Ashfield
DISTRICT COUNCIL

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Residential Extensions Design Guide

Supplementary Planning Document

November 2014

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1.0 Introduction

1.1 A Supplementary Planning Document (SPD) is a document which contains additional detail on how the Local Planning Authority (LPA) will interpret and apply specific policies in its Local Plan. A SPD cannot include any new policies that do not currently form part of the Local Plan, and does not form part of the Local Plan. However, it is a material consideration in the determination of planning applications. Applicants are advised to refer to the contents of the SPD as this will provide guidance on how the Council will carry out its decision making functions.

1.2 This SPD relates to the design of residential extensions and other householder related development constructed throughout the District. It is the intention that once adopted, this SPD will replace the existing Supplementary Planning Guidance Note 2 (SPG) – Residential Extensions (August 1996).

2.0 Policy Background

2.1 This Supplementary Planning Document (SPD) sets out the guidelines used in determining planning applications for alterations and extensions to residential properties. It should be read in conjunction with other planning policies, which are set out below.

2.2 One of the fundamental aims of the planning system is to deliver high quality, and well designed development that makes a positive contribution to its surroundings, creating better shaped places for the future. The need for high quality design is embedded in the National Planning Policy Framework (NPPF). Design is one of the core planning principles (paragraph 17) with more detailed advice set out in the Part 7 "Requiring Good Design".

2.3 The Ashfield Local Plan Review, 2002 (ALPR) was adopted in November 2002. A number of policies within the ALPR are 'saved' policies under the provisions of the Planning & Compulsory Purchase Act 2004; Schedule 8(1(3))1. Due weight can be given to these policies under NPPF paragraph 215, according to their degree of consistency with the NPPF.

2.4 Saved policies within the document include those that ensure extensions or alterations to existing residential properties will not adversely affect the visual amenity of the locality, the residential amenity of neighbouring properties or highway safety. The main policy consideration in relation to residential extensions is Policy HG7 – Residential Extensions.

2.5 The guidelines contained within this SPD will not only help applicants/architects obtain planning permission, but will also help achieve a high standard of design which fits in with the character of a property, the neighbourhood and does not detract from the amenities of the neighbouring properties.

[1] The saved policies in the Ashfield Local Plan Review 2002 are identified on the Council's website

3.0 General Design Principles

3.1 A poorly designed extension can spoil the appearance of a property and the street scene. This SPD offers basic design guidance to householders wishing to extend their property or erect freestanding buildings such as garages and sheds in their gardens.

3.2 It is stressed at this point that the following information is for guidance purposes only and is not intended to be applied rigidly in each case, as each proposal will be considered on its own merits.

3.3 For the purpose of this SPD an extension refers to any physical enlargement of a property, including conservatories, garages, car ports, rooms in the roof and porches, as well as sheds, greenhouses and other outbuildings.

3.4 When designing an extension consideration should be given to how it will relate to the existing dwelling and the general area and street scene. An extension should be designed so that it looks as if it is part of the original house and not an obvious addition. Extensions should be in scale, proportion and character with the original dwelling. Such extensions should have window and door openings in similar proportion to those in the existing property, a traditional roof design, and be well related to the original dwelling. Matching materials will generally be the most appropriate. An extension should not be constructed in a position where it would interfere with an adequate standard of visibility for road users or vehicles emerging from a property.

Well designed two storey side extension, with appropriate use of materials

Architectural Details

3.5 Extensions should be sensitive to the proportions of the existing house and echo its architectural details such as:

- course of decorative brickwork
- window design and window pattern
- bay or feature windows
- use of stone detailing
- types of eaves
- barge-boarding on gables
- decorative ridge or hip tiles/pantiles
- the range of materials and how they have been applied.

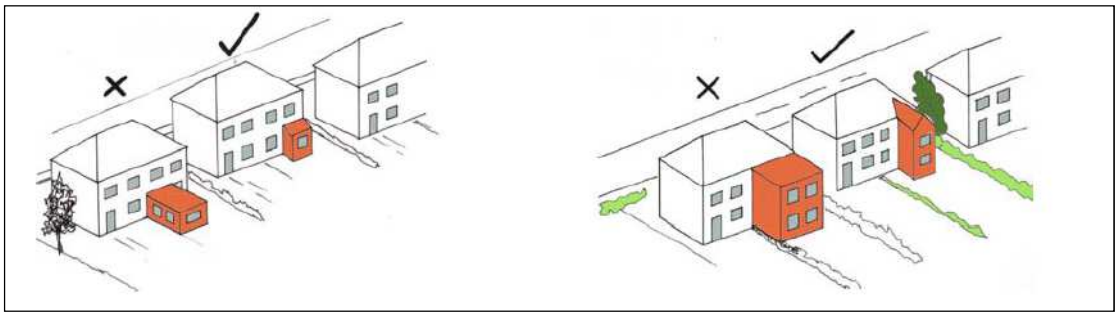
Rear Extensions

3.6 Planning applications for the erection of single, two and three storey extensions to the rear of properties should incorporate the following design principles.

3.7 **Size, Massing and Roofs** - Should aim to avoid overlarge extensions, they should be smaller in scale than the main dwelling and be in harmony with it.

- The roof of the extension should normally be the same design as the existing property with matching brick, eaves and verge details.

- Flat roofs commonly have a shorter lifespan than pitched roofs and can attract higher maintenance costs, although modern building materials and methods can improve both life span and maintenance costs. In general, the Council does not encourage flat roofs. However they may be suitable for a single storey rear extension or other location where the roof form would not be prominent, especially if there are other examples of flat roofs in the surrounding area.



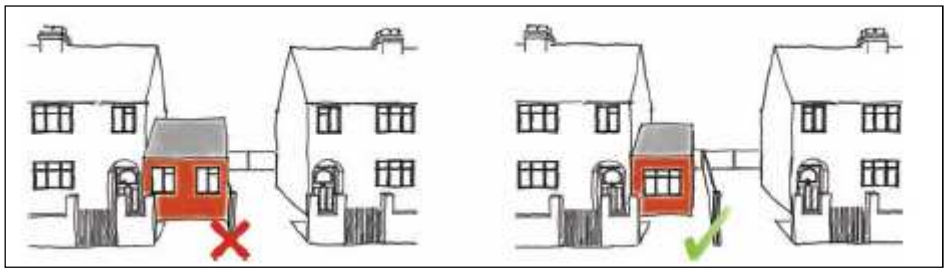
3.8 **Windows and Doors** - These should match as closely as possible the design and scale of the originals. In older properties, every effort should be made to use traditional style windows and doors that are in keeping with the period of the building. See separate section for listed buildings and buildings in conservation areas.

3.9 **Materials** - Walling and roofing materials should match as closely as possible those of the existing property.
Mortar joints between brick/stone courses should be finished flush or slightly recessed from the face of the brick/stone work.

