

GUIDANCE NOTES: NOTIFICATION OF INTENTION – HOUSEHOLDER SINGLE STOREY REAR EXTENSIONS (30th MAY 2013)

1. Who are these Guidance Notes for?

These guidance notes apply to people (householders) who live in houses in Harrow and who are contemplating a single storey rear extension only.

These guidance notes do NOT apply if:

- the construction of a single storey rear extension has commenced;
- the single storey extension is to the side of the house;
- the single storey extension is part of a 2 storey side or rear extension;
- the property is a flat or is a house that has been converted to flats;
- the house is in a Conservation Area or is a Listed Building.

2. What is the New Legislation?

On 30th May 2013, the Town and Country Planning (General Permitted Development) (Amendment) Order 2013 came into force. Among the new rules are changes to the size of single storey rear extensions which can be built under “Permitted Development”.

The new legislation introduces a process which allows most detached dwellinghouses to be extended with a single storey rear extension up to 8 metres beyond the original rear wall, and most semi-detached and terraced houses to be extended by up to 6 metres beyond the original rear wall without planning permission. In each case, the height of single storey rear extension cannot exceed 4m. Full details of the new legislation can be found at: <http://www.legislation.gov.uk/ukxi/2013/1101/article/4./made>

For clarity, previous legislation allowed for a 3m deep single storey rear extension beyond the original rear wall of a semi-detached and terraced house, and a 4m deep single storey rear extension beyond the original rear wall of a detached house.

3. What is Permitted Development?

‘Permitted Development’ is the term for development that is authorised by Statutory Instruments known as Development Orders, rather than through the grant of a “planning permission” by the Council. In certain circumstances “dwellinghouses” can be extended using permitted development, meaning that planning permission from the Council is not required. However, permitted development allowances are automatically reduced in conservation areas. In other circumstances, for example where there is an ‘Article 4’ Direction or special conditions on the original housing development, permitted development may also be restricted.

If you are thinking of carrying out works that you think might be permitted development, you can find out more online by going to www.planningportal.gov.uk You may also wish to seek the advice of the Council before proceeding with an extension, by engaging in the Council’s pre-application advice service. Information relating to this service is available on the Harrow Council website: http://www.harrow.gov.uk/info/200074/planning/1169/pre-application_advice

4. How Do These Amendments to Permitted Development Work?

The following procedures apply for single storey rear extensions which extend between 4 – 8m beyond the original rear wall of a detached house and between 3 – 6m beyond the original rear wall of a semi-detached or a terraced house:

- Before beginning the single storey rear extension, the householder must notify the Council with details about the proposed extension
http://www.harrow.gov.uk/download/14112/validation_requirements_single_storey_rear_extension ;
- The Council must then notify adjoining neighbours only about the proposed extension, allowing 21 days for them to make representations. A copy of this notification letter will be sent to the householder;
- If there are no objections received from adjoining neighbours, the “prior approval” of the Council is not required (i.e. the Council is not empowered to assess the impact of the proposed extension on the amenity of adjoining neighbours);
- If objections are received from adjoining neighbours, the “prior approval” of the Council is required (i.e. the Council is required to assess the impact of the proposed extension on the amenity of all adjoining neighbours);
- In considering the impact upon the amenity of adjoining neighbours, the Council must take into account any representations received from adjoining occupiers and consider the amenity of all adjoining neighbours (not just those that objected). The Council will then need to decide either that prior approval is granted, or that prior approval is refused, and must notify the householder of its decision within 42 days from the date of the notification to the Council about the proposed extension. If the Council fails to notify the householder of its decision within 42 days, then prior approval is not required by default.

Regardless of the Council’s decision, the single storey rear extension will need to comply with the details provided as part of the submission to the Council and with all other relevant limitations of permitted development before it can go ahead without planning permission. Information in relation to these other limitations can be found in the ‘Department for Communities and Local Government – Permitted Development for Householders Technical Guidance’

http://www.planningportal.gov.uk/uploads/100806_PDforhouseholders_TechnicalGuidance.pdf

For clarity, a notification by the Council that prior approval is not required or a grant of prior approval by the Council is NOT a confirmation that the proposed extension is lawful as permitted development.

