

Household Permitted Development Guide

1.0 Permitted Development

1.1 Introduction

Some extensions and alterations to your home can be undertaken without requiring planning permission. This is known as **permitted development**. The regulations containing the full descriptions of works that can be done as permitted development are contained in The Town and Country Planning (General Permitted Development Order) 1995 which were amended on 1st October 2008. It is important to bear in mind that the interpretation of permitted development is also subject to relevant case law. This section summarises the alterations that Liverpool City Council consider householders can undertake under permitted development rights. Common examples of works that may be covered by permitted development rights include:

- Extensions including conservatories; (Class A)
- Rear dormers; (Class B)
- Other roof alterations (Class C)
- Porches; (Class D)
- Detached buildings within the curtilage of a house; (Class E)
- Decking areas; (Class E)
- Domestic heating containers; (Class E)
- Hardstanding/driveways (Class F),
- Chimneys and other vents. (Class G)
- Satellite dishes and small antenna; (Class H)
- Solar roof panels;

Permitted development rights do not extend to flats (purpose built or converted properties) or maisonettes, except for the installation of the first satellite dish and small antenna.

Before starting work, please take time to read Liverpool City Council's Permitted Development Advisory leaflet, which will indicate whether or not planning permission is required. Should you consider that the proposed works are permitted development and you require formal confirmation from the Local Planning Authority (LPA) you will need to apply for a **certificate of proposed lawful development**, which, if granted, certifies that any proposed alterations would be in accordance with the regulations. This provides a formal record and may help prevent any difficulties arising at a future date (e.g. when proposing to sell the property, it proves that the alteration was legal). The application forms are available to download at www.liverpool.gov.uk and the application fee is £75 (January 2010).

The City Council's Building Control department should also be contacted to ensure any alterations comply with the relevant Building Regulations which are concerned with the health and safety of people in and around buildings and the energy efficiency of buildings. Further information on Building Regulations and party walls is provided later in this document, with detailed information on Building Control available from the City Council's website. They can be contacted at (0151) 233-3021.

Exceptions and restrictions

There are a number of instances where permitted development rights on your home may be more tightly restricted. These include (but are not limited to):

- Listed Buildings
- Conservation Areas – In Liverpool virtually all Conservation Areas are covered by **'Article 4'** directions (see below);

- New residential developments whose permitted development rights have been removed;
- Development relating to an unauthorised or unlawful building; and
- Where restrictive conditions are placed on planning consents.

N.B *An Article 4 direction is a measure whereby permitted development rights are removed in order to conserve any special features of an area and primarily relate to Conservation Areas. This means that many alterations would require the submission of a full planning application. If you think your property is affected by an Article 4 direction it is best to contact Liverpool City Council before you start work.*

1.2 Definitions

A. The 'original' building

The permitted development regulations consider extensions and alterations to the "original building". If your house existed prior to 1 July 1948, "original" should be taken to mean as it existed on that date. For any building constructed on or after that date, "original" should be taken to mean as it was initially constructed. A detached garage is not considered as part of the "original dwelling house" regardless of when it was constructed.

B. The 'curtilage' of a building

The curtilage of a property is defined as the area within the boundaries of a property surrounding the house. It is enclosed within a wall, barrier or fence of some sort and can extend around all sides of a house and front/rear garden.

C. The 'eaves' of a building

The eaves of a property is where the underside of the roof meets the wall.

D. 'Permeable' surface

A permeable surface, as referred to in this guide, is considered to be any surface that allows water to pass through it and soak into the ground.

E. The 'highway'

For the purposes of the permitted development regulations, a highway is taken as meaning any road open to vehicular traffic (including private roads) or any footpath, which can be used by the public (including those on private roads). A highway does not include an alleyway or passage which only serves adjoining residential properties, rather than providing any through route for pedestrians.

F. The 'elevation' of a property

The face of the wall in question is normally referred to as the 'elevation'.

G. The 'principal' elevation

The principal elevation is normally considered to be the 'main' wall face of a dwelling. Most houses 'principal' elevation will be the front wall face with the main entrance. Some properties are considered to have more than one 'principal' elevation (i.e. those on corner plots or where an elevation fronts a highway or in certain instances where the rear elevation backs onto a highway).