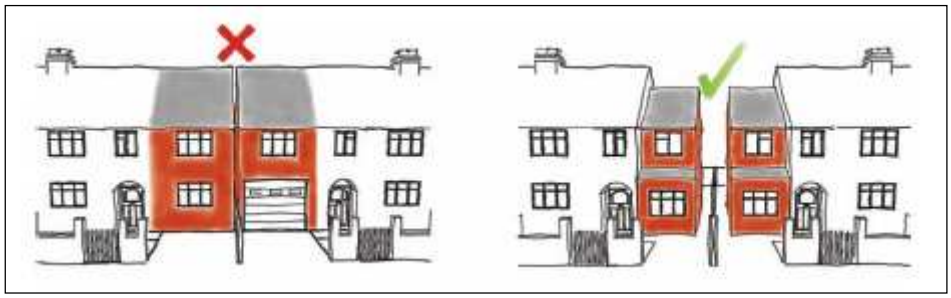
Side Extensions

3.10 One of the most characteristic features of any residential area is the space between houses. The filling in of these spaces with side extensions can significantly harm the balance between buildings and the appearance of the street. The following principles should be taken into consideration.

3.11 **Size and Massing** - The scale of the side extension should be subordinate to the original dwelling and the character should be maintained by using a matching architectural style.



3.12 **Set Back** - Two storey side extensions can have a significant effect on the street scene. The loss of the gap between detached or semi-detached properties can create the impression of a continuous frontage called the ‘terracing effect’. This can be out of character with the appearance of the area and is usually best avoided. To overcome this, the size of the extension may need to be reduced to leave a visual gap between houses. Alternatively, the extension may be set back significantly from the front wall of the original house.



3.13 **Roof -** The roof of a proposed extension should reflect the roof style of the existing dwelling. If the existing dwelling has a hipped roof the proposed extension should also incorporate a hipped roof. Flat roofed extensions normally look out of place and consequently will not generally be acceptable on side extensions.

Side extension subordinate to the main dwelling, with the use of appropriate matching materials

Front Extensions and Extensions on Corner Plots

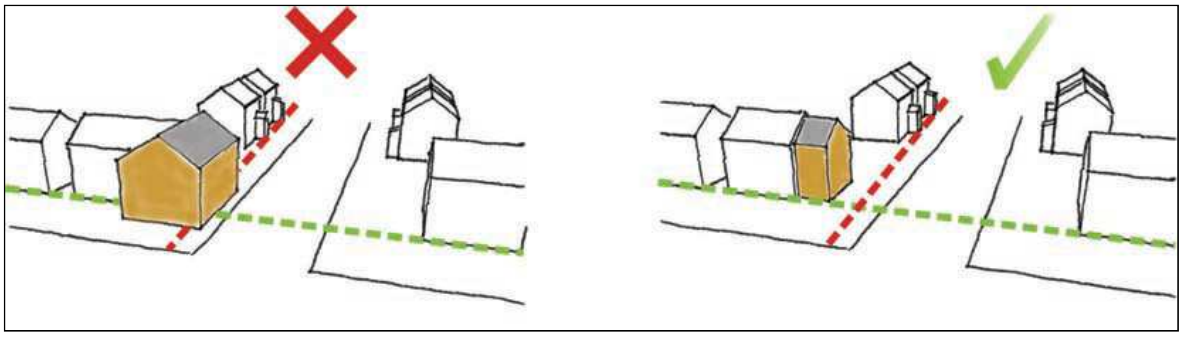
3.14 The front of the dwelling and side (on corner plots) is usually the most sensitive in design terms to any alteration. The proximity of the dwelling to the highway and the appearance of the elevations facing the highway are important elements in defining the character of the street scene. The following principles should be taken into consideration.

3.15 **Size and Massing** – In relation to size and massing:

- Extensions need to be carefully designed so to complement the original dwelling, with particular attention to the scale in terms of their relationship to the existing dwelling and the street scene. A side extension at a corner site must not encroach beyond the established building lines on either street, which would adversely impact upon the character of the locality.

- Modern residential layouts are encouraged to introduce dwellings at varying distances from the highway, which generally makes for a more varied and interesting street scene. In some cases a well designed extension can add interest to a dwelling with a flat or bland frontage. On older street patterns however, where dwellings follow a regimented line, a poorly designed extension could appear unduly prominent and incongruous in the street scene.

- On corner plots an extension should generally not take up more than half the width between the dwelling and the road.



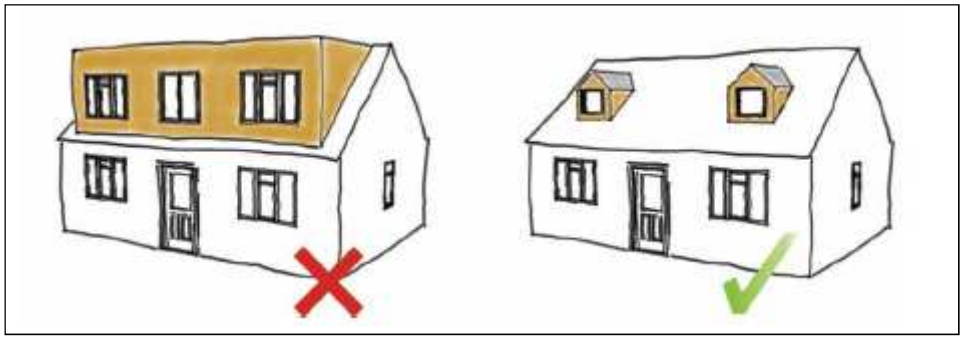
3.16 **Roof -** Pitched roofs will be required in virtually all cases, flat roofs in prominent positions such as front elevations will almost certainly appear as incongruous features, poorly related to both the existing property and the street scene. The scale of pitched roofs on the front elevation is also very important, since over large constructions can also look out of character with the dwelling and street. As with all extensions it is important to ensure that they are designed subservient to the main dwelling.

3.17 **Materials -** For extensions situated to the front of an existing dwelling or corner plots, it is especially important to ensure that the materials of construction match as closely as possible to those of the existing dwelling.

Roof Extensions/Dormer Windows and Roof Lights

3.18 Dormer windows can alter the scale and character of a building to a dramatic effect, particularly on the front elevation where they occupy elevated and prominent positions on both the dwelling itself and the street scene. The following principles should be taken into consideration:

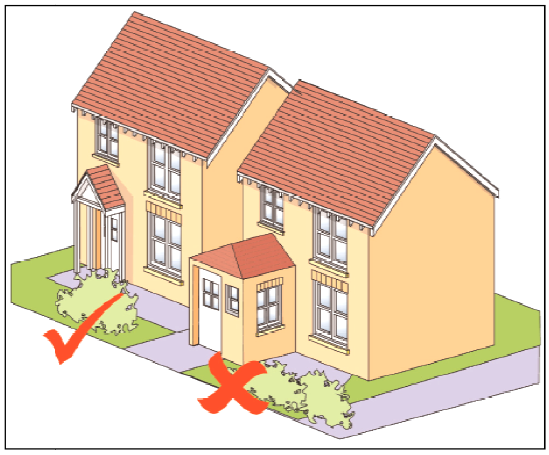
- Front dormer windows are unlikely to be acceptable unless they are a characteristic feature of the locality or a feature of the original dwelling.
- Dormer windows should be as small as possible and closely related to the scale, vertical positioning and design of the existing windows situated below within the main dwelling.
- Dormer windows should never appear as a large flat roofed box. They should be sub-servient to the existing roof, and they should never project above the ridge line of the existing roof.
- Traditional designed pitched roof dormers are more likely to be acceptable.
- Where there is a potential for overlooking it may be necessary to obscure glaze windows or raise the sill height of the windows.



