

Super SIPS

A Householder's Guide To Planning – and the other permissions you may need before building.

An Englishman's home may be his castle, but there's no end to the bodies who have a say in the look and construction of the turrets or drawbridge. And sometimes these 'rules' conflict with each other.

Then there are your neighbours. They can very rarely stop you completely, but can certainly make life difficult – and expensive, and wherever possible should be brought 'on side' as soon as you start to think about building.

This sheet is intended as an introduction to the range of permissions you may need before building, the meaning of some of the terms.....and, perhaps, to show why you might benefit from our experienced guidance. Not every project needs all the permissions below, but they should all be considered.

Different approaches, changes to a design, or just the passage of time can all affect your consents, and the need for permissions should be reviewed at each stage through any project, especially just before starting to build, and whenever the design changes, for whatever reason.

Planning Permission

This is the topic that causes most frustration to home owners and professionals alike. Planning Permission controls the use, scale and external appearance of buildings and land. Each local authority has a local plan (UDP), supposed to have already been replaced with a Local Development Framework (LDF), except that none of these have been completed. The plan will say what uses are allowed where, and what changes are welcome or refused. Plans differ between boroughs, but are all supposed to conform to ever changing Government policies and the Mayor's London Plan.

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Most authorities also have supplementary guidance (SPG) on specific topics, such as room sizes, parking and the height, size and appearance of extensions. Some of these are clear, others are vaguely worded requirements to 'reflect the character', or be 'appropriate' and open to political influence and interpretation.

To get planning permission, we need to provide your council with full drawings of the house before and after, a written 'Design and Access' report and up to 41 other documents to convince them that what you want complies with all of the relevant rules, offends nobody (and, as an afterthought, looks good too).

Ground floor extensions can usually be made to comply, but anything above can fall foul of daylight angles or restrictions on 'overlooking', and big loft extensions are usually only possible as 'permitted development' (see below).

Planning applications should be decided in eight weeks, but this can sometimes take a lot longer. Once you have planning consent, this remains valid for three years.

Listed Buildings & Conservation Areas

Even further restrictions apply if your house is a 'listed' building (rare) or in a 'Conservation Area' (many of the nicer bits of London, and some that may surprise you). In these cases the basic presumption is against change. Consent is needed for any demolitions, to change the windows even if they're not original, and to cut down or trim any trees, back or front. Individual trees in any area can also be subject to 'Tree Preservation Orders'.

Some Conservation Areas, or specific buildings within them, have local 'Article 4' directions which may forbid, say, any change to the roof or to windows. But sometimes the way forward is:

Permitted Development

This is a concession which allows some extensions to houses without the need for planning consent. Detailed limits apply, and generally this work must not be visible from the street, but it is useful for lofts, where you can often build more as 'PD' than will get planning permission, and for single storey extensions and outbuildings.

A big revision to these rules in October 2008 left us with eleven pages of restrictions in place of six, but also meant that you can now have the loft and the kitchen.

There is no permitted development for flats, even where these are in a converted house, and in some cases changes that would otherwise be 'PD' can fall foul of other rules such as 'Article 4 Directions'. The next stage after Planning Permission is:

Building Regulations

These regulations are concerned with the technical aspects of construction, and apply to almost all building works, including many internal alterations and any change of use.

They cover structure, fire precautions, damp protection, sound proofing, energy, ventilation, drainage, stairs, glazing and much more.

They are regularly revised, and extended to new areas, with several bulky new documents every year. Because of the rapid rate of change, you can no longer expect builders to be up to date on these regulations.

The sections that have the most visible effect on domestic work are those on means of escape from fire (revised April 2007), which can restrict internal layouts, and the rules on energy use and insulation, which were made tougher in October 2010, restricting the area of windows and roof lights. These will get tighter still in 2013.

For domestic work it is possible to simply give 48 hours notice to your Local Authority, and start. But with ever more complex regulations, where calculations for new structures or heat loss need to be checked (now almost always), we recommend that plans are done and sometimes submitted for approval before works starts, to avoid having to alter anything already done.

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Planning ahead also helps get accurate prices from builders. This consent is good for three years, or until the relevant rules change.

Building Control departments are generally much quicker than their colleagues in Planning, but nowadays ever more inclined to demand every 'if' is dotted and every 't' crossed.

Other consents you may need include:

Party Wall Act, etc.

If making any changes next to, or carried by, the shared wall between houses, or if digging within 3 metres (10 feet) of adjoining buildings you will probably need to give notice to and get consent from your neighbours.

If they agree, all is well. If not they can't stop you building, but can demand the appointment of surveyors at your expense.

Appointing surveyors and agreeing Party Wall awards can be surprisingly time consuming, so it is wise to serve the initial notices as soon as we know what and when you want to build.

Rights Of Light, Rights Of Way, Covenants, etc.

These are traditional rights under common law, and can arise where buildings share access or drains, or simply because something has been there, or been done, for a long time.

Rights of light are now generally covered by even stricter rules in your council's SPG. Other rights, particularly rights of way, can be specifically created by landowners and included in deeds.

You should check your deeds and the Land Register for any restrictions before deciding to build, especially if there is any form of shared access. Shared drains may need a 'Build Over' licence from Thames Water.

SuperSIPs Ltd Newbourne Business Park, Mill Road, Newbourne, Suffolk. IP12 4NP

www.supersips.uk.com

sales@supersips.uk.com

Tel: +44 (0)1473 736023 Company Number: 7693421

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Covenants are restrictions placed on land when it is sold. Some require you to get consent for alterations from previous owners. How to cope with these depends, amongst other things, on who imposed the restriction, and whether it is specific to your plot or all the houses around.

Landlords And Co-Owners.

If altering a flat, or any building that is leasehold, consent to the work will be needed from your freeholder.

Sometimes this will be a big management or ownership company who will have an established procedure, and rules about what is acceptable. Others may be individuals who simply fail to reply.

Where a house is divided into of flats on a shared freehold, you will need to get written agreement from all your co-owners. This sometimes means offering to include extra soundproofing etc. to get them on side.

Remember that at every stage your neighbours can cause you delay and extra expense. Experience shows that the best way to deal with this, and stay friends, is to talk to them early and often and be seen to take account of their concerns.

Amazingly it is still possible to get through this maze and still create a stylish, well planned and energy efficient home.

Let us help you get there.

Helpful Article by Andrew Cato - Architect