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Welsh Government

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Planning: a guide for householders

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CHAPTER 1- INTRODUCTION

Introduction

The planning system manages the development and use of land in the public interest, contributing to the achievement of sustainable development. Planning regulations have to cover many different situations and even the rules which affect the average householder are quite detailed. This document gives a simple guide to those aspects of the planning system which are most likely to affect you. **However, it is not an authoritative interpretation of the law.**

The general planning principles and the procedures for making a planning application described in this guide apply equally to owners of houses and to freeholders or leaseholders of flats and maisonettes. However, the rules that say when you need to apply for planning permission will differ according to whether you own a house or a flat/maisonette. The different rules are described in Section I, page 19.

If you have any queries about a particular case, the first thing to do is to ask the planning department of your local council. You may also be able to find out more about planning law in your local library. If you are concerned about a legal problem involving planning, you may need to get professional advice.

Why are planning controls required?

The purpose of the planning system is to protect amenity and the environment in the public interest. It is not designed to protect the interests of one person over another. Within the framework of legislation approved by the Welsh Government, councils should try to ensure that development is allowed where it is needed, while ensuring that the character and amenity of the area are not adversely affected by new buildings or changes in the use of existing buildings or land.

Some people think the planning system should be used to prevent any change in their local environment, while others think that planning controls are an unnecessary interference with individual rights. The present position is that major works need planning permission from the council but many minor works do not. The Welsh Government thinks this is the right balance. Councils can use planning controls to protect the character and amenity of their area, while individuals have a reasonable degree of freedom to alter their property.

Before you start work

There are many kinds of alterations and additions to houses for which you do not need to apply for planning permission.

Chapter 2 (page 4) of this guidance note will help you decide if you need to apply. Whether or not you need to apply, you should think about the following before you start work.

Neighbours

Let your neighbours know about work you intend to carry out to your property. They are likely to be as concerned about work which might affect them as you would be about changes which might affect your enjoyment of your own property. For example, your building work could take away some of their light or spoil a view from their windows. If the work you carry out seriously overshadows a neighbour's window and that window has been there for 20 years or more, you may be affecting his or her "right to light" and you could be open to legal action – in such cases it is best to obtain legal advice.

You may be able to meet some of your neighbour's worries by altering your proposals. Even if you decide not to change what you want to do, it is usually better to have told your neighbours what you are proposing before you apply for planning permission or before building work starts.

If you do need to make a planning application for the work you want to carry out, the council will ask your neighbours for their views. If you or any of the people you are employing to do the work need to go on to a neighbour's property, you will, of course, need to obtain his or her consent before doing so.

Design

Planning regulations require new extensions to be designed so that their appearance matches, as far as is practical, the existing house.

A well-designed building or extension will be much more attractive to you and to your neighbours. It is also likely to add more value to your house if you decide to sell it.

Your local planning authority may have a guidance note that can assist you in choosing appropriate materials and colours.

Crime Prevention

You may feel that your home is secure against burglary and you may already have taken some precautions such as installing security locks to windows. However, alterations and additions to your house may make you more vulnerable to crime than you realise. For example, an extension with a flat roof, or a new porch, could give access to upstairs windows which previously did not require a lock. Similarly, a new window next to a drainpipe could give access. Ensure that all windows are secure. Also, your alarm may need to be extended to cover any extra rooms or a new garage.

Lighting

If you are planning to install external lighting for security or other purposes, you should ensure that the intensity and direction of light does not disturb others. Many people suffer extreme disturbance due to excessive or poorly-designed lighting. Ensure that beams are not pointed directly at windows of other houses. Security lights fitted with passive infra-red detectors (PIRs) and/or timing devices should be adjusted so that they minimise nuisance to neighbours and are set so that they are not triggered by traffic or pedestrians passing outside your property.

Covenants

Covenants or other restrictions in the title to your property or conditions in the lease may require you to get someone else's agreement before carrying out some kinds of work to your property. This may be the case even if you do not need to apply for planning permission. You can check this yourself or consult a lawyer.

Other Consents

Whether or not you need to apply for planning permission, there are other consents or approvals you may need to obtain before you can start work. They are described in Chapter 4 (page 22).

CHAPTER 2 – DO YOU NEED TO APPLY FOR PLANNING PERMISSION?

This section provides general guidance about the kinds of work for which you need to apply for planning permission and those for which you do not. If you are in any doubt about whether you need to apply, you should consult the planning department of your council. If you want to obtain a formal ruling you (or your adviser) can apply, on payment of a fee, for a "lawful development certificate" by writing to the council with details of the work you want to carry out.

Take Care! If you build something which needs planning permission without obtaining permission first, you may be forced to put things right later, which could prove troublesome and costly. You might even have to remove an unauthorised building.

Examples of when you will need to apply for planning permission

The following are common examples of when you will need to apply for planning permission:

1. You want to make additions or extensions to a flat or maisonette (including those converted from houses). But you do not need planning permission to carry out internal alterations or work which does not affect the external appearance of the building.
2. You want to divide off part of your house for use as a separate home (for example, a self-contained flat or bed-sit) or use a caravan in your garden as a home for someone else. But you do not need planning permission to let one or two of your rooms to lodgers.
3. You want to divide off part of your home for business or commercial use (for example, a workshop) or you want to build a parking place for a commercial vehicle. (The Welsh Government has produced a on-line guide "Planning Permission: A Guide for Business", available on the Welsh Government website).
4. You want to build something which goes against the terms of the original planning permission for your house – for example, your house may have been built with a restriction to stop people putting up fences in front gardens because it is on an "open plan" estate. Your council has a record of all planning permissions in its area.
5. The work you want to do might obstruct the view of road users.
6. The work would involve a new or wider access to a trunk or classified road.

Permitted Development Rights

You can make certain types of minor changes to your home without needing to apply for planning permission. These are called "permitted development rights" and are described in this guide.

