



## New Planning Rules For Home Owners

Monday 6 February 2012 is the date when home owners will have greater freedom to do work to their homes without needing planning permission. However, if your home is in a conservation area, you will find that this greater freedom will not apply.

New rules for “permitted development” for flats and houses were published in advance (see our [Alert](#) about this in October last year). We are anticipating a Scottish Government Circular to accompany these changes, but so far this has not been published. However, some Councils are taking the initiative and publishing their own advice. The City of Edinburgh Council, for instance, have a very useful guide with helpful illustrations. This can be accessed under “[Householder Permitted Development Rights Agent Training](#)”.

### What is Permitted Development?

Permitted Development (PD) Rights are granted so that many instances of small alterations and extensions can be carried out without the need to submit an application for planning permission. These rights are written to protect the amenity of neighbours and the character of conservation areas whilst still allowing some limited development without needing to apply for permission.

### A Flavour of the New Rules for Houses

The new rules apply mostly to single family dwellinghouses i.e. not flats. They rely extensively on the concept of not making changes to the “principal elevation” of a house. This is defined with reference to various elements – the main door to the house, the elevation which has the main windows, and the elevation which faces the road. Once the principal elevation has been defined, other concepts can be established such as the front and rear curtilage. These are important as modest single storey extensions within the rear curtilage will usually not require planning permission. Conversely, changes proposed within the front area will generally require permission.

The exception to this general rule is a small front porch. If this is to be outside an external door of a dwellinghouse it is now PD unless the house is in a conservation area. The size limits are a floor area of 3 sq m and a height of 3m and no part of the porch must be within 2 metres of a boundary (front or side).

Roofs may be altered or extended within certain dimensions but not on the principal or street elevation and not within 10 metres of the boundary. This will permit small dormers to the rear, but not to the front. But again, such alterations will need planning permission within a conservation area.

Access ramps of modest dimensions no longer need permission. The parameters relating to ramps are maximum height of the ramp (no greater than 0.4m), maximum combined height of ramp and railing/wall (no greater than 1.5m) and total length of ramp. Again, such alterations will need planning permission if they are within a conservation area or affect a listed building.

Minor alterations and attachment of equipment is also PD if there is no projection greater than 1m from the

existing building. This rule covers replacement windows and doors, satellite dishes, cladding, painting, flues and solar panels but excludes balconies, raised platforms or items controlled through other PD rules. Again this will not apply in a conservation area.

Garages, garden huts, summerhouses, sheds, greenhouses etc are PD if modestly sized and within the rear curtilage. The rules on size relate to the size of the garden ground as well as the size of a shed. Oil tanks, flag poles, solar panels and swimming pools are covered by slightly different controls over the dimensions. Provision is also made for decking, hard surfacing, formation of accesses, boundary treatments, wind turbines and heat pumps. In particular, hardstandings must be porous or have run off to porous or permeable surfaces, otherwise they will need planning permission.

For flats, you can now replace window frames and carry out other minor alterations without needing planning permission, but not in a conservation area.

If you have started making changes to your house under the old rules, you have until the end of August this year to complete the works. If not, you may find the new rules helpful. Councils are predicting that the new rules may lead to more applications for Certificates of Lawfulness to provide home owners with confidence that they really do not need planning permission for their home improvements.

## Footnotes

[The Town and Country Planning \(General Permitted Development\)\(Scotland\) Amendment Order 2011](#) sets out the new regulations.

In 2008, Dundas & Wilson were commissioned by the Scottish Government to carry out research which investigated the scope for a User/Design Code which could be developed as an accompaniment for the new Householder Permitted Development provisions. While the conclusions were that design could not easily be regulated in this way, the report pointed the way towards the criteria used in the new order, with a better understanding of the design and amenity issues arising from the impacts of domestic scale developments.

The aim of the new legislation is to remove minor developments from planning control, giving householders more freedom to develop their properties. It also means that planning authorities can free up their resources and concentrate on more significant planning matters. It is estimated that the new provisions will release some 20% or 4000 householder cases from planning control.

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This Alert is correct to the best of our knowledge and belief at the time of going to press. It is however written as a general guide, so it is recommended that specific professional advice is sought before any action is taken.  
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