



Guidance Note on the Need for Planning Permission for the Development of Existing Houses and Flats (effective from 6 February 2012)

Introduction

The rules governing 'permitted development' (that is, whether or not planning permission is required) for 'householder' developments carried out from 6th February 2012 have been significantly changed as a consequence of the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 2011](#).

The overall effect of the changes will relax the current controls so that many types of domestic development that currently require planning permission will no longer do so. Certain restrictions will however still apply to dwellings in conservation areas, to listed buildings and development within their curtilage.

For the purposes of this guidance note the following definitions apply:

“balcony” means a platform, enclosed by a wall or balustrade, projecting outwards from the external wall of a building, with access from an upper floor window or door;

“bound” means to share a common boundary;

“curtilage” means the grounds associated with and immediately surrounding a dwelling, normally comprising the garden, courtyard and driveway etc.

“dwelling” refers to both houses and flats;

“enlargement” means any development that increases the internal volume of the original house, and includes a canopy or roof, with or without walls, which is attached to the house, but does not include a balcony;

“flat” means a separate and self-contained dwelling whether or not on one floor and forming part of a building from which it is divided horizontally;

“footprint” means an area of ground covered by development;

“fronts” means facing onto.

“front curtilage” means that part of the curtilage of the original house which is forward of the principal elevation;

“house” is any dwelling which is not a flat;

“**original house**” is defined as the house as it was in 1947 or, if built since then, as it was originally built.

“**principal elevation**” means the one elevation of the original house which, by virtue of its design and setting, is its main elevation. Where it is not immediately obvious, the principal elevation may be identified by considering a combination of factors including:

- Location of the main door
- Location and layout of the windows
- The internal layout of the house
- The physical relationship of the elevation to the adjacent road
- Boundary treatments and their screening function
- Orientation of adjacent properties
- Architectural treatment of the elevation in relation to the rest of the house

“**rear curtilage**” means that part of the curtilage of the original house which is not the front curtilage;

“**rear elevation**” means the elevation of the original house that is opposite its principal elevation;

“**resulting house**” means the house as enlarged, taking into account any previous enlargement;

“**road**” means any way, pedestrian or vehicular, over which there is a public right of passage including its verge;

“**side elevation**” means the elevation of the original house linking the principal elevation with the rear elevation;

In addition it should be noted that:

- a) “**height**” is a reference to height when measured from ground level, and “**ground level**” means the level of the surface of the ground immediately adjacent to the building or structure or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it.
- b) All dimensions are based on external measurements.

Will alterations or an extension to a house which result in its enlargement require planning permission?

1. Any enlargement of a house involving a **single storey ground floor extension**, (including any necessary alteration to the roof) does not require planning permission (i.e. it is ‘permitted development’) unless:
 - (a) The development would be within a conservation area; or
 - (b) Any part of the development would be within 1 metre of the boundary of the curtilage of the house and it would extend beyond the line of the wall forming part of the rear elevation that is nearest to that boundary by more than:
 - (i) 3 metres in the case of a terraced house; or
 - (ii) 4 metres in any other case;
 - (c) The eaves height of the development would exceed 3 metres; or
 - (d) The height of any part of the development would exceed 4 metres; or

- (e) The area of ground covered by the resulting house would be more than twice the area of ground covered by the original house; or
 - (f) The area of ground covered by the resulting development within the front or rear curtilage of the house (excluding the original house and any hard surface or decking area) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original house and any hard surface or decking); or
 - (g) Any part of the development would be forward of a wall forming part of the principal elevation or side elevation, where that elevation fronts a road.
2. Any enlargement of a house involving a **ground floor extension consisting of more than one storey** (including any alteration to the roof) does not require planning permission unless:
- (a) It would be within a conservation area; or
 - (b) Any part of the development would be within 10 metres of the boundary of the curtilage of the house; or
 - (c) As a result of the development, the height of the enlarged house would exceed the height of the existing house, when measured at the highest part of the roof (excluding any chimney); or
 - (d) The area of ground covered by the resulting house would be more than twice the area of ground covered by the original house; or
 - (e) The area of ground covered by the resulting development within the front or rear curtilage of the house (excluding the original house and any hard surface or decking area) would exceed 50% of the area of the front or rear curtilage respectively (again excluding the original house and any hard surface or decking); or
 - (f) Any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road.
3. The erection, construction or alteration of any **porch** outside any external door of a house does not require planning permission unless:
- (a) It would be within a conservation area; or
 - (b) Any part of it would be within 2 metres of a boundary between the curtilage of the house and a road; or
 - (c) Any part of the development would exceed 3 metres in height; or
 - (d) Its footprint would exceed 3 square metres.

Note: an extension to an existing porch is not covered by this category.

4. Any enlargement of a house by way of an **addition or alteration to its roof** does not require planning permission unless:
- (a) It would be within a conservation area; or
 - (b) It would be on a roof plane and would be within 10 metres of the boundary of the curtilage of the house which that roof plane fronts; or
 - (c) The height of the altered/extended house would exceed that of the existing house, when measured at the highest part of the roof (excluding any chimney); or
 - (d) Its width would exceed half the total width of the roof plane, measured at the eaves line; or
 - (e) Any part of the development would be within 0.3 metres of any edge of the roof plane; or
 - (f) It would be on a roof plane forming part of the principal elevation or side elevation, where that elevation fronts a road.

Will alterations or an extension to a house not resulting in its enlargement require planning permission?