Diagrams have been included in this guide for illustrative purposes only, they are not to scale and do not attempt to show matching materials or colours. The diagrams show examples of standard house types, the guide cannot address all types of housing design or layout.

In some areas of the country permitted development rights are more restricted. If you live in a Conservation Area, a National Park, an Area of Outstanding Natural Beauty, or a World Heritage Site you will need to apply for planning permission for certain types of work which do not need an application in other areas. There are also different requirements if your house is a listed building. These are described in the relevant sections of this chapter.

You should also note that the council may have removed some of your permitted development rights by issuing an **Article 4 direction**. This will mean that you have to submit a planning application for work which normally does not need one. Article 4 directions are made when the character of an area of acknowledged importance would be threatened. They are most common in conservation areas. You will probably know if your property is affected by such a direction, but you can check with your council if you are not sure.

Permitted development rights may also have been removed by conditions attached to a planning permission on the existing house.

The following sections set out your permitted development rights.

Section A	Extending your house
Section B	Roofs
Section C	Buildings and other structures on the land around your home
Section D	Patios, hardstandings, paths and driveways
Section E	Other minor development (porches, fences, walls, and gates)
Section F	Installation of satellite dishes, t.v. aerials, chimneys, solar photovoltaics etc
Section G	Decorations, repair and maintenance
Section H	Demolition of buildings
Section I	Flats and maisonettes

SECTION A – Extending your house

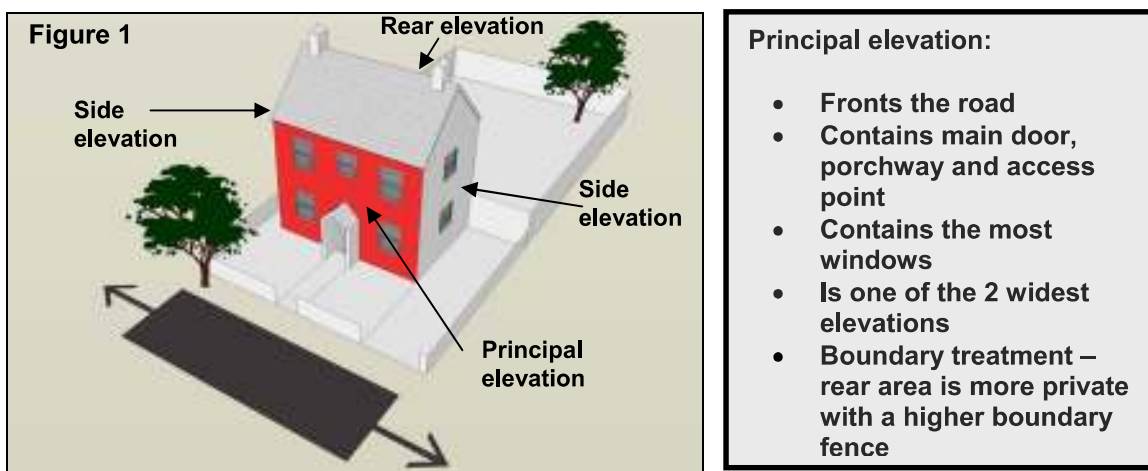
A house will have 4 faces or elevations and will comprise a rear, 2 sides and the principal elevation. The rear elevation will always be opposite the principal elevation. The side elevations link the rear and principal elevations. With terraced houses it is unlikely that the side elevations would be visible.

You are not permitted to extend your house in front of the “principal elevation”.

In most cases, the principal elevation is obvious and will be the front of the house as you know it. But sometimes you will need to consider a combination of the following points in order to identify the principal elevation of your house:

1. The principal elevation will usually contain the main entrance door, porch, driveway, bay windows, and/or gables.
2. The principal elevation will usually contain more windows and doors than any other elevation.
3. The principal elevation will usually be the most visible elevation when you look at your house from a highway (the term “highway” includes public roads, footpaths, bridleways and byways).
4. The layout, design and orientation of other houses in your street should be taken into account.
5. If you live in an older property that has been extended and altered, you may need to consider the original layout of your home.
6. The layout of your house and main access arrangements should be considered: e.g. an entrance door leading to the hallway/internal staircase/main living area will usually be found on the principal elevation of the dwelling.
7. The principal elevation will usually be the widest elevation of the property (or one of the 2no. widest elevations).
8. The boundary of your home, including garden walls, fencing can also help to define the principal elevation.

Figure 1 provides an example of how to identify the principal elevation of your house:



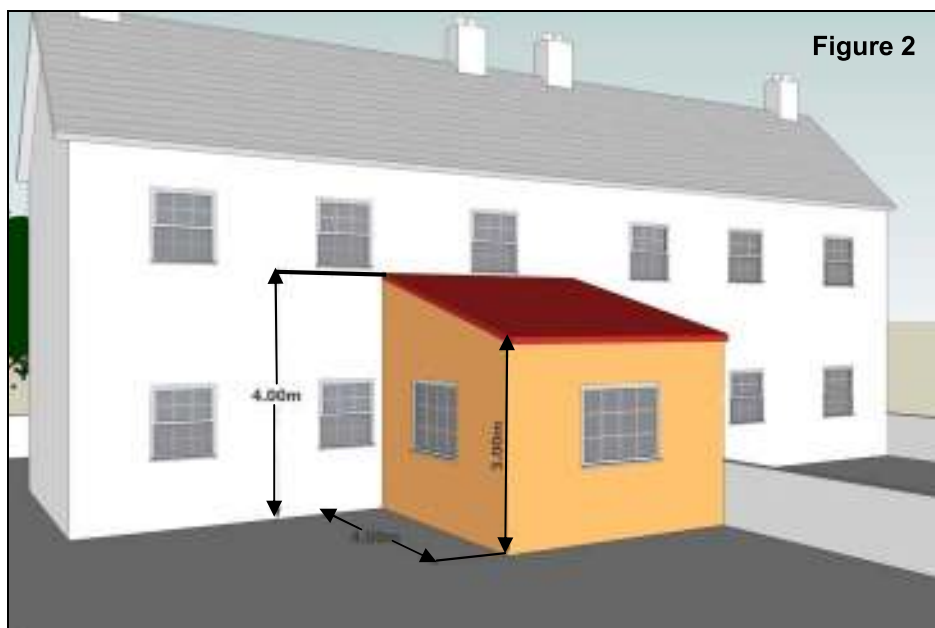
Rear extensions

Single storey rear extensions are permitted providing they meet a number of conditions.