H. 'Terraced' house

A house in a row of 3 or more properties attached to and adjoining one another and used or designed for use as single dwellings;

1.3 Permitted development rights

Extensions and alterations to a house (Class A)

1.3.1 A. Extensions

The enlargement of a house through any extension (including a conservatory) will not be permitted if:–

- Over 50% of your land, other than the *original* house, would be covered by buildings;
- The height of the extension would be higher than the highest point of the roof of the original house;
- The height of the eaves of the extension is higher than the eaves of the original house;
- It includes a balcony, veranda or raised platform/decking (over 30 cm in height).
- The extension would be both built beyond either a wall that faces a highway and forms a principal or side elevation of the original building;

N.B *Although most houses' principal elevation normally faces a highway and includes the main entrance, it is noted that some houses will have more than one principal /side elevation that fronts a highway (i.e. those properties on corner plots).*

B. Single storey rear extensions

Single storey rear extensions are a common form of development within the city and can be built under permitted development rights if:-

- the single storey rear extension does not project more than 4 metres beyond the rear wall of the original house in the case of a detached property and 3 metres in any other type of property,
- does not exceed 4 metres in height; and
- the extension is proposed to be within 2 metres of the boundary of the house, the eaves must not be more than three metres in height.

N.B *Where single storey rear extensions have a flat roof, the eaves are considered to be where the gutter hangs, just below the roof. Single storey rear extensions must also comply with the criteria as set out in section 1.3.1 A.*

C. Two storey rear extensions

Two storey rear extensions can only be built under permitted development rights if:-

- the extension projects no more than 3 metres from the rear wall of the original house or is more than 7 metres from the boundary opposite the rear wall of the house.

N.B *Two storey rear extensions must also comply with the criteria as set out in section 1.3.1 A.*

D. Side extensions.

Side extensions are considered to be extensions that adjoin a wall forming a side elevation of the original house. If this wall faces a highway, (if your house is on a corner plot for example), this type of extension cannot be built under permitted development rights and the submission of a full planning application would be required.

However, if the side wall of the original property does not face a footpath or road then a side extension would be permitted as long as:-

- it would not exceed 4 metres in height,

- it would not have more than one storey,
- it would not be wider than half the width of the original house, and
- the height of the eaves would be no more than 3 metres high if the extension is to be built within 2 metres of the boundary.

N.B *Side extensions must also comply with the criteria as set out in section 1.3.1A*

Conservation Areas

- If your property is located within a Conservation Area development is not permitted if it would consist of the cladding of the exterior of the extension or existing exterior of the property with stone, artificial stone, pebbledash, render, timber, plastics or tiles;
- Extensions in a Conservation Area that extend beyond a wall forming a side elevation are not permitted development. Rear extensions that are more than one storey are not permitted development.

N.B. Conditions

Extensions that comply with the permitted development criteria set out earlier in this document must comply with the following conditions to qualify as permitted development:-

- the materials used in the exterior of the extension must be *similar* in appearance to those used in the exterior of the main house (except for a conservatory). For example, if your house has been built in red brick, then an extension that has been built in yellow brick would not be considered permitted development.
- any upper floor window located in the side of the house (including in the roof slope) must be obscure glazed and non opening below 1.7 metres when measured internally from the finished floor level in the room;
- any where the extension has more than one floor, the pitch of the roof of the extension must, insofar as practicable, try to match the pitch of the roof of the main house

Dormer Extensions (Class B)

1.3.2 A. Roof extensions and loft conversions

The enlargement of a roof is permitted provided that:-

- The total volume of the enlargement *does not* exceed 40m³ in the case of a terraced house or 50 m³ in any other case.

N.B *roof extensions (e.g. dormers) are now measured independently from any previous extensions to the house (e.g. single storey rear extensions, side extensions etc). However, roof extensions are not measured independently from previous extensions to the roof. This means that you must include any part of the roof that has been previously enlarged and is not 'original' in your calculations.*

- the height of the extension does not exceed the highest point of the existing roof;
- it does not extend beyond the slope of an existing roof forming the *principal elevation*, as explained earlier in this document, and face a highway.