1. The erection, construction or alteration of any **access ramp** outside an external door of a house does not require planning permission unless:
- (a) It would be within a conservation area or within the curtilage of a listed building; or
 - (b) The combined length of all flights and landings forming part of the access ramp would exceed 9 metres; or
 - (c) Any part of the ramp would exceed 0.4 metres in height; or
 - (d) The combined height of the ramp and any wall (excluding any external wall of the house), fence, balustrade, handrail or other structure attached to it would exceed 1.5 metres; or
 - (e) The combined length of all flights forming part of the access ramp would exceed 5 metres.
2. Any improvement, addition or other alteration to the **external appearance** of a house that is **not** an enlargement does not require planning permission unless it would:
- (a) Be within a conservation area; or
 - (b) Protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of the house; or
 - (c) Be a wind turbine; or
 - (d) Be a balcony; or

- (e) Be on the roof and would result in a raised platform or terrace; or
- (f) Involve materials used for any roof covering which are not as similar in appearance to the existing roof covering as is reasonably practicable; or
- (g) Be an access ramp; building works within the curtilage; a flue for a biomass or combined heat & power system; an air source heat pump within the curtilage; or a CCTV camera. [These works are all dealt with under other categories of permitted development].

Will proposals which comprise other forms of development within the curtilage of a house, and which are not covered by any of the above categories, require planning permission?

1. The provision **within the curtilage of a house** of a **building** for any purpose incidental to the enjoyment of that house or the alteration, maintenance or improvement of such a building does not require planning permission unless:
 - (a) It would be a dwelling; or
 - (b) Any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road; or
 - (c) The height of the eaves would exceed 3 metres; or
 - (d) Any part of the development would exceed 4 metres in height; or
 - (e) Any part of the development within 1 metre of the boundary of the curtilage of the house would exceed 2.5 metres in height; or
 - (f) The area of ground covered by development within the front or rear curtilage of the house (excluding the original house and any hard surface or decking) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original house and any hard surface or decking); or
 - (g) In the case of land in a conservation area or within the curtilage of a listed building, the resulting building would have a footprint exceeding 4 square metres.
2. The carrying out of any **building, engineering, installation or other operation within the curtilage of a house** for any purpose incidental to the enjoyment of that house does not require planning permission unless:
 - (a) It would be within a conservation area or within the curtilage of a listed building; or
 - (b) Any resulting structure would exceed 3 metres in height; or
 - (c) As a result of the development the area of ground covered by development within the front or rear curtilage of the house (excluding the original house and any hard surface or decking) would exceed 50% of the area of the front or rear curtilage respectively (excluding the original house and any hard surface or decking); or
 - (d) Any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road; or

- (e) It would be an incidental building; an incidental hard surface; decking; a gate or form of enclosure; an air, ground or water source heat pump within the curtilage; a free-standing wind turbine; or a means of access to a road. [These works are all dealt with under other categories of permitted development].
3. The provision within the curtilage of a dwelling of a **hard surface** for any purpose incidental to the enjoyment of that house or the replacement in whole or in part of such a surface does not require planning permission unless:
- (a) It would be within a conservation area or within the curtilage of a listed building; or
 - (b) The hard surface would be located between the house and a road bounding the curtilage of the house and:
 - i) The hard surface is not made of porous materials; and
 - ii) There is no provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the house.
4. The erection, construction, maintenance, improvement or alteration of any **deck or other raised platform** within the curtilage of a house for any purpose incidental to the enjoyment of that house does not require planning permission unless:
- (a) Any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road; or
 - (b) The floor level of any part of the deck or platform would exceed 0.5 metres in height; or
 - (c) The combined height of the deck and any wall, fence, balustrade, handrail or other structure attached to it, would exceed 2.5 metres; or
 - (d) In the case of land within a conservation area or within the curtilage of a listed building, the deck or platform would have a footprint exceeding 4 square metres.
5. The erection, construction, maintenance, improvement or alteration of any **gate, fence, wall or other means of enclosure** any part of which would be within or would bound the curtilage of a house does not require planning permission unless:
- (a) It would be within, or bound, the curtilage of a listed building; or
 - (b) It would be within a conservation area; or
 - (c) Any part of the resulting gate, fence, wall or other means of enclosure would exceed 2 metres in height; or
 - (d) Any part of the resulting gate, fence, wall or other means of enclosure would exceed one metre in height where it:
 - (i) fronts a road; or
 - (ii) extends beyond the line of the wall of the principal elevation or side elevation that is nearest a road; or
 - (e) It replaces or alters an existing gate, fence, wall or other means of enclosure and exceeds whichever is the greater of the original height or heights described in paragraphs (c) and (d) above.

Will development comprising any improvement or other alteration to the external appearance of a flat require planning permission?

1. Planning permission is not required unless:

- (a) It would be an enlargement; or
- (b) It would be within a conservation area or within the curtilage of a listed building; or
- (c) It would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney; or
- (d) The dimensions of an existing window or door opening would be altered; or
- (e) It would be a balcony; or
- (f) It would be on the roof and would result in a raised platform or terrace; or
- (g) It would be a wind turbine; or
- (h) It would be flue, forming part of a biomass heating system or combined heat and power system; an air source heat pump within the curtilage; or a CCTV camera.
[These works are all dealt with under other categories of permitted development].

Notes:

- 1. The new rules will not apply to development begun before 6th February 2012 provided it is completed by 6 August 2012.
- 2. A 'Certificate of Lawful Use and Development' under either Section 150 or 151 of the Town and Country Planning (Scotland) Act 1997 is a formal determination which provides a definitive position concerning the lawfulness of any existing (s.150) or proposed (s.151) use or operations under planning law. A fee is payable which is equivalent to half the relevant planning application fee where the development has not been carried out, and the full fee if it has.

Contact details for further information:

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