Any single storey rear extension will need to meet all of the following conditions otherwise a planning application will need to be submitted to the local planning authority:

1. No more than half of the area of land around the “original house” can be covered by additions or other buildings - appendix (a).
2. The eaves height of the extension cannot be higher than the eaves height of that part of the house from which the extension projects - appendix (b).
3. If your extension is located within 2 metres of any boundary of your house, the eaves height of the extension cannot exceed 3 metres - see appendix (b).
4. The extension cannot be more than 4m long - length should be measured from the rear wall of the original house to the outer edge of the wall of the extension.
5. The extension cannot be more than 4 metres in height - you should measure the height of the proposed extension from the ground level immediately next to it.
6. The appearance of the materials used in the extension (both the walls and roof) must, as far as possible, match the appearance of those on your existing home. The requirement to match materials does not apply to conservatories.
7. No verandas, raised platforms, roof terraces or balconies (other than a Juliet balcony that has no platform, does not project from the extension by more than 300mm, and is not on the principal elevation of your house). No shutters on the principal elevation.

Figure 2 shows an example of a single-storey rear extension that would meet all the above conditions:



Rear extensions of more than one storey are permitted providing they meet all the following conditions, otherwise a planning application will need to be submitted to the local planning authority.

1. No more than half of the area of land around the “original house” can be covered by extensions or other buildings – appendix (a).
2. The extension cannot exceed the height of the roof of the existing dwellinghouse - appendix (c).
3. The eaves height of the extension cannot exceed the height of the eaves of the existing dwellinghouse - appendix (b).
4. If your extension is located within 2 metres of a boundary of your house, the eaves height of the extension cannot exceed 3 metres.
5. No part of the extension can exceed 4m in height if it is within 2m of a boundary of your house.
6. Your extension cannot be more than 3m long – length should be measured from the rear wall of the original house to the outer edge of the wall of the extension.
7. The extension must be at least 10.5m from the rear boundary of your house - the rear boundary is the boundary opposite the rear wall of the dwellinghouse.
8. The appearance of the materials used in the extension (both the walls and roof) must, as far as possible, match the appearance of the on your existing home.
9. Any upper floor windows in the side elevation of the extension may need to be obscure glazed or non-opening - see appendix (d).
10. The roof pitch used on the extension must, as far as possible, match the roof pitch on the existing house.
11. No verandas, raised platforms, roof terraces or balconies (other than a Juliet balcony that has no platform, does not project from the extension by more than 300mm, and is not on the principal elevation of your house). No shutters on the principal elevation.

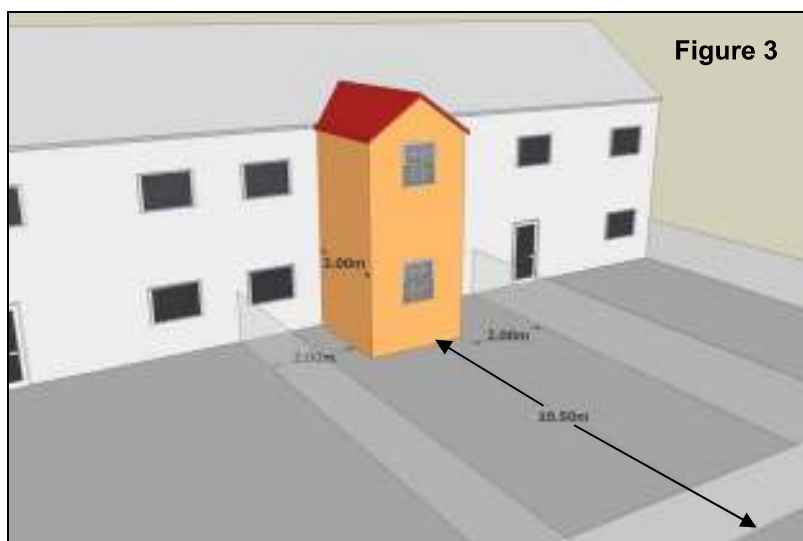


Figure 3 shows an example of a 2 storey extension that would meet all the above conditions

Side Extensions

Single storey side extensions are permitted providing they meet all the following conditions, otherwise a planning application will need to be submitted to the local planning authority:

1. No more than half of the area of land around the “original house” can be covered by additions or other buildings - see appendix (a).
2. The eaves height of your extension cannot be higher than the eaves height of that part of the house from which the extension projects - see appendix (b).
3. If your extension is located within 2 metres of any boundary of your house, the eaves part of the extension cannot exceed 3 metres.
4. Your extension cannot project beyond a wall comprised in the principal elevation.
5. The extension must either be no closer to the highway than the existing house or at least 5m from the highway.
6. The extension cannot exceed 4 metres in height - you should measure the height of the proposed extension from the ground level immediately next to it.
7. The width of the resulting dwellinghouse (i.e. the width of the existing house plus the width of the extension) cannot exceed the width of the widest part of the original dwellinghouse by more than 50% - see appendix (e).
8. The appearance of the materials used in the extension (both the walls and roof) must, as far as possible, match the appearance of those on your existing home.
9. No verandas, raised platforms, roof terraces or balconies (other than a Juliet balcony that has no platform, does not project from the extension by more than 300mm, and is not on the principal elevation of your house). No shutters on the principal elevation.
10. **Protected Areas:** see page 11.