Some rear and side dormer windows are often 'permitted development' and do not require formal planning consent. For further information please refer to the Planning Portal https://www.gov.uk/planning-permission-england-wales.

Porches

3.19 Porches to the front elevation should be well designed so as to give the appearance of being an integral part of the main structure and not an inappropriate add on.



3.20 Small porches are often 'permitted development' and do not require formal planning cconsent. For further information please reefer to the Planning Portal https://www.gov.uk/planning-permission-england-wales

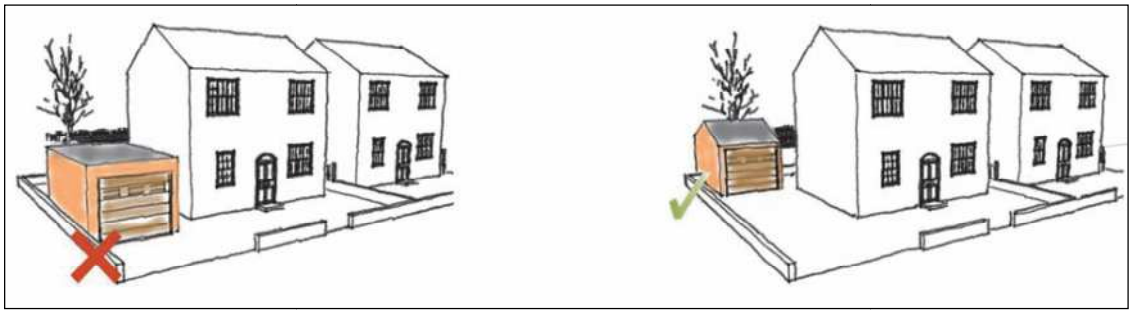
Garages and Ouutbuildings

3.21 The design and siting of garages and outbuildings (i.e. sheds, greenhouses) is important as their impact on the character and appearance of the property can be considerable. The following principles should be taken into consideration.

3.22 **Siting -** In terms of siting:

- Garages and outbuildings are utility buildings and should generally not be sited between the main front elevation of the dwelling and the road or footpath. It may in certain circumstances be appropriate to site a garage forward of the dwelling, if this can be achieved without appearing unduly prominent in the street scene and where it enhances an already varied street scene.

- Buildings should be modest in size and subordinate in scale to the existing dwelling, particularly when sited in front of a dwelling.



3.23 **Materials -** Detached garages should be suitably related to the main dwelling in both form and materials, and it may be possible to provide a

visual link by joining the two buildings by a walkway or a wall. Sectional garages may be acceptable in some areas and situations, if they are unobtrusive in relation to public vantage points.

3.24 **Roofs -** Pitched roofs will always be preferable and essential in prominent locations.

3.25 Some garages/outbuildings are often 'permitted development' and do not require formal planning consent. For further information please refer to the Planning Portal https://www.gov.uk/planning-permission-england-wales

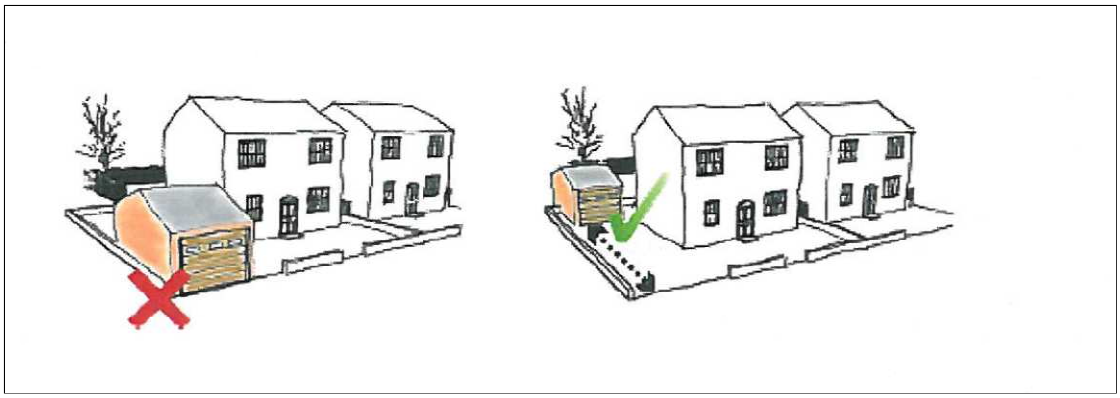
3.26 Garages are flexible spaces that can provide secure parking, although they are often used for domestic storage or sometimes converted to additional living accommodation. Garages should be large enough to accommodate a vehicle and should also contain a small amount of storage space.

3.27 Where possible, vehicles must be parked off the highway. When a proposed extension includes the provision of a new garage, minimum garage setback distances should be provided. This will allow sufficient space to park a car clear of the highway and permit the cleaning, loading and unloading of the vehicle without obstructing the highway, and provide an additional space for use by visitors or to accommodate a second car. Table 1 below sets out the minimum standards which are widely used by other Local Authorities in Nottinghamshire and Derbyshire.

Garage Door Type	Minimum set-back (m)
Roller Shutter/sliding/inward opening	5.5
Up and Over	6.1
Hinged outward opening	6.5

Table 1 – Minimum Garage Setback Distances
Source: 6Cs Highway Design Guide 2010

3.28 The loss of a garage/parking space would be likely to lead to an increase in on-street parking to the general detriment of highway safety. Extensions will not normally be permitted if they result in the loss of off-street parking facilities, unless adequate alternative space is available within the application site. The creation of a hard standing on the front of a property can be unsightly and intrusive in the street scene, therefore if such is provided as part of any development, the use of appropriate surfacing materials and landscaping details will need to be submitted as part of the application.



Example of 6.1m garage setback distance (up and over door)

3.29 Where an access is to be gated, the gates should be set back 5m where they open inward and 6m where they open outwards. This is to ensure that the public highway (particularly areas used by pedestrians) is not obstructed if a vehicle is parked on the access in front of the gates.

4.0 Amenity

4.1. The NPPF (paragraph 17) states that one of the core planning principles of the planning system is to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.2. Subtle changes in ground level, differences in the orientation of neighbouring buildings, the position of windows serving habitable rooms and the location of private amenity space can all be factors that influence whether an extension will impact on neighbouring properties. It is important to make certain that a development does not have a significant adverse impact on neighbouring amenity.

4.3. It should not be assumed that because there are similar householder developments in the surrounding area that this sets a precedent, as every site is different and every planning application is judged on its own merits.