N.B *A front dormer facing onto a road would not be permitted development.*

Conservation Areas

Roof extensions are not permitted in Conservation Areas. If you wish to extend your roof and are located in a Conservation Area then you will be required to submit a full planning application.

N.B. Conditions

If your proposed roof alteration/extension complies with the above criteria then you must also meet the following conditions for your roof extension to be considered permitted development:-

- the materials used on the exterior of the extension should be of similar appearance to those used for the construction of the original house.
- the edge of the dormer closest to the eaves of the original roof should be at least 20 cm from the eaves (unless the alteration is a hip-to gable conversion); any window in the wall or roof slope of a side elevation of a house is obscure glazed, and those below 1.7 metres above the floor of the room be non-opening.

B. Other alterations to the roof

Other alterations (the insertion of roof lights for example) is permitted provided that:-

- the alteration would not project (when closed) more than 150 mm beyond the plane of the original roof slope;
- the alteration would not be higher than the highest part of the original roof.
- windows located in the side of the roof slope must be obscure glazed and non opening below 1.7 metres when measured internally from the finished floor level in the room.

Porches (Class D)

1.3.3.A Porches

The provision of a porch outside *any* external door of a dwelling house is permitted provide that: the ground area of the structure does not exceed 3 sq m, as measured externally;

- any part of the structure does not exceed 3 metres in height when measured externally from the ground; and
- any part of the structure is within 2 metres of any boundary of the house which fronts a highway.

N.B *The creation of a bay window and/or canopy are not considered to be permitted development and would require the submission of a full planning application.*

Detached buildings on the land around a house (Class E)

1.3.4 A. Detached buildings

Buildings and structures such as detached garages and sheds, enclosures and swimming pools must be used for a purpose relating to the main house.

Outbuildings, pools or structures will not be permitted if: -

- over 50% of the land would be covered by buildings (excluding the *original* house);
- the building, enclosure or pool would be on land that is in front of the property's principal (main) elevation (in most cases this will be the front garden, although some houses have more than one main elevation, e.g. those houses on corner plots);
- the outbuilding would have more than one storey;
- the height of the outbuilding would exceed 4 metres with a dual pitched roof or 3 metres with any other roof type (for example a flat roof or monopitch roof) that is located more than 2 metres from any boundary; and
- the height of the structure, including the eaves of any outbuilding, would exceed 2.5 metres if it less than 2 metres from any boundary.

B. Containers

Development is not permitted if:-

- the container is on land that is in front of the property's principal (main) elevation (in most cases this will be the front garden, although some houses have more than one main elevation, e.g. those houses on corner plots), and

Development is not permitted if:-

- the capacity of the container would exceed 3,5000 litres

C. Decking/Balconies

Development is not permitted if:-

- it involves the construction of a veranda, balcony or raised platform (ie. decking) which is greater than 300mm in height

Conservation Areas

There are no permitted development rights for buildings, pools, enclosures or oil/gas containers are on land adjoining the side elevation of a property, regardless of whether it is a principal elevation or not.

Listed buildings

Buildings, pools, enclosures and oil/gas containers within the boundary of a Listed Building are no longer permitted development.

Hardstanding/Driveways (Class F)

1.3.5A The provision of hard surfacing/paving

The provision of hard surfacing or paving, or the replacement of an existing hard surface, across an area of more than 5m², between the principal elevation of a house and a highway (which will be the front garden or driveway in *most* cases) will only be permitted development if:

- water run-off is dealt with within your boundary; and
- is not directed towards public paths, the road or directly into *any* drains

This can be achieved in two ways: -

- the materials that you use to create /replace your hard surfacing could be permeable to water. Good examples of permeable hard surfaces include paving slabs with sand in between the gaps in order to allow the water to drain into the ground, porous asphalt and gravelled surface; or
- water from an impermeable surface can be directed to garden border or soak away that is located within your boundary.