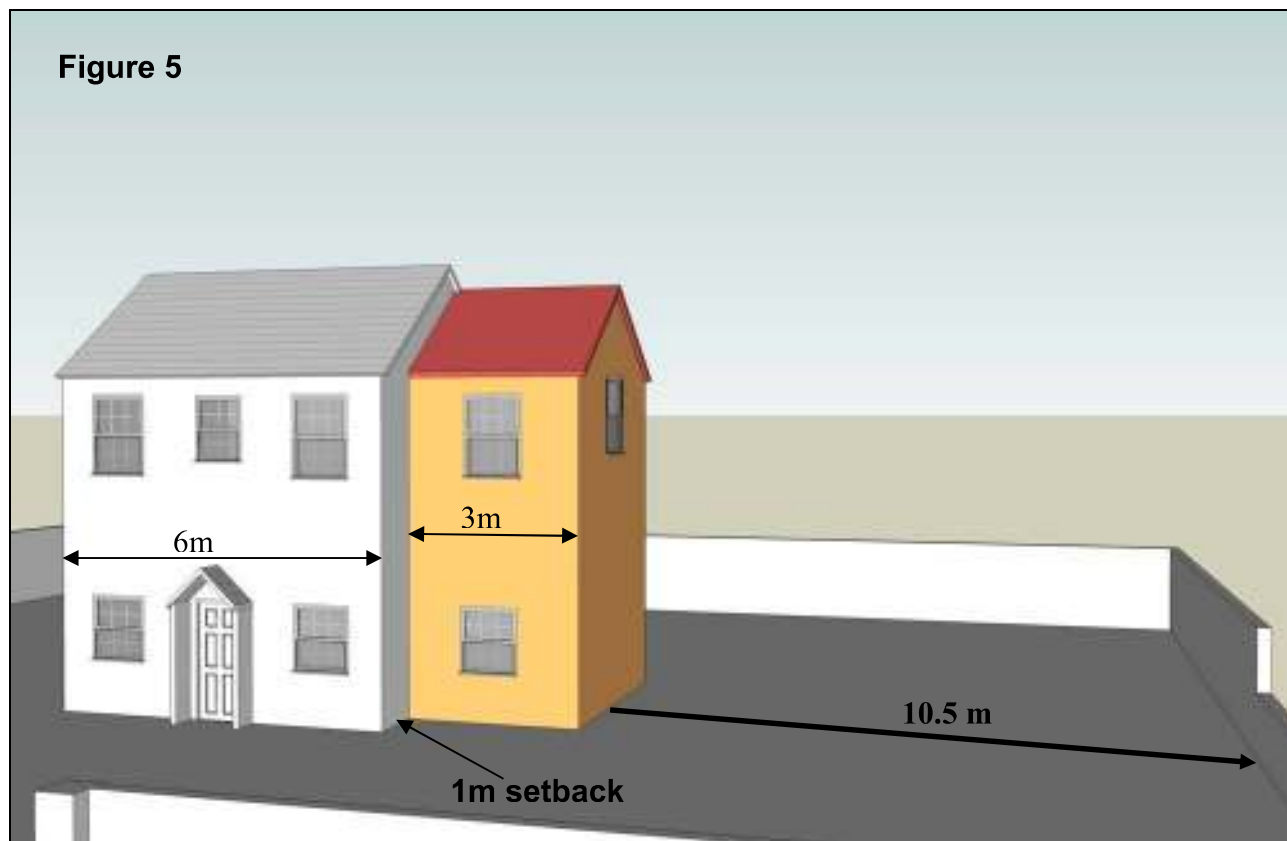
Figure 4 shows a single storey side extension that would meet all the above conditions:



Side extensions of more than one storey will need to meet all the following conditions otherwise a planning application will need to be submitted to the local planning authority:

1. No more than half of the area of land around the “original house” can be covered by additions or other buildings – see appendix (a).
2. The extension cannot exceed the height of the roof of the existing dwellinghouse - see appendix (c).
3. The eaves height of the extension cannot exceed the height of the eaves of the existing dwellinghouse - see appendix (b).
4. If your extension is located within 2 metres of any boundary of your house, the eaves height of the extension cannot exceed 3 metres.
5. No part of the extension can exceed 4m in height when it is within 2m of a boundary of your house.
6. The extension cannot be within 10.5m of the side boundary of the dwellinghouse - the side boundary is the boundary opposite the side elevation of the dwellinghouse.
7. The extension must be set back from the principal elevation of the dwellinghouse by at least 1m.
8. The width of the resulting dwellinghouse (i.e. the width of the existing house plus the width of the extension) cannot exceed the width of the widest part of the original dwellinghouse by more than 50% - see appendix (e).
9. No verandas, raised platforms, roof terraces or balconies (other than a Juliet balcony that has no platform, does not project from the extension by more than 300mm, and is not on the principal elevation of your house). No shutters on the principal elevation.
10. The appearance of the materials used in the extension (both the walls and roof) must, as far as possible, match the appearance of those on your existing home.
11. Any upper floor windows in the side elevation of the extension may need to be obscure glazed or non-opening - see appendix (d).
12. The roof pitch used on the extension must, as far as possible, match the roof pitch on the existing house.
13. **Protected Areas:** side extensions with more than one storey are not permitted.

Figure 5 shows an example of a side extension of more than one storey that would meet all the above conditions:



Protected Areas

If you live in a conservation area, a national park, an area of outstanding natural beauty or a World Heritage Site, single-storey side extensions are permitted but only if they extend from the side elevation of the original dwellinghouse by less than 3 metres and are set back from the principal elevation of the original dwellinghouse by at least 1 metre.