4.4. The following are some general principles which should be considered carefully when designing an extension.

4.5. **Overlooking -** This occurs where there is inadequate distance between windows in the proposed extension and a neighbour's window or amenity area resulting in loss of privacy. An extension should not unduly intrude on the privacy of neighbouring property by overlooking. The siting of windows in all new extensions, particularly those above ground floor level, should avoid intrusive overlooking. For this reason, balconies are unlikely to be acceptable. Should obscure glazing be considered as acceptable mitigation, this will be required at level 5 obscurity.

4.6. **Separation Distances** - New development should retain a satisfactory degree of privacy and daylight so that residents are not unduly affected. To achieve this, minimum separation distances should be maintained between houses, and in particular, between main aspect windows lighting primary habitable rooms. Main aspect windows are the main source of outlook and light to a room and are generally not obscure glazed.

4.7. Habitable rooms (served by main aspect windows) are the main rooms used within a dwelling and include:

- Living rooms
- Dining rooms
- Kitchens
- Bedrooms
- Other rooms not defined as non-habitable rooms

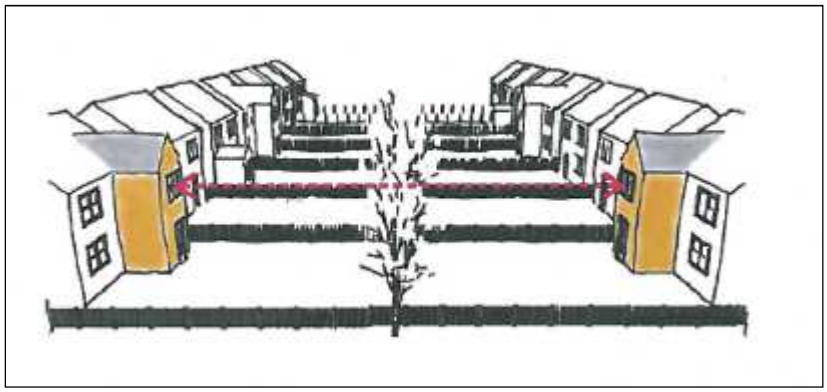
They do not include (secondary or side aspect rooms):

- Bathrooms

- Utility rooms
- Circulation spaces (hallways, stairs and landings)
- Garages
- Small secondary windows to lounges and dining rooms.
- Blank elevations

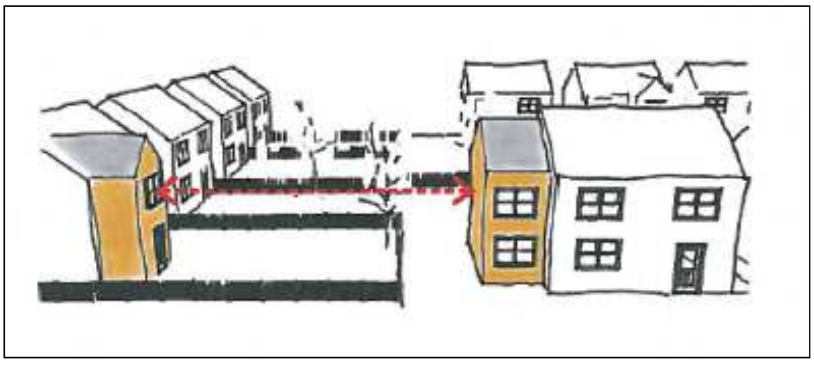
4.8. In order to achieve a reasonable degree of privacy and provide adequate daylight/sunlight, the following distances between two habitable rooms will normally be required:

a) Where two habitable rooms face each other such that direct overlooking is physically possible, the windows should be a minimum of 21 metres apart.



Minimum distance of 21m between habitable room windows

b) Where a window in a habitable room faces a secondary or side aspect window, a minimum distance of 12 metres will normally be required. It also includes blank elevations.

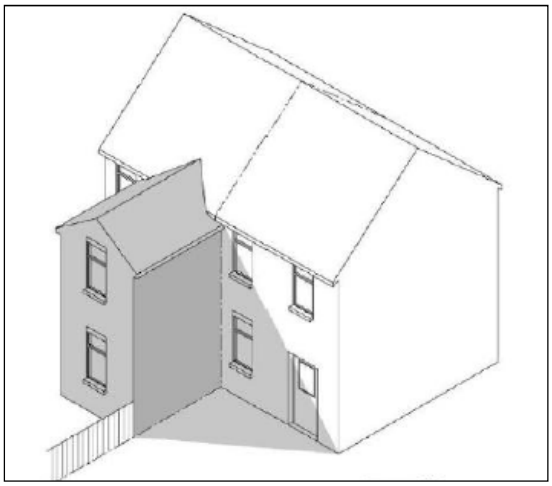


Distance of 12m between habitable room window and secondary/side aspect windows (including blank elevations)

4.9. On sloping sites, on sites with differences in site levels or buildings of different storey heights back onto each other there may be a need to amend these distances and/or alter the design of the proposed extension to overcome potential overlooking

4.10. Overshadowing

- Householders should note that the legal provisions afforded through the 'Right to Light' are not a planning issue. Any person concerned that their right to light may be, or is being infringed by a development should seek appropriate legal advice. The Royal Institution of Chartered Surveyors has produced guidance on Right to light, which is available at https://www.rics.org/consumer-guides/right-to-lightuk/



- Overshadowing occurs where an extension is proposed in such a location and is of such an extent or size that it would have a shadowing effect on a neighbour's property or amenity space. The extent of overshadowing will vary depending on the orientation of the proposal, its size and extent and differences in ground level.

4.11. **Massing/Overbearing -** Problems arise when the physical presence of an extension is of such a magnitude in terms of height and extent and is in such proximity to neighbouring properties that it results in loss of amenity.

4.12. Problems of overlooking, overshadowing and massing/overbearing can often be overcome by alterations to the proposal, such as relocating it away from the boundary, reducing its length, altering its roof design, removing a window, the use of obscure glazing or the introduction of boundary treatment. However, in certain cases a complete redesign of the proposal may be necessary to overcome the problem and in some cases a solution may not be possible.

Private Rear Garden Areas

4.13. Garden space of a reasonable size is just as important as the size and shape of rooms in your house. Over development of your house which leaves a significantly reduced garden can affect its 'saleability' in the

longer term. You should ensure that a single extension or cumulative smaller extensions do not result in a significant loss of garden area as this can make the plot appear cramped and out of keeping with the surrounding area. Any proposal must take this into consideration, as the Local Planning Authority would require an adequate level of private amenity/garden area appropriate for the particular type of property being extended.