If prior approval is refused, the proposed extension does NOT constitute permitted development and a planning application will need to be made to the Council

5. What Amenity Impacts can the Council consider as part of the Process?

When a notification is received from a householder, the Council is required to write to the adjoining neighbours to notify them of the proposed single storey rear extension. If any adjoining neighbours object to the proposed extension within the 21 day timescale provided for comments, the Council is required to assess the impact of the proposed extension on the amenity of all adjoining neighbours. It should be noted that this consultation process does not apply to other permitted development extensions (for example side extensions, or rear extensions up to 4 metres deep on a detached house and 3 metres deep in any other case).

Harrow’s Residential Design Guide Supplementary Planning Document (2010) includes guidance relating to design and layout for householder development

http://www.harrow.gov.uk/downloads/file/8886/residential_design_guide_spd

The amenity considerations associated with householder development are more fully explained in this guide. Consistent with the Guide, the Council will have regard to the following considerations when assessing whether prior approval should be approved or refused:

(a) Overlooking

The Council will seek to ensure that proposed extensions do not result in significant loss of privacy to neighbouring occupiers. Doors and windows in the side wall of a rear extension that is within 3 metres of a boundary can lead to overlooking of adjoining houses and gardens, to the detriment of the amenity of neighbouring occupiers. Relevant site considerations may include the distance of the proposed extension from the boundary, the degree and permanence of landscaping or boundary treatment, any change in levels between the properties and any existing extensions to the adjoining properties.

(b) Loss of Light or Outlook

Large extensions in close proximity to the boundary can cause loss of light and outlook to windows of neighbouring dwellings as well as overshadowing of adjoining garden areas. Where a proposed rear extension is adjacent to the boundary of any unextended adjoining property, the Council will normally consider a depth of 4 metres in the case of detached houses, and 3 metres in any other case, to be the appropriate depths at which reasonable light to, and outlook from, the adjoining dwellings and garden areas can be maintained. However a greater depth may not have an unacceptable impact upon the adjoining property if:

- the extension would be sited away from the boundary;
- the rear building line is staggered;
- the adjoining dwelling is sited away from the boundary; or
- where the neighbouring dwelling is itself already extended at the rear.

Relevant site considerations may include the orientation of the proposed extension in relation to adjoining property (especially relevant for overshadowing impacts), changes in ground levels and any existing features for example outbuildings, landscaping and boundary treatment.

In all cases, if the proposed extension is within 2 metres of a boundary, its eaves height cannot exceed 3 metres without triggering a need for planning permission.

The Residential Design Guide focuses assessment of light and outlook impacts to adjoining properties upon 'protected windows' and the garden area at the immediate rear of the dwellinghouse. Protected windows are defined as the main window to habitable rooms and to kitchens over 13m².

(c) Appearance

The appearance of the proposed extensions can affect the visual amenity of neighbouring occupiers. It is a condition of permitted development that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Proposals in non-similar materials (such as an extension of contrasting modern design) may still be acceptable to the Council but would require planning permission.

(d) Encroachment

Proposals that encroach over the physical boundary with adjoining properties may not be within the curtilage of the dwellinghouse to be extended and, as such, would require planning permission. Householders are also reminded that Building Regulations approval and the provisions of the Party Wall Act (1996) may apply.

6. How can a Householder submit a Notification to the Council?

In order to assist householders, the Council have provided a separate guidance note relating to the national validation requirements, and this includes helpful tips in relation to what should be submitted.

http://www.harrow.gov.uk/download/14112/validation_requirements_single_storey_rear_extension

A Householder can e-mail their notification to planning.applications@harrow.gov.uk

Alternatively, a Householder can submit their notification by post to the following address:

Harrow Council
Planning Services
Civic Centre, Station Road,
Harrow,
HA1 2UY

7. Can a Householder submit Additional Information to the Council?

The Government's legislation requires only limited information to be submitted to the Council as part of a notification to build a single storey rear extension.