SECTION B - Roofs

Roof Extensions

You are allowed to extend your roof subject to a number of conditions:

1. The roof extension cannot be higher than the highest part of the existing roof on your house.
2. The extension cannot project in front of a roof slope that forms the principal elevation of the house.
3. The roof extension cannot add more than 40 cubic metres to the roof of a terraced house or 50 cubic metres to any other kind of house.
4. The roof extension must be set off the eaves of the existing house by at least 20cm (except in the case of hip to gable extensions).
5. Roof extensions on the side elevation of the existing dwellinghouse are allowed but only when the roof extension would be less than 10.5 m from a highway opposite the side elevation.
6. The appearance of the materials used in the extension (both the walls and roof) must, as far as possible, match the appearance of those on your existing home. You should note that materials such as upvc (other than possibly for the windows in a roof extension) will not be acceptable and it is expected that roof extensions will be finished in hanging tiles, render or brickwork to match your house.
7. Windows in the side elevation of the extension may need to be obscure glazed or non-opening - see appendix (d).
8. If you want to add any of the following structures to your roof extension, you will need to submit an application for planning permission:
 - (i) a veranda or raised platform which would be more than 300mm above the ground;
 - (ii) a balcony (but a Juliet balcony with no platform and which does not project from the roof extension by more than 300mm would be permitted); and
 - (iii) a roof terrace.
9. Hip to gable extensions are permitted.

Protected Areas

If you live in a conservation area, a national park, an area of outstanding natural beauty or a World Heritage Site, you will need to apply for planning permission if you want a roof extension.

Rooflights and other roof alterations

You do not normally need to apply for planning permission to insert rooflights or skylights, subject to the following :

- 1.** No part of the rooflight/roof alteration can project more than 150mm from the roof of the original house
- 2.** No part of the rooflight/roof alteration can be higher than the highest part of the original roof
- 3.** The appearance of the materials used must, as far as possible, match the appearance of those used on your existing roof
- 4.** Rooflights/skylights in a roof slope on the side elevation of the house may need to be obscure glazed or non-opening - see appendix (d)

Protected Areas

If you live in a conservation area, a national park, an area of outstanding natural beauty or a World Heritage Site, roof alterations that involve the removal of a chimney will require planning permission.

You will also need to apply for planning permission to install a rooflight.

SECTION C – Buildings and other structures on the land around your house

Many kinds of buildings and structures can be built in your garden or on the land around your house without the need to apply for planning permission. These can include sheds, garages, greenhouses, accommodation for pets and domestic animals, summer houses, swimming pools, ponds, sauna cabins, enclosures (including tennis courts), decking and many other kinds of structure. You are also able to install a container for the storage of oil or liquid petroleum gas. However the following conditions apply.

1. No more than half of the area of land around the “original house” to be covered by additions or other buildings – see appendix (a).
2. No development in front of the principal elevation.
3. Not to result in an enlargement of the floorspace in your house.
4. The extension must either be no closer to the highway than the existing house or at least 5m from the highway.
5. The building/structure can only have a single-storey.
6. Not to be more than 4m high for a building/structure with more than one pitch.
7. Not to be more than 3m high for a building/structure with a single pitch.
8. When any part of the building/structure is located within 2m of any boundary of your house, that part cannot be more than 2.5m high.
9. The eaves height of the building/structure is not to exceed 2.5m - see appendix (b). Any flat-roofed buildings cannot exceed a height of 2.5m.
10. When any part of the development is located within 2m of your house, that part cannot be more than 1.5m high.
11. If your house is a listed building, these permitted development rights do not apply.
12. If you install a container to store oil or liquid petroleum gas, the capacity of that container is limited to 3,500 litres.

Protected Areas

If you live in a conservation area, a national park, an area of outstanding natural beauty or a World Heritage Site, the following additional restrictions apply:

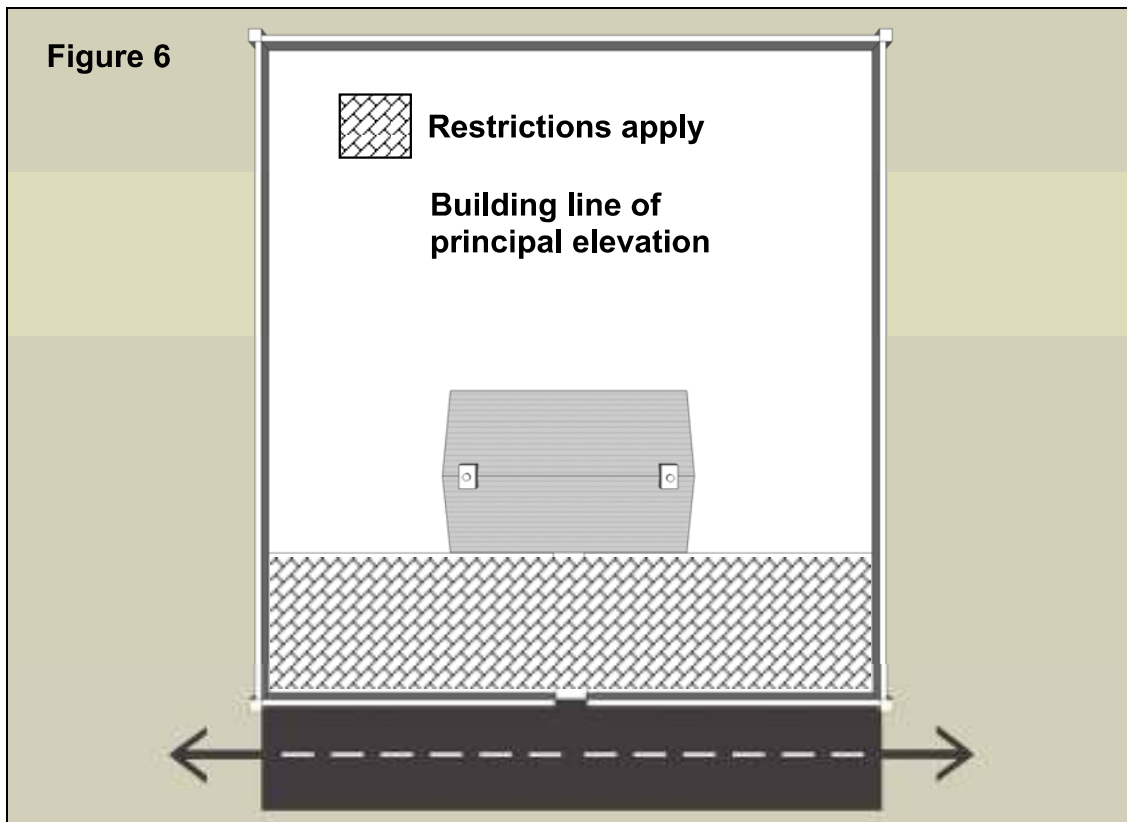
1. The total area of floorspace covered by buildings and structures that are located over 20m from the house is limited to 10sqm.
2. No development is allowed on the land between the side elevation of your house and its side boundary.

