in the materials used for the frames
- There is a change in the type of glazing, e.g. single glazing or double glazing
- If you wish to repaint existing windows a different colour to the existing
- If you are proposing to re-glaze involving the loss of original glass (particularly if you are fortunate to have original leaded or crown glass)

Depending on the amount of works proposed you may require Listed Building Consent if you repair or upgrade your windows

Before:



After:



How do I apply for Listed Building Consent?

Unlike other planning applications you do not pay a fee. In order to apply for Listed Building Consent from the council you can fill in a paper form, or complete the application online at www.planningportal.com, which gives you a step-by-step guide to its completion.

Different applications will require different amounts of information, depending upon the scale of the works and the building in question. The council will tell you what is required. As a general guide most applications will need:

- Application form.
- Location plan and site plan.
- Existing and proposed elevations, floor plans, section drawings and roof plan.
- Ownership certificate.
- Design and access statement.
- Heritage statement, which should include a justification for the proposed works.

You may also be required to submit:

- Structural survey if works may affect the structural integrity of the building.
- Method statements detailing how works will be carried out.
- Details and samples of proposed materials and features.
- Tree survey if works may affect existing trees.
- Archaeological assessment

Detailed guidance on all of the above requirements is available on the council's website from the Development Management Team or by visiting www.southtyneside.info/article/9041/Planning-permission.

On receiving an application the council has to advertise it locally to give the general public and local amenity societies the opportunity to comment. The council will then take into account any comments which are received when determining the application.

What if the proposals are considered unacceptable?

If an application for Listed Building Consent is refused or granted subject to conditions which the applicant finds unacceptable, they have the right of appeal to the Secretary of State, who will appoint an Inspector to examine whether the refusal or the conditions are reasonable.

Do repairs need consent?

Small-scale repairs to the building fabric may not require Listed Building Consent, but care must be taken to ensure that they replicate the existing.

If you are thinking of carrying any out works of alteration or repair to a historic building it is advisable to seek the advice of an architect or surveyor who is particularly knowledgeable about restoration techniques and the legislation relating to listed buildings. If you are in any doubt about whether repairs need consent then you can email or write to Development Management, or telephone (0191) 424 7421.

Some works that require Listed Building Consent may also require Planning Permission or Building Regulations approval. You should check with the council before you apply for consent.

Maintenance

If you own a listed building you should keep it in reasonable repair. The most important element of caring for historic buildings is maintenance, which if carried out regularly can avoid the need for repair or restoration work altogether, saving you money and time, and sustaining the historic fabric of the building into the future.



Above: A clogged gutter has staining the building, encouraging plant growth and preventing water from draining properly.

By establishing the nature, extent and cause of any problems at an early stage by carrying out regular inspections, owners will have the opportunity to remedy defects promptly and economically. Damp problems, in particular, can often be remedied quickly and without using expensive and invasive damp proofing methods. Damp is usually the result of water getting into a building, for example through a leaking or blocked gutter. If the water source is removed and the building left to dry out naturally, the problem will normally be resolved without having to carry out any other works.

The inspection of a large house or similar sized building may well be within the capability of the average owner but if historic buildings are of particular importance or complexity, it may be necessary to employ experts from different specialisms to design appropriate repairs.

A checklist for maintenance and repair can be found on English Heritage's website www.english-heritage.org.uk (*looking after your property*). It

provides detailed guidance and advice on how to undertake regular inspections and how best to avoid expensive and damaging problems from developing within your building.



Above: The Town Hall in South Shields undergoes regular, planned maintenance to ensure that it is kept in good repair.

How do I report unauthorised works?

If you are aware of works being carried out to a building that you think is listed and you are unsure as to whether the owner has Listed Building Consent, please contact the council as soon as possible so that it can be investigated.

The council will have a record of all works which have been granted consent, and will take enforcement action where appropriate and necessary to remedy any ill-effects of works which do not have consent. The council is often reliant on the public to report unauthorised works and the sooner the council is notified of such issues, the quicker it can act to prevent further damage from occurring.

Enforcement

If an owner allows a listed building to fall into disrepair the council may:

- Use an “**urgent works notice**” to carry out works of urgent repair itself, and recover the cost from the owner if the listed building is unoccupied
- Serve a “**repairs notice**” on the owner, specifying works which are necessary for the proper preservation of the building whether or not the building is occupied. If the works are not carried out the council can compulsorily purchase the building, paying minimum compensation if it can

be shown that the building was deliberately neglected.

Funding

Grant aid is not available for works that are considered ongoing maintenance. These are the responsibility of the building owner/occupier.

English Heritage may award grants for the repair of buildings of outstanding architectural or historic interest. In practice this is generally limited to grade I listed buildings but certain grade II* properties may also be considered.

South Tyneside Council is unable to provide funding.

Contacts for further information

You may also be interested in the other guides in this series:

- Living in a conservation area: a guide for residents
- Repair and maintenance of traditional buildings

These are available from the council's planning team and the council website

www.southtyneside.info/conservation

You can also contact a member of the Planning Group direct at:

Development Services
Town Hall & Civic Offices
Westoe Road
South Shields
Tyne & Wear
NE33 2RL

0191 424 7421

planning.enquiries@southtyneside.gov.uk

Other organisations

Tyne and Wear Historic Environment Record

www.twsitelines.info

Heritage Gateway

www.heritagegateway.org.uk

Newcastle Heritage Partnership

www.heritagepartnership.org.uk

English Heritage

www.english-heritage.org.uk and

www.helm.org.uk

Society for Protection of Ancient Buildings

www.spab.org.uk

Institute for Historic Building Conservation

www.ihbc.org.uk

English Historic Towns Forum

www.historictownsforum.org

Historic Scotland

www.historic-scotland.gov.uk

Royal Institute for Chartered Surveyors (RICS)

www.rics.org

Royal Institute of British Architects (RIBA)

www.architecture.com

To find out more about Planning, please contact:

The Planning Group
Development Services
South Tyneside Council
Town Hall and Civic Offices, Westoe Road
South Shields, Tyne & Wear NE33 2RL

Telephone: **(0191) 424 7421**
E-mail: **planning.enquiries@southtyneside.gov.uk**
Visit: **www.southtyneside.info/planning**

If you know someone who would like this information in a different format contact the communications team on (0191) 424 7385