N.B *the easiest way to check whether your area of hard surfacing complies with the above is to throw a bucket of water on it. If the water soaks into the ground within your boundary then it would be considered to be compliant. It is advisable to look at www.communities.gov.uk for further advice contained within **Guidance on the Permeable Surfacing of Front Gardens**.*

Class G. Chimneys and other vents

1.3.6 A

The installation or replacement of a chimney, flue or soil and vent pipes on a house is permitted, provided that:-

- the height of the chimney would not exceed the highest part of the roof by more than 1 metre.

Conservation Areas

Chimney's and other vents cannot be installed on *any* roof slope or wall that faces a highway. Likewise, chimneys and other vents cannot be placed on a roof slope that forms either the principal (main) elevation or side elevation of the house under permitted development rights.

Satellite dishes and antennas (Class H)

1.3.7 A

The installation, alteration or replacement of satellite dishes or other microwave antennas on a house or within the boundary of a house is not permitted if: -

- it would result in more than two antennas or satellite dishes;
- It would result in a single antenna or satellite dish exceeding 100 cm in length/diameter.
- where there are two satellite dishes or antenna, only one exceeds 60 cm in length (up to 100cm);
- an antenna or satellite dish installed on a chimney exceeds 60 cm in length/diameter.
- an antenna or satellite dish installed on a roof with a chimney exceeds 60 cm measured from the ridge of the roof or would protrude above the chimney;

N.B *Although an antenna installed on a chimney can be up to 60 cm in length/diameter, it must not protrude above the chimney*

- an antenna or satellite dish installed on a roof without a chimney exceeds the highest part of the roof;
- the satellite dish exceeds 35 litre cubic capacity.

Conservation Areas

The installation of satellite dishes and antennas are not permitted on: -

- chimneys, walls or roof slopes that face onto, and are visible from a public path or road; or
- a building that exceeds 15 metres in height.

Conditions

Subject to meeting the above criteria;

- the antenna should be sited where it would cause the least harm to the appearance of the building; and
- any antenna that is no longer in use should be removed.

Domestic Microgeneration Equipment

In March this year a new part, Part 40, was added to the GPDO concerning the installation of domestic microgeneration equipment. It came into force on 6th April 2008. Due to environmental concerns, the installation of solar PV or solar thermal equipment has become much more popular recently.

1.3.9 A This equipment, located on a house or building within the boundary of a house will not be permitted development if:

- The equipment protrudes more than 20 cm from the roof plane; or
- The equipment would be higher than the highest part of the roof (excluding the chimney).
- It is in a Conservation Area on a wall or roof slope forming the side or principal elevation or visible from the road;
- There are a number of other types of domestic microgeneration equipment including water source heat pumps and biomass heating systems. You are advised to speak to the LPA to clarify whether these would be permitted development on your property,

Conditions

Subject to meeting the above criteria;

- the equipment should be sited where the least harm is caused to the appearance of property and the area; and
- as soon as the equipment is not in use it shall be removed.

Listed Buildings

The equipment would not be permitted on any buildings located within the curtilage of a listed building.

1.4 Building Regulations

1.4.1 Introduction

Most building work requires approval under the Building Regulations. Examples of works that require an application for Building Regulations approval include:

- The construction of a new building or extension to a building;
- Underpinning or remedial works for lateral restraint of walls, cavity tie failure, roof carcass replacement etc,
- Structural alterations to a building such as the removal of a load bearing wall;
- The conversion of lofts or garages;
- Insertion of insulation into a cavity wall;
- Altering or extending a controlled service such as the installation of appliances requiring new drainage or plumbing; and
- The installation or replacement of electrical equipment or boilers unless undertaken by appropriately accredited personnel. It is important to note that complying with building regulations is separate from obtaining planning permission. Ensuring compliance with building regulations does not ensure compliance with planning regulations and vice versa.

1.4.2 Work exempt from Building Regulations

There are some building works that are sufficiently small-scale to be exempt from the Building Regulations. A porch at ground level is exempt provided that:

- it does not contain a toilet;
- the glazing in critical locations is safety glazing complying with Approved Document N of the Building Regulations.
- the existing front door is retained in its existing position; and
- the total floor area does not exceed 3m².