If you live in a conservation area and are considering constructing a shed, garage or other outbuilding, it is advisable to contact your local planning authority for advice.

SECTION D – Patios, hardstandings, paths and driveways

There are no restrictions on laying patios, paths and other areas of hardstanding on land to the rear or side of your house.

But there are restrictions on the type of material you can use to cover the land in front of the principal elevation of your house, if it leads onto a highway. (see figure 6)



The restrictions are that (i) either the surface must be porous or permeable or (ii) designed to direct run-off water to a permeable or porous area within the boundary of your home.

These restrictions have been put in place due to concerns that certain types of hard surface can contribute towards surface water flooding. For example, surfaces such as concrete are impermeable – i.e. they do not allow water to soak through them and instead, water simply runs off onto roads and pavements.

If you wish to replace an existing, impermeable hard surface that is located in front of the principal elevation of your house and leads onto a highway, you have an allowance to replace a small area - up to 5sqm in any 6 month period - of existing hardsurfacing without needing to comply with the restrictions outlined above.

Further technical guidance is available in, "Guidance on the permeable surfacing of front gardens". Department for Communities and Local Government, 2008.

SECTION E – Other minor development

Adding a porch

You will only need to apply for planning permission if the porch:

1. Would have a ground area (measured externally) of more than 3 sqm.
2. Would be higher than 3 metres above ground level (you should measure the height of the porch from the ground immediately next to it).
3. Would be less than 2 metres away from the boundary of a dwellinghouse with a highway (a "highway" includes all public roads, footpaths, bridleways and byways).

Putting up fences, walls and gates

You will need to apply for planning permission if:

1. Your house is a listed building or in the curtilage of a listed building.
2. The fence, wall or gate would be over 1 metre high and next to a highway used for vehicles; or over 2 metres high elsewhere.

Hedges and trees

You do not need planning permission for hedges or trees. However, if there is a condition attached to the planning permission for your property which restricts the planting of hedges or trees (for example, on an "open plan" estate or where a sight line might be blocked), you will need to obtain the council's consent to relax or remove the condition before planting a hedge or tree screen. If you are unsure about this, you can check with the planning department of your council.

SECTION F – Installations

Satellite dishes, t.v. and radio aerials

You can install antennas up to a specific size on a property without the need for planning permission.

Further information is provided in, “A Householder’s Planning Guide for the Installation of Antennas, including Satellite Dishes” (Welsh Government, 2008) – this is available on the Welsh Government website <http://wales.gov.uk>.

Chimneys

You can install, alter or replace a chimney on your house without the need to apply for planning permission if it does not project by more than 1m from the highest part of the roof - see appendix (e).

If you live in a conservation area, a national park, an area of outstanding natural beauty or a World Heritage Site, the installation, alteration, replacement or removal of a chimney will require planning permission.

Solar photovoltaics, solar heating systems

You can install a wide range of microgeneration equipment on your home without the need for planning permission.

Further guidance is provided in a Welsh Government leaflet, “Domestic micro-generation permitted development: a guide for householders”. This is available on the Welsh Government website <http://wales.gov.uk>

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External wall insulation

You can add external wall insulation to your home without requiring planning permission providing it is no more than 16cm thick.

Protected Areas

You will need to apply for planning permission for external wall insulation if you live in a conservation area, a national park, an area of outstanding natural beauty, or a World Heritage Site.

SECTION G – Decoration, repair and maintenance

You do not need to apply for planning permission:

1. For repairs or maintenance.
2. For minor improvements, such as painting your house or replacing windows.
3. For internal alterations.
4. For the insertion of windows.
5. To re-roof your house (but additions to the roof are treated as extensions to the house, see Section B, page 12).

Occasionally, you may need to apply for planning permission for some of these works because your council has made an Article 4 Direction withdrawing permitted development rights (see page 5).

Listed buildings

If you live in a listed building, you will need listed building consent for any significant works whether internal or external. You also may need planning permission to alter, repair or maintain a gate, fence, wall or other means of enclosure.

Protected Areas

The cladding of any part of a house, whether it be the original house or any enlargement, with stone, artificial stone, pebble dash, render, timber, plastic or metal or tiles will require an application for planning permission.

SECTION H – Demolition of buildings

If you intend to demolish part of your house or a building within the boundary of your house, the council may wish to agree the details of how you intend to carry out the demolition and how you propose to restore the site afterwards.

You will need to apply for a formal decision on whether the council wishes to approve these details. This is called a "prior approval application" and your council will be able to explain what it involves.