5.0 The 45° Code & The 25° Degree Approach Regarding Loss of Light (Based on BRE Guidance Daylight & Sunlight)

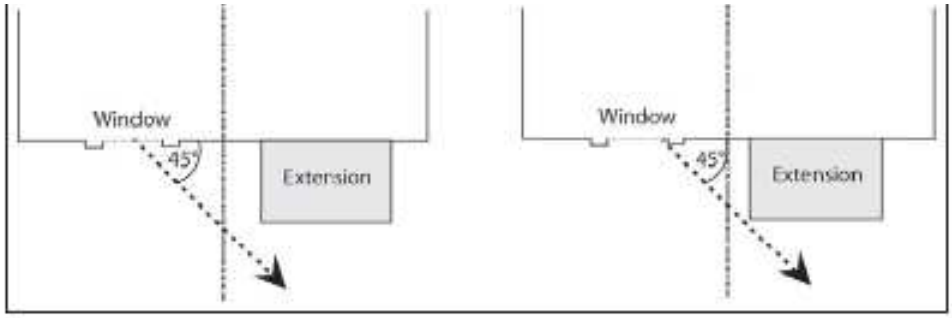
5.1 In order to achieve a reasonable balance between householders who wish to extend properties and the interests of neighbours, the Council will normally assess the impact of the extension using the 45° Code. It is considered that the Code provides clear guidance for assessing the impact of an extension on a neighbouring property. The 45° Code will normally only be applied in relation to the impact on primary windows contained within principle elevations namely front and rear elevations. Other factors such as level differences, orientation relative to sunlight, and general outlook from adjoining windows and private garden areas will also need to be taken into account. Furthermore, whilst the 45° Code will be used as guidance for assessing the likely impact on amenity, this will not be the sole means of assessment. It is an indicator and the acceptability of a development proposal will also be dependent on ground levels on site and the orientation of the buildings. The Code is outlined below and should be considered in conjunction with the illustrations.

5.2 **Single Storey Extensions -** To comply with the Code, single storey extensions should be designed so as not to cross the 45° Code Line in plan and elevation. The 45° Code is applied to the mid-point of the neighbouring property's nearest ground floor window that lights a lounge, dining room, bedroom, kitchen or study.

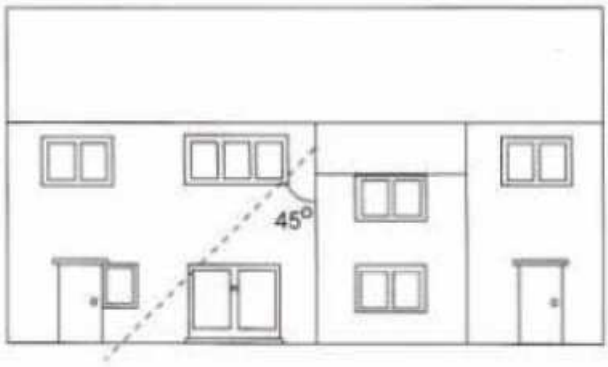
5.3 **Two Storey Extensions -** To comply with the Code, two storey extensions should be designed so as not to cross the 45° Code Line as illustrated below. The 45° Code Line is applied to the nearest edge of the neighbouring property's nearest window that lights a lounge, dining room, bedroom, kitchen or study. The Code will normally only be applied in relation to the impact of proposed extensions on primary windows located in principle elevations namely front and rear elevations. The Code will normally apply to main aspect windows serving habitable rooms. Secondary windows will be afforded less weight. The above Code will be used in conjunction with the orientation of the proposal relative to adjacent properties in order to assess massing/overbearing and overshadowing effects.

Single Storey Extension
45° from **centreline** of nearest adjacent window

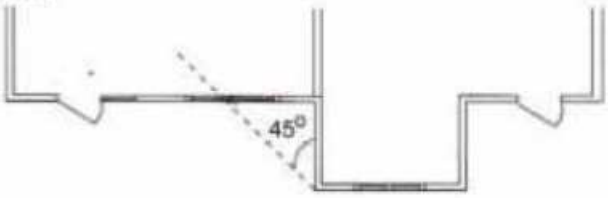
Two Storey Extension
45° from **edge** of nearest adjacent window.



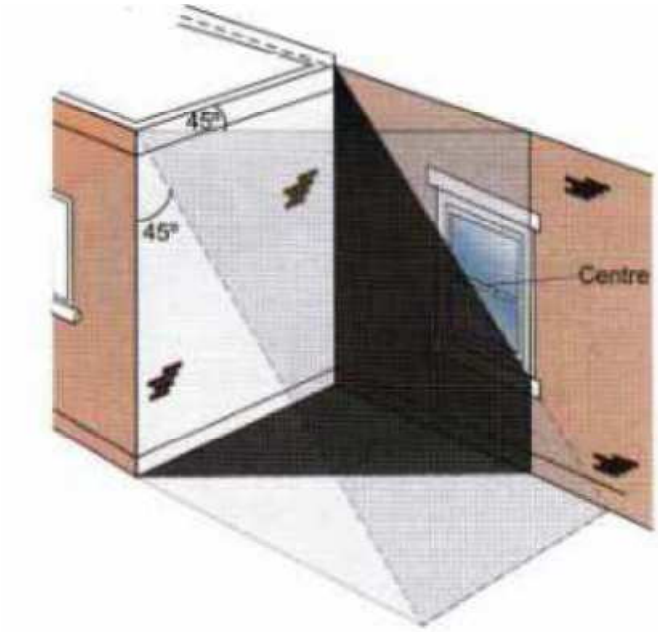
Section



Plan



In the example above a point halfway along the pitched roof slope is used to start the 45° line on the elevation. The extension will significantly reduce light through the patio door.

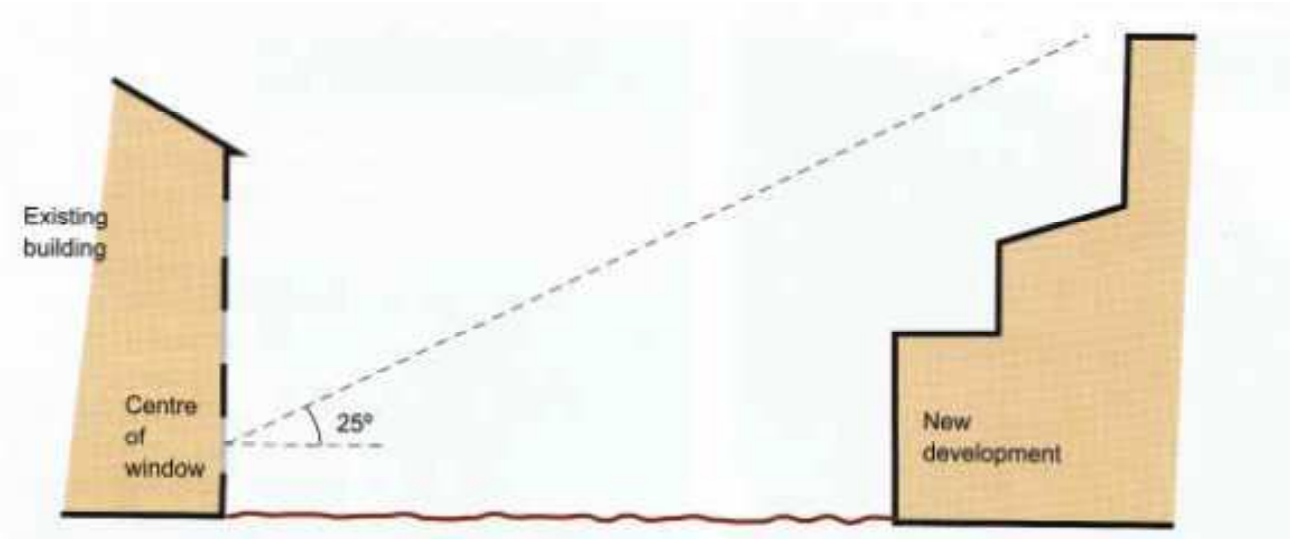


For this extension a significant amount of light is likely to be blocked by the proposal as the centre of the window is within the 45^{o} angle on both plan and elevation

Loss of Light to Existing Windows

5.4 New development should be designed so that new buildings or extensions to existing buildings stand a reasonable distance from the boundary of the property so not to block an unreasonable amount of light from any existing windows of neighbouring properties.