However, if an objection is received from any adjoining neighbour, the Council is required to consider the impact of the proposed single storey rear extension on the amenity of all adjoining premises (e.g. loss of light or outlook; overlooking; impact on visual amenity). If the Council considers that the information submitted is insufficient to assess this impact, then further information may be sought, or prior approval may be refused on the basis that the information submitted fails to demonstrate that the impact would be acceptable.

As the prior approval procedure is subject to a 42 day determination period, with a minimum of 21 days allowed for consultation with neighbours, limited time will be available for the submission of additional information. Householders are therefore strongly encouraged to submit full information upfront, as part of the initial notification. In order to assist householders, the Council have provided a separate guidance note relating to the national validation requirements, and this includes helpful tips in relation to what should be submitted. http://www.harrow.gov.uk/download/14112/validation_requirements_single_storey_rear_extension Householders can also use the Council's pre-application advice service to determine a preliminary response from the Council with respect to the acceptability of a proposal. http://www.harrow.gov.uk/info/200074/planning/1169/pre-application_advice

Householders are encouraged to consult with their neighbours before submitting any notification or application to the Council.

8. How can an Adjoining Neighbour submit Representations to the Council?

The Council is required to notify adjoining neighbours only about the proposed extension, allowing 21 days for them to make representations. Given the limited timeframes, adjoining neighbours wishing to make representations to the Council should do so without delay.

Adjoining neighbours are encouraged to include any material that may help the Council to determine the impact of the proposal upon their amenity. Since only objections from adjoining neighbours can trigger the prior approval process, those making representations are advised to make it clear in their objection if they are the owner or occupier of an adjoining property.

The information supplied by the applicant can be viewed online at www.harrow.gov.uk. Neighbours who do not have access to the internet at home can view the application online in Access Harrow, (Civic Centre, Station Road, Harrow, HA1 2UY) between 9am and 5pm Monday to Friday or from a computer in any of the Council's libraries.

Comments should be made in writing online or by post within 21 days of receipt of a notification letter from the Council.

9. How can a Householder receive Confirmation of Permitted Development?

If there are no objections received from adjoining neighbours, the prior approval of the Council is not required. In this instance, the Council will allow 42 days to expire and will not issue a decision to the Householder. A decision will only be issued granting or refusing a "prior approval". These decisions (or indecisions) by the Council are NOT a confirmation that the proposed extension is lawful as permitted development.

The only way to determine the lawfulness of a proposed single storey rear extension is for householders to apply to the Council for a Certificate of Lawful Proposed Development. The Council strongly encourages this route. For those proposing an extension under the new legislation, i.e. more than 4 metres beyond the rear wall of the original dwellinghouse (in the case of a detached house) or 3 metres in any other case, a Certificate of Lawful Proposed Development should be made after the expiration of 42 days from the submission of a notification to the Council.

10. What should a Householder do if a proposal is not Permitted Development?

In the event that a proposed extension is not lawful as permitted development, planning permission is required before development can commence and the householder must submit a planning application to the Council.

If planning permission is required, the Council is obliged to consider all other potential impacts of development, not just the amenity impact. Other impacts may include the effect of the proposal on the character of the area, any drainage or flooding implications, and the impact upon any protected trees. Information relating to the design and layout of householder development can be found in Harrow's Residential Design Guide Supplementary Planning Document (2010)

http://www.harrow.gov.uk/downloads/file/8886/residential_design_guide_spd

11. How can a Householder seek Pre-application Advice?

It is advisable to check with the Council before proceeding with any form of extension. This can be done by engaging in the Council's pre-application advice service. Information relating to this service is available on the Planning page of the Harrow Council website.

http://www.harrow.gov.uk/info/200074/planning/1169/pre-application_advice

12. What are the Next Steps if a Proposed Extension is Lawful as Permitted Development?

The legislation requires:

- the development to be completed in accordance with the details submitted to the Council;
- the householder to notify the Council of the completion of the single storey rear extension as soon as reasonably practicable after completion. This notification must include the householders name; the address of the development and the date of completion.