SECTION I – Flats and maisonettes

Alterations, outbuildings, walls, fences and patios etc.

You will need to apply for planning permission to build an extension, an outbuilding such as a garage, shed or greenhouse, as well as for any other work which would materially alter the appearance of the building. You will also need to apply for planning permission to create a hard surface such as a patio.

You will not need to apply for planning permission to paint your flat or maisonette but, if you are a leaseholder, you may first need to get permission from your landlord or management company.

Satellite dishes

In certain circumstances, you will need to apply for planning permission to install a satellite dish on your flat or maisonette. Remember, if you are a leaseholder, you may need to obtain permission from the landlord.

Further information is provided in “A Householder’s Planning Guide for the Installation of Antennas, including Satellite Dishes” (Welsh Government, 2008).

CHAPTER 3 – HOW TO APPLY FOR PLANNING PERMISSION

The Planning Portal website provides useful advice and guidance that will help you decide if you need to apply for planning permission.

The Portal will guide you through the planning application process and help you calculate the fee for your planning application. You can also submit planning applications electronically through the Portal.

You can also contact your local planning authority for advice before submitting a planning application.

What the council will do

Planning staff at the council should acknowledge your application within a few days. They will place it on the Planning Register at the council offices so that it can be inspected by any interested member of the public. They will also either notify your neighbours or put up a notice on or near the site. In certain cases, applications are also advertised in a local newspaper. The council may also consult other organisations.

The planning department may prepare a report for the planning committee, which is made up of elected councillors, or the council may give an officer in the planning department the responsibility for deciding your application on its behalf.

You are generally entitled to see and have a copy of any report submitted to the planning committee. You are also entitled to see certain background papers used in the preparation of reports. The background papers will generally include the comments of consultees, objectors and supporters that are relevant to the determination of your application. Such material should normally be made available at least three working days before the committee meeting.

Planning considerations

The councillors or council officers who decide your application must consider whether there are any good planning reasons for refusing planning permission or for granting permission subject to conditions. The council cannot reject a proposal simply because many people oppose it. It will look at whether your proposal is consistent with the development plan for the area. The kind of planning issues it can also consider include potential traffic problems, the effect on amenity (for example, any impact on the privacy or outlook of neighbours) and the impact the proposal may have on the appearance of the surrounding area.

Moral issues, the personal circumstances of the applicant or the effect the development might have on nearby property prices are not relevant to planning and will not normally be taken into account by the council.

How long will it take to get a decision?

The council should decide your application within eight weeks. If it cannot do so, it should obtain your written consent to extend the period. If it has not done so, you can appeal to

the Welsh Government. But appeals can take several months to decide and it may be quicker to reach an agreement with the council.

What can I do if planning permission is refused or conditions are imposed on the permission or if the council do not issue a decision?

If the council refuses permission or imposes conditions, it must give reasons. If you are unhappy or unclear about the reasons for refusal or the conditions imposed, talk to the planning department. Ask them if changing your plans might make a difference. If your application has been refused, you may be able to submit another application with modified plans free of charge within 12 months of the decision on your first application.

Alternatively, you may wish to consider submitting a planning appeal.

Further guidance is available on the planning portal website.

CHAPTER 4 – OTHER KINDS OF APPROVAL

Whether or not you need to apply for planning permission for your work, there are some other kinds of approval you may need. Most are given by the council, which will be able to let you have further information.

Listed building consent

You will need to apply for listed building consent if:

1. You want to demolish a listed building.
2. You want to alter or extend a listed building in a manner which would affect its character as a building of special architectural or historic interest.
3. You may also need listed building consent for any works to separate buildings within the grounds of a listed building.

Check the position carefully with the council – it is a criminal offence to carry out work which needs listed building consent without obtaining it beforehand.

Conservation area consent

If you live in a **conservation area**, you will need conservation area consent to do the following:

1. Demolish a building with a volume of more than 115 cubic metres. There are a few exceptions – you can get further information from your council.
2. To demolish a gate, fence, wall or railing over 1 metre high where next to a highway (including a public footpath or bridleway) or public open space; or over 2 metres high elsewhere.

Trees

In some cases trees may be protected by **tree preservation orders** which means that, in general, you need the council's consent to prune or fell them. In addition, there are controls over trees in conservation areas.

Building Regulations

New building work will often need to comply with the Building Regulations. These prescribe minimum standards for health and safety. The Regulations also apply to certain changes of use of existing buildings. You also need approval from the council if the work you want to do involves building over a sewer or a drain. The Building Control section of your council will be able to tell you whether you need Building Regulations approval and how to apply.

Further advice is available on the planning portal website.

Rights of Way

If your proposed development would obstruct a public path which crosses your property, you should discuss the proposals with the council at an early stage. The granting of planning permission will not give you the right to interfere with, obstruct or move the path. A path cannot be legally diverted or closed unless the council has made an order to divert or close it to allow the development to go ahead.

The order must be advertised and anyone may object. You must not obstruct the path until any objections have been considered and the order has been confirmed. You should bear in mind that confirmation is not automatic; for example, an alternative line for the path may be proposed.

Advertising

You may need to apply for advertisement consent to display an advertisement bigger than 0.3 square metres on the front of, or outside, your property. This includes your house name or number or even a sign saying 'Beware of the dog'. Temporary notices up to 0.6 square metres relating to local events, such as fetes and concerts, may be displayed for a short period. There are different rules for estate agents' boards, but, in general, these should not be bigger than 0.5 square metres on each side. You can get advice from the planning department of your council.

Protected Species

Some houses may hold roosts of bats or provide a refuge for other protected species. The Wildlife and Countryside Act 1981 gives special protection to bats because of their roosting requirements. If a dwellinghouse contains a bat roost and a proposed alteration, extension or enlargement would affect it, a licence may be required. Bat roosts, even when not in use, are protected. Proposed works should if possible be designed to avoid impacting on bats or bat roosts. Further information can be obtained from Natural Resources Wales.