5.5 The 25^{o} approach can be used when development is opposite a window. Taken from the centre of the lowest habitable room, if the proposed development falls below a line drawn at a 25^{o} angle from the horizontal there is unlikely to be a significant effect on daylight and sunlight. However, it is stressed that this is a guide and if development goes above the 25^{o} angle further checks may be necessary using BRE daylight and sunlight tests.



The 25 Degree Approach (Source: BRE Guide to Daylight & Sunlight)

6.0 Green Belt & Countryside

6.1 With regards to residential extensions, the NPPF indicates that the extension or alteration of a building is not inappropriate in the Green Belt provided that the proposal does not result in disproportionate additions over and above the size of the original building. The phrase 'disproportionate additions' cannot be clearly defined, as much will depend upon the circumstances of each case. However, in the case of an extension to a dwelling, a proposal will be considered to be 'disproportionate' if the development would result in an increase of more than 30% of the total floor area of the original dwelling, excluding the loft, measured externally. This measurement will be of the original structure at the time of construction or that reasonably assumed to be the original structure excluding extensions allowed under the General Permitted Development Order.

6.2 For the purpose of Policy EV1 of the Local Plan "original" means the dwelling as existing on 1st July 1948 even if the original dwelling has since been replaced. If no dwelling existed on that date, then "original" means the dwelling built after the 1st July 1948. Extensions will only be allowed under the policy where the dwelling proposed to be extended remains intact on site.

6.3 The total floor area of the original dwelling will include any garage or domestic outbuilding within the curtilage of the dwelling that is used ancillary to the main dwelling and that was erected as part of the original development and still remains intact on site. Outbuildings added at a later date, regardless of whether planning permission was required, will not be included as part of the original dwelling.

6.4 Planning application proposals for outbuildings that do not constitute permitted development under Schedule 2 part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 or any superseding legislation, shall be treated as an extension.

6.5 The Council will give consideration to the removal of permitted development rights when assessing proposals to extend a dwelling in the Green Belt.

6.6 There will inevitably be cases where 'very special circumstances' may be present which may be taken into account in considering applications which otherwise exceed the 30% floor area criteria. Such circumstances which may be taken into account include:

- the size of a dwelling. A 30% extension to a very small dwelling could be extremely small and not result in an extension of any practical value

- the extent to which the extension is justified in bringing a small dwelling up to a modern standard of floorspace and accommodation
- the design and relationship of the property to the type, scale and character of adjoining development
- whether any buildings are to be demolished as part of the development, the volume of which can be offset against the proposed extension.

6.7 Extensions or alterations to small dwellings[2] in the Green Belt should not result in the provision of large houses of suburban appearance, out of character with their rural setting and reducing the supply of smaller rural houses. In order to minimise impact, the proposed development will need to respect the design of the existing property, adjoining properties and the setting of the building. In any event, where it is accepted that 'very special circumstances' apply, extensions or alterations should not exceed 50% of the total floor area of the original dwelling.

6.8 Policy EV2:The Countryside of the Local Plan shows the types of development which are appropriate in the Countryside area not specifically designated as Green Belt. The types of uses appropriate in the Countryside are largely the same as those appropriate to the Green Belt, as outlined in Policy EV1. The criteria set out above for residential extensions in the Green Belt will also apply to residential extensions in the Countryside.

[2] Where the original dwelling had a floor area of 80 square metres or less.

7.0 Conservation Areas

7.1 A Conservation Area is an area of special architectural or historic interest the character of which is desirable to preserve or enhance. To ensure the continued preservation of these areas there are stricter controls in place for all development. Proposals for extensions within a Conservation Area must respect the character of the area through maintaining high quality design detail by the use of appropriate materials, scale, form and massing.

Example of an extension in a Conservation area reflecting the existing dwelling and respecting the character of the area

7.2 Ashfield has four conservation areas: Teversal, Lower Bagthorpe, Kirkby Cross and Annesley Village. Currently conservation area appraisals have been produced for Kirkby Cross, Lower Bagthorpe, and Teversal. The appraisals set out the special character of each conservation area and provide a management plan to address any issues which have been identified. It is recommended that applicants seek information about the special characteristics of the conservation areas and the buildings within them from the relevant conservation area appraisal prior to submitting planning applications. The information contained within each appraisal will assist applicants with design issues relating to alterations to existing properties. The Conservation Area appraisals are available to view on the Council's website.

7.3 As of 1st October 2013, there is no longer a requirement to submit a separate application for conservation area consent for the demolition of an unlisted building in a conservation area. The government has changed legislation so that demolition works in conservation areas will now require planning permission. This change means that whilst the permission of the Council is still required, it is no longer necessary to submit two applications for development proposals involving the demolition and proposed works to a building in a conservation area (one for planning permission and one for conservation area consent). Unless there are very special circumstances for demolition, where properties contribute towards the character of a conservation area, the Council will rarely support applications for demolition.

7.4 Trees form important features within conservation areas and loss of tree cover can have a detrimental impact upon the appearance of the area. Any trees measuring 7.5cm diameter at a height of 1.5m from the ground within a conservation area are protected under government legislation from being topped, lopped or felled. Six weeks notice through the submission of a works to trees in Conservation Areas application will first need to be submitted to the Council. The application form can be downloaded from the Councils website.

8.0 Listed Buildings

8.1 The majority of Listed Buildings within Ashfield District are Grade II. In total Ashfield has 79 Listed Buildings, which consists of: 2 Grade I Listed Buildings; 4 Grade II* Listed Buildings; and 73 Grade II Listed Buildings. The Council's website contains a full and detailed account of Listed Buildings; this can be utilised by applicants seeking Listed Building consent. Each Listed Building record gives details of the design and materials of each property.

8.2 Listed Building Consent (LBC) is required for any alterations to a Listed Building (this includes structures within the curtilage of a Listed Building). Normal planning regulations also apply to proposals affecting listed buildings.

8.3 Alterations covered by the Planning (Listed Buildings and Conservation Areas) Act 1990 include all external works e.g. gates, walls, fencing, windows, doors; and all internal works e.g. insertion of partitions, floors, ceilings, removal/replacement of doors etc.

