

PRIOR APPROVAL FOR HOUSE EXTENSIONS

Introduction

This guidance note only applies to the temporary permitted development arrangements introduced by the Coalition Government in May 2013 for single storey extensions to the rear of a dwellinghouse, where the house is **outside** a Conservation Area.

Temporary Arrangements

Until 30 May 2016 (for a dwellinghouse that benefits from permitted development rights), single storey extensions at the rear of a house can be built up to the following limits under permitted development rights:

- Where the extension does not project more than 8 metres beyond the rear wall of the original house on a detached property and 6 metres on any other type of property.
- Where the extension does not exceed 4 metres in height.
- Where the extension is within 2 metres of the boundary of the house, the eaves are not more than 3 metres in height.

Note: To benefit from the new allowances, the developer must submit a prior approval application. It is not possible to build up to the new limits without any formal consent (which is usually the case for rear extensions up to 4 metres on a detached property and up to 3 metres on other properties)

General rules that apply to all extensions:

The enlargement of a house through any extension (or conservatory) is not permitted development if:

- Over 50% of your curtilage, (i.e. the land not including 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 would be higher than the eaves of the original house.
- It would include a balcony, veranda or raised platform/decking that is over 30 cm in height.

Conditions applicable to all extensions:

Extensions that comply with the permitted development criteria must be built from materials that are *similar* in appearance to those used for the exterior of the main house (except for a conservatory).

Prior Approval

A 'prior approval' procedure has been introduced for single storey rear extensions proposed under the temporary arrangements (i.e. those which would extend between 4 and 8 metres beyond the original wall of a

detached house, or between 3 and 6 metres beyond the original rear wall of any other house). The new prior approval procedure requires a developer to provide some basic information about a proposed extension and involves a process of consultation with immediate neighbours. The Council has 42-days to make a decision on a prior approval request.

Information Requirements

Before beginning a development, the developer must provide the following information to the Council:

- A written description of the proposed development including:
 - i) how far the extension would extend beyond the rear wall of the original dwellinghouse;
 - ii) the maximum height of the extension; and
 - iii) the height of the eaves of the extension.
- A plan indicating the site and showing the proposed extension.
- The addresses of any adjoining premises (those which share a boundary).
- The developer's address and email if applicable.

The Council will not accept applications if any of the above information is missing. To make things easier, an application form: Prior Approval for a Householder Extension is available on the Council's website. Requests for Prior Approval are free of charge.

Note: Scaled plans are not a specific requirement for a Prior Approval request, however the Council strongly recommends the use of scaled plans including details about the location of all windows in the extension and potential losses of trees so that any neighbours are made fully aware of the specifics of your proposal. Accurate, scaled plans may also help to avoid objections from neighbours on the grounds of lack of information.

Consultations

When a request for prior approval is received by the Council with all the required information, the Council will notify owners or occupiers of any adjoining premises about the proposed development, by letter. A copy of the notification is also sent to the developer. The adjoining owners or occupiers are given 21 days to comment on the proposals and any objections have to be made either in writing, on-line or by email. If neighbours are concerned that their comments will not be received in time by post, they should leave their comments on-line or email.

The neighbour notification letter will include the following information:

- Dimensions of the proposed extension.
- The address of the proposed development.
- The date the prior approval request was received and the date when the application expires.
- The closing date for any comments.
- Full details about how to comment on the proposals including the Council's website link and email address.

Prior Approval is Required:

When any owner or occupier of an adjoining premises objects to the proposed extension, the prior approval of the Council is required. The Council then has to make a decision as to whether prior approval should be given, or refused. In these circumstances:

- The Council has to consider the impact of the proposed extension on the amenity of all adjoining premises, not just the source of the objection.
- The Council may ask the developer to submit further information about the extension to enable them to fully consider the impact on the adjoining premises.
- The Council has to take into account any representations made.
- A Council officer will visit the site to assess the proposals.
- The assessment of impact will be made on a case-by-case basis.
- The developer has to receive the Council's decision whether to give, or refuse prior approval within the 42-day period.

Prior Approval is not Required:

- When no objection to the extension is received from any owner or occupier of any adjoining premises; and once the 21 day consultation period has expired. The Council will issue a decision that prior approval is not required.
- If the Council fails to make a decision within 42 days from the date they received the submitted information, the application expires and prior approval is deemed to be given.

Building the Extension

The extension should not be begun before one of the following occurs:

- The developer receives notice from the Council that their prior approval is not required;
- The developer receives notice from the Council that their prior approval is given; or,
- The 42-day deadline has passed and the developer has received no notice as to whether prior approval is given or refused.

Building in accordance with the approval:

The extension must be built in accordance with what has been agreed unless the Council and the developer agree otherwise, in writing:

- Where prior approval is required, the extension must be built in accordance with the details agreed with the Council.
- Where prior approval is not required, or the application has expired, the extension must be built in accordance with the original submitted information.

Completing the extension:

The extension must be completed on or before 30 May 2016 and the developer must notify the Council of the completion of the extension as soon as is reasonably practicable after building work finishes. The notification has to be in writing and include the following:

- The developer's name.
- The address of the development.
- The completion date.

Building Regulations

Most building work requires approval under the Building Regulations although there are some exemptions for minor works. The Council's Building Control team should be contacted to ensure that any alterations you propose comply with the latest Building Regulations standards. Complying with the Building Regulations is a separate requirement from obtaining planning permission or prior approval and in many cases, works to your property will require both.

There is detailed information about Building Control on the Council's website:

http://www.braintree.gov.uk/info/200224/building_control

The Building Control Service can be contacted by:

Telephone: 01376 557781.

Email: buildingcontrol@braintree.gov.uk

The Party Wall Act

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

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. The full regulations regarding party walls are contained in The Party Wall Act 1996. Further guidance is available from the Department for Communities and Local Government website: www.dclg.gov.uk

Further Advice

If, after reading this advice note you are still unsure about your permitted development rights, please contact the Council on 01376 557779 or email planning@braintree.gov.uk to discuss your circumstances further.