Other protected species commonly associated with houses include nesting birds such as the swift, house martin and house sparrow. All wild birds are given some protection under the law, particularly their nests. If a dwellinghouse supports a bird nest which is in use or being built and the proposed works would affect the nest site, the works should be planned to avoid the nesting season. If works are carried out during the season, an offence may be committed. Further information about birds and the law can be obtained from Natural Resources Wales.

European sites

If your house is located in or near a designated European site, you should not proceed with any development (including any permitted development) without checking whether it is likely to significantly affect the site.

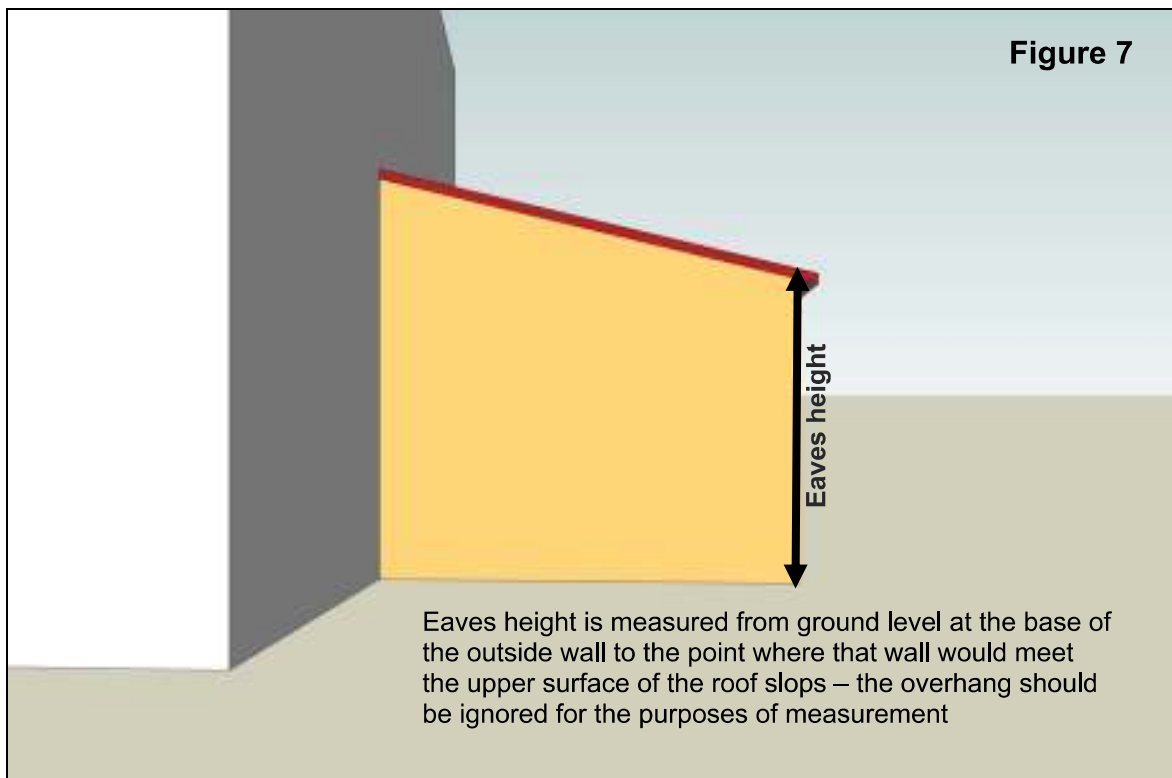
Annex 5 of Planning Policy Wales Technical Advice Note 5 (Nature Conservation and Planning) provides more detailed guidance and your local planning authority will be able to advise you whether your site is located in or near a designated European site.

Water mains, sewers and surface water drainage

Householders and developers are encouraged to contact their water company to determine whether any proposed extension, or buildings, are constructed over or adjacent to existing water infrastructure, for example water mains, drains and sewers. This is because access is required to allow this infrastructure to be maintained or repaired. Your water company would also expect that surface water drainage is dealt with on site and not discharged into the public sewerage system.

APPENDIX

- (a) The term “original house” means the house as it was first built or stood on 1 July 1948 (if it was built before that date). Although you may not have built an extension to the house, a previous owner may have done so.
- (b) “Eaves” refers to the point where the roof meets the external wall of your house – this is shown in figure 7 below:



- (c) The highest part of the roof of the existing dwelling house will be the height of the ridge line of the main roof.

Chimneys, firewalls, parapet walls, other roof furniture, or any other protrusions above the main roof ridge line must not be taken into account when considering the height of the highest part of the roof of the existing house.

However when calculating the height of the part of the house to be enlarged, this measurement must be at the highest part of the proposed enlargement, and must include any protrusions above the roof such as parapet walls etc.

- (d) All new windows in the side elevation of the existing house or the extension that would be within 10.5m of the side boundary of the house should be obscure glazed and non-opening (unless the openable part of the window is at least 1.7m above internal floor/stair level).

The industry standard rates obscured glazing on a scale of 1 to 5, with 5 providing the most privacy. Side windows should be obscure glazed to minimum of level 3. Obscure glazing does not include one-way glass.

Once installed, windows must continue to be obscure glazed and non-opening.

- (e) For the purposes of Class A, “width” relates to the distance between the side elevations of the dwellinghouse. The width of the original house should be calculated at its widest point and the width of the widest part of the resulting dwellinghouse must take into account any existing extensions to the original house, whether permitted by the General Permitted Development Order (Part 1) or not. For example if the widest part of the original dwellinghouse is 7m, the maximum width of the resulting dwellinghouse would be 10.5m - i.e. the width of the original dwellinghouse (7m) plus 50% of the width of the original dwellinghouse (3.5m).