8.4 Development involving a listed building must ensure that it does not result in harm to the significance of a building or the special historic character of a building that warranted it being listed. Harm to a listed building can arise from a development intruding into its setting, therefore any proposed extension should give consideration to how it will be read in context of the setting of the listed building.

9.0 Flood Risk

9.1 The NPPF core principles include taking full account of flood risk. Paragraph 100 of the NPPF identifies that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

9.2 Planning Practice Guidance identifies that minor developments are unlikely to raise significant flood risk issues unless:

- they would have an adverse effect on a watercourse, floodplain or its flood defences;
- they would impede access to flood defence and management facilities, or;
- where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows. (Reference ID: 7-047-20140306)

9.3 The Planning Practice Guidance identifies that minor development for flooding includes householder development which will consist of, for example, sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling, for example subdivision of houses into flats.
(Reference ID: 7-046-20140306)

9.4 The Environment Agency's Standing Advice should be utilised for ensuring extensions or alterations are designed and constructed to conform to any flood protection already incorporated in the property, and include flood resilience measures in the design. The Standard advice identifies the following:

- Householder and other minor extensions in Flood Zones 2 and 3 should submit the Environment Agency's Flood Risk Assessment (FRSA England (national) version 3.1, Advice issued: April 2012).

- For householder applications in other area there is a low probability that there will be flood risk issues and it is unlikely a Flood Risk Assessment is required except for installing hard surfaces.

9.5 Householders wishing to install hard surfacing in front gardens which exceeds 5 square metres (i.e. 1m x 5 m) without making provision to ensure permeability will require planning permission. This means that use of traditional materials, such as impermeable concrete, where there is no facility in place to ensure permeability, requires an application for planning permission. Some of the options for achieving permeability and meeting the condition for permitted development are identified in the Department for Communities and Local Government

(CLG) guidance on permeable paving which can be found on the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

9.6 Extensions with areas prone to flooding should ensure that any extension is:

- Flood resistance or dry-proofing, which stops water entering a building.

- Flood resilience or wet-proofing, which accepts that water will enter the building, but through careful design will minimise damage and allow the re-occupancy of the building quickly. Advice is available in Improving the Flood Performance of New Buildings: flood resilient construction (2007). The Department for Communities and Local Government.

10.0 Biodiversity and buildings

10.1 Development should incorporate opportunities to enhance the local environment as conserving and enhancing biodiversity makes both environmental and economic sense. People value an environment rich in wildlife and it facilitates both physical and mental health. A good environment is reflected in both the attractiveness of a development and the potential price people are willing to pay to live in there.

10.2 Traditionally buildings have provided both roost sites for bats and nesting opportunities for birds. Bat populations have fallen considerably so that it has become necessary for all British bat species to be protected. Birds such as swifts, swallows, house martins, sparrows and starlings will all use the structure of a building to make nests. The reduction in available nesting and roosting sites is implicated in the decline of these species.

10.3 The emphasis on climate change and more energy efficient designs means that building do need to be more 'airtight' but this does not mean there has to be less space for biodiversity. With a little planning in advance, provision can be made for nesting birds and roosting bats in or on buildings. Consequently, it is important that both buildings and any extensions are designed and refurbished in a way in which biodiversity can be enhanced.

10.4 Sources of further advice on enhancing biodiversity in buildings include the following:

- Natural England identifies the Exeter Residential Design Guide SPD, an example of best practice which includes advice in Appendix 2 of the requirements for different species.

- Biodiversity by Design. A guide for sustainable communities. The Town and Country Planning Association 2004 https://www.tcpa.org.uk/

- Designing for Biodiversity: A Technical Guide for New and Existing Buildings (2nd edition) Brian Murphy, Kelly Gunnell and Carol Williams RIBA Publishing.

11.0 General Advice

Permitted Development

11.1 Extensions and other householder developments may not always need planning permission. In some cases alterations and extensions may be permissible under 'permitted development rights'. This depends on factors relating to the dimensions of the proposal, its siting, whether the house is a Listed Building or in a Conservation Area, or whether permitted development rights have been removed from the property. Initial guidance to determine whether an extension would be permitted development or would require planning permission can be found online at

https://www.gov.uk/planning-permission-england-wales

11.2 New legislation came into force on 30th May 2013 in order to temporarily relax Householder Permitted Development Rights until the 30th May 2016. This applies to domestic single storey rear extensions (between 3m and 6m for a terraced/semi detached house and between 4m and 8m for detached houses). Full details of these requirements and an application form can be viewed on the Councils website. This service is currently free of charge.

Tree Preservation Orders (TPO) & Planning Conditions

11.3 A TPO is a statutory protection afforded to trees. In general, it is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by a TPO without the local planning authority's permission.

11.4 TPOs are imposed in order to protect selected trees or woodland if their removal is likely to have a significant impact on the local environment and its enjoyment by the public.

11.5 Apart from special exceptions you (or your agent) must seek permission from the local planning authority to cut down, top, lop, uproot, a tree protected by a TPO. Therefore, if your extension affects a tree you should contact the Council to determine that the tree is not covered by a TPO. An official search of the local land charges register can also be made before you buy a property. This should reveal the existence of an order and whether a property is in a conservation area where protection is also provided to trees. (See Conservation Areas para 7.4)

11.6 A planning condition may also require trees to be planted, which may also be protected by the planning condition. If there is an doubt please contact the Council who will be able to advise on this aspect.

Article 4 Directions

11.7 In some conservation areas and other parts of the District, the Council has removed householder 'permitted development rights' by making an Article 4 Direction. An Article 4 Direction does not prevent occupiers from altering or repairing their homes. It requires planning permission to be sought before any external works are carried out.

Planning Portal

11.8 The Planning Portal provides an 'interactive house' that allows viewers to see the types of extensions and other householder related development that can be carried out without having to apply for planning permission from the Council. Householders are advised that the Government continually amends the General Permitted Development Order. It is strongly recommended that sufficient checks are made, and that the most up-to-date version of the General Permitted Development Order is being applied.

Duty Planner

11.9 The Duty Planner is available to answer your planning queries. If you would like to speak to, or visit, the Duty Planner in the main council offices in Kirkby-in-Ashfield, you can do so during the following hours.

Monday	9:00 - 17:00
Tuesday	9:00 - 17:00
Wednesday	9:00 - 17:00
Thursday	9:00 - 17:00
Friday	9:00 - 16:30

11.10 For telephone contact please call 01623 457388 or email on dutyplanner@ashfield-dc.gov.uk . It is our intention to provide an initial response to messages within one working day.

11.11 During these hours, the Duty Planner may be available to give informal planning advice to personal callers as well as telephone callers on:

- permitted development rights;
- validation requirements and planning fees;
- extensions and alterations to domestic dwellings;
- small-scale commercial development;
- small-scale advertisements;

- minor physical alterations to commercial properties;
- the council's planning policies, standards and guidelines.

The Duty Planner will not be available to:

- give written advice;
- discuss with applicants or agents the technical merits of current applications, recently refused applications or appeals;
- decide minor amendments to planning permissions.