A conservatory at ground level is exempt provided that:

- the total floor area does not exceed 30m²;
- the external walls and roof are substantially glazed (as a guide at least 70% of the structure should be translucent);
- the glazing in critical locations is safety glazing complying with Approved Document N.
- separation is maintained between the conservatory and the rest of the living accommodation (i.e. any doors or windows remain); and
- the conservatory does not obstruct escape windows.

A carport at ground level is exempt, provided that:

- it is open on at least two sides; and
- the total floor area does not exceed 30m²

A single storey, detached building is exempt provided that:

- The floor area does not exceed 15m²; and
- It does not contain any sleeping accommodation.

A greenhouse is exempt provided that it is used for purposes relating to the main use of the house.

A veranda at ground level, with a total floor area not exceeding 30m² is exempt.

1.4.3 Applying for approval of works

If you are intending to carry out building works that do not fall under the list of exempt operations listed, you must submit an application to Building Control. Your application may be in the form of **Full Plans** or **Building Notice** and should be accompanied by the appropriate fee. With Full Plans, your submitted plans are checked and, if suitable, granted a Notice of Passing of Building Plans meaning that your builder works from approved plans. However, there may be a delay while detailed plans are prepared. Your surveyor or architect will also charge a fee to prepare plans for you. Domestic works can often be submitted in the form of a Building Notice. This is a simpler procedure and does not require a set of plans to be appraised and allows work to commence immediately but it cannot be accepted where part B applies or where consultation is required with the Fire Authority (eg. offices, shops, industrial premises, places of assembly etc.) and in these instances full plans are required. However, this does mean that your builder will not be working from approved plans. Work on site must not start until at least two days after submitting an application to Building Control and you should give the Council written notice of commencement. Applications expire after 3 years if work has not started. Under both methods, works must be inspected and approved by the Council or other approved building control body.

1.5 The Party Wall

1.5.1 Introduction

If you live in a semi-detached or terraced house, the walls that you share with your adjoining neighbours are known as party walls.

PART B – Permitted Development Rights and Building Regulations for householders

If you intend to undertake works on, or affecting, the party wall, it may be necessary to notify adjoining owner(s) and reach agreement on the works to be executed before that work is undertaken. This section summarises some of the common works undertaken where notice is required. This list is not exhaustive and no works affecting a party wall should be undertaken without determining whether notice is required. The full regulations regarding party walls are contained in The Party Wall etc Act 1996. Further guidance is available from the Department for Communities and Local Government website - www.dclg.gov.uk. Although informal discussion is the best means for reaching consensus, agreements should **always** be recorded in writing. If you start work without giving notice or reaching agreement in the proper way, neighbouring owners can seek to stop your work through a court injunction or take other appropriate legal action.

1.5.2 Definition of the party wall

A wall is a party wall if:

- it stands wholly on one owner's land but is used by two (or more) owners to separate their buildings; or
- it stands astride the boundary of land belonging to two (or more) different owners regardless of whether it forms part of a building. Where a wall separates two different size buildings, only that part which is shared by both buildings is considered to be the party wall.

1.5.3 Work on existing party walls

The key test for works on existing walls is whether it would affect the structural strength of the wall or cause damage to the adjoining owner's side of the wall. Works to existing party walls that require you to notify and agree with adjoining owners include (but are not limited to): • raising the height or the wall; • increasing the thickness of the wall; and • demolishing and rebuilding the wall. Minor operations such as fitting plugs and screws for ordinary wall units or shelving, re-plastering or works on recessed electrical wiring and sockets will not usually require notification under the Act.

1.5.4 New building on or against the boundary line

The adjoining owner(s) must be notified and agreement reached if you plan to build a wall that will be used to separate adjoining land and

- Straddle the boundary line; or
- Be built up against the boundary line. This does not extend to temporary or semi-permanent structures such as wooden fences.

1.5.5 Excavation near neighbouring buildings

The adjoining owner(s) must be notified and agreement reached if you plan to excavate or construct foundations for a new building either:-

- Within 3 metres of a neighbouring owner's building where that work will go deeper than the neighbour's foundations; or
- Within 6 metres of a neighbouring owner's building where that work will cut into a line drawn downwards at 45 degrees from the bottom of the neighbour's foundations.