

PERMITTED DEVELOPMENT YOUR RIGHTS

VERY IMPORTANT

Permitted Development Rights only apply to houses (NOT flats) which are occupied by a family, or up to six people living as a family.

The "original" size of the house from which base increases are calculated is the size of the property as built, or as at 1948, if the house existed then.

Some houses may be subject to an Article 4 Direction which means that some or all of their permitted development rights have been removed. The Local Search will reveal whether this is the case.

Many newer properties may have had their "permitted development rights" taken away as part of their original planning permission. The Local Search should reveal whether this is the case.

If you live in a Listed Building you may require Listed Building consent to carry out works that are permitted development.

Most structural works also require Building Regulations Approval. Planning Permission is a separate matter.

THE RIGHTS - WHAT YOU CAN DO

1. Extensions. (not including roof extensions)

You may extend the original dwelling as follows:

- (i) in a Conservation Area 50 cubic metres or 10%, whichever is the greater; and,
- (ii) outside a Conservation Area or non-terraced property 70 cubic metres or 15%, whichever is the greater or 50 cubic metres for a terraced home.

All of these are subject to the following provisos.

The extension must NOT:

- (a) be more than a maximum of 115 cubic metres;
- (b) be higher than the original building;
- (c) project in front of any wall facing onto the highway where it is less than 20 metres from the highway

- (d) be more than 4 metres high if it is going to be less than 2 metres from a boundary;
- (e) result in more than half the garden area being covered by buildings
- (f) not include any alterations to the roof of the dwelling.

2. A dormer roof extension can be constructed providing:

- (i) the dwelling is not in a Conservation Area;
- (ii) it is no higher than the highest part of the existing roof;
- (iii) it does not face onto a highway
- (iv) it will not be bigger than 40 cubic metres in the case of a terraced house, or 50 cubic metres in any other case
- (v) and, taken together with any other extensions it does not expand the size of the original dwelling by more than the limits mentioned under (1) above. In other words, the right to build a dormer is part of the expansion allowed under (1).

3. Porches

A porch may be constructed over any outside door of your property provided that:

- (i) its floor area does not exceed 3 square metres measured externally
- (ii) no part of it will be higher than 3 metres
- (iii) no part will be less than 2 metres from any boundary with a highway.

4. Other buildings

Such as garages, garden sheds, greenhouses, swimming pools etc., which are to be used together with the house, may be constructed within the grounds of the dwelling provided that:

- (i) they are not used as a dwelling (i.e. they are not intended to be lived in);
- (ii) they do not project in front of any wall facing onto the highway where it is less than 20 metres from the highway
- (iii) they are no larger than 10 cubic metres if within 5 metres of the existing dwelling;
- (iv) the height does not exceed 4 metres if it has a pitched roof, or 3 metres in all other cases
- (v) they do not result in more than half the garden area being covered by buildings;
- (vi) in the case of a dwelling which is listed or within a Conservation Area, the building does not exceed 10 cubic metres.

5. A satellite antennae and dishes

May be installed outside Conservation Areas provided:

- (i) they are no larger than 90cm;
- (ii) there are no other satellite antennae on the dwelling or within its curtilage;

- (iii) and, they are no higher than the existing roof of the dwelling.

6. Gates, walls, fences

Can be erected provided:

- (i) they are no higher than 1 metre where adjacent to a highway;
- (ii) they are no higher 2 metres elsewhere;
- (iii) they do not involve work to or within the curtilage of a listed building.

7. Other Permitted Development Rights

- (i) New accesses to unclassified roads, provided they are required in connection with other permitted development work (e.g. the installation of a vehicle hardstanding).
- (ii) The installation of oil storage tanks for domestic purposes subject to certain provisos concerning height, capacity and location.
- (iii) The painting of a dwelling.

POINTS TO NOTE

1. If you own a flat you have no Permitted Development rights and must apply for consent for any external alterations.
2. Care should be taken to ensure that you have not "used up" your Permitted Development allowance.
3. If you are in doubt about whether or not you have used up your allowance, you can apply to the council for a "Certificate of Lawful Development" which if granted will certify that your proposal is in fact permitted development and does not require permission.
4. The fact that planning permission is required for something means that you should have careful regard to your council's planning guidance. Most councils issue guidance for domestic extensions which they will gladly send out, and it is sensible to adhere to the principles laid down in this guidance. It will make it more likely that your planning application will be granted.

IMPORTANT:

This is a brief guide for clients issued by A. L. Hughes & Co. It is not intended as a detailed exposition of the law, and in all cases you are advised to take specific advice on any particular proposal.