11.12 Any advice given by the Duty Planner does not indicate any formal decision by the Council as local planning authority. Any views or opinions expressed are given in good faith, without prejudice to the formal consideration of any planning application following statutory public consultation, the issues raised and evaluation of all available information.

Pre-Application Advice

11.13 Ashfield District Council welcomes the opportunity to have pre-application discussions to guide development positively and highlight areas for improvement. Early intervention can save time and money later on.

11.14 Pre-application advice incurs a cost for the Council and Section 93 of the Local Government Act 2003 allows Local Planning Authorities to charge for offering a service of pre-application advice. A fee was introduced by the Council in May 2013 and will be required for the processing of pre-application enquiries.

11.15 For householder development, the Planning department offers a Planning Questionnaire which will determine whether or not you require planning permission for your proposal. There is no fee required for the submission of a planning questionnaire. The advice is given on an informal basis and without prejudice to the Authority. Should you require a formal determination as to the need for planning permission, then an application for a Certificate of Lawfulness of a Proposed Development should be submitted. The necessary forms are available on the Councils website and these should be returned together with the necessary plans and fee.

11.16 If you do need planning permission it may be beneficial to contact a planning officer in writing or by e-mail to discuss your proposal prior to submitting a formal planning application. This service will incur a fee of £48 including VAT (at October 2014), which would be off-set against the fee of a future planning application. The written response will

provide advice on the likelihood of planning permission being granted and will also draw attention to the key matters that will be assessed in considering any planning application.

Planning Enforcement

11.17 Development is sometimes carried out without planning permission or in a way that does not comply with the plans approved or the conditions imposed by the Council. However, not all development requires planning permission and in such cases the Council may not be able to take any action. In cases where unauthorised works have been carried out, the Council will normally give those responsible the opportunity to correct the situation and will consider the submission of a retrospective planning application to keep the works already carried out.

Building Regulations

11.18 The Building Regulations apply to most types of building work. Minimum standards are set for the design and construction to ensure the safety and health of people in and about buildings. They also include requirements to ensure that fuel, power and water is conserved and facilities are provided for people, including those with disabilities, to access and move around inside buildings.

11.19 Certain types of building working are exempt from the provisions of Building Regulations providing they satisfy specific size and design criteria. Some porches, conservatories and detached buildings do not require consent. However, in order to check whether your particular proposal is exempt, you are advised to complete a householder questionnaire. The Council's Building Control department offer free pre-application advice (up to one hour) and are always happy to discuss your proposals prior to works starting. If you have any queries about Building Regulations, please do not hesitate to contact the Council's Building Control department on 01623 457394, and one of the team will be happy to help.

11.20 Applications can be submitted by post to: Building Control, Ashfield District Council, Council Offices, Urban Road, Kirkby in Ashfield, Nottinghamshire, NG17 8DA, via email: bcadmin@ashfield-dc.gov.uk or over the telephone 01623 457333. There is a standard scheme of charges for certain common types of work. However, an individual quotation can be given where necessary. Guidance is available on the Councils website on the types of applications and the services offered, together with current fees. Go to https://www.ashfield.gov.uk/planning-and-building-control/ for more information.

Party Wall Act 1996

11.21 Gaining planning permission and /or Building Regulations does not remove the need to comply with the Party Wall Act 1996 where it is applicable. Reaching agreement with the adjoining owner(s) under the Act does not remove the possible need to apply for planning permission or to comply with Building Regulations. The booklet "The Party Wall etc Act 1996: explanatory booklet" is available to download from https://www.gov.uk/planning-permission-england-wales. It may be advisable to talk to your solicitor before works commence if you believe that your development involves a party wall.

Building near watercourses

11.22 Watercourses are classified as follows:-

- **Main Rivers** are watercourses which are the responsibility of the Environment Agency. In Ashfield they comprise the following:

  - River Erewash from Park Lane, Kirkby in Ashfield
  - River Leen from Castle Mill Farm, Papplewick.
  - Baker Lane Brook from the Hucknall By-pass, Hucknall.

  The term main river also includes any structure in the bed or bank of the watercourse that controls or regulates the flow into or out of a main river. The Midlands Region of the Environment Agency has Land Drainage Byelaws that require persons to obtain consent for activities in or adjacent to main rivers and their floodplains. Activities include erection of fences, tree planting, disposal of rubbish, excavation affecting the beds and banks of the river. Therefore, anyone wishing to undertake work in a floodplain or in, under, over or within eight metres of a main river to should contact the Environment Agency to apply for Land Drainage Consent.

  Further information is available in the Environment Agency "Living on the Edge' guide which explains your rights and responsibilities in relation to riverside ownership.

- **Ordinary Watercourses** are all those watercourses that are not designated as main rivers. Changes to an ordinary watercourse which may affect flow or flood risk will require written consent from Nottinghamshire County Council, as the Lead Local Flood Authority, prior to carrying out such works. This can include erection or alterations to bridges, culverts, weirs, trash screens, pipes crossings in channel or any other obstruction to the flow of an ordinary watercourse as any change has the potential to increase flood risk to people and property.

	Consent Required **Weir/Dam** or impoundment or temporary works that obstruct flow Under Section 23 1 (a)
	Consent Required **Bridge/Decking** (where soffit level is below bank top level) Under Section 23 1 (a) if it has the potential to affect flow.

Two examples of where consent is required under the Land Drainage Act 1991.

Flood risk management authority can designate a feature on your land as a flood risk management asset, for example a garden wall where it can help to reduce flood risk. Features and structures that have been designated as an asset cannot be altered, removed or replaced without the consent of the responsible authority. Nottinghamshire County Council maintains a register of structures or features which in the opinion of the authority, is likely to have a significant effect on a flood risk in its area.

You are recommended to contact Nottinghamshire County Council's Flood Risk Management Team before carrying out any work which will impacts on an ordinary watercourse (Tel: 0115 977 4590 or flood.team@nottscc.gov.uk)

Covenants

11.23 Necessary checks should be made to ensure that land proposed for development is examined for any associated covenants which may restrict development.

Submitting a Planning Application

11.24 Once a design has been finalised and it has been determined that the proposed development will require planning permission from the Council, then the relevant application forms can be downloaded from the Council's website. Alternatively, your application can be submitted electronically via the Planning Portal

11.25 All submitted application must be accompanied by sufficient information to comply with national and local validation requirements as well as the relevant application fee. The Council's validation list contains both the national and local requirements for householder applications for planning permission for works or extension to a dwelling. The validation list can be found on the Council's website. It is the responsibility of the applicant to ensure that the requirements of these lists are met. Applications which do not meet the requirements will not be validated and will face processing delays. The Councils

Scheme of Validation can be found using the following link https://www.ashfield.gov.uk/planning-and-building-control/planning-applications/apply-for-permission/

11.26 Once an application has been validated, the Council will determine a planning application for householder related development within 8 weeks.

Talk to you neighbours

11.27 It is always a good idea to discuss your proposals with your neighbours before you submit a planning application. You may be gaining living space, but this could result in loss of daylight, sunlight and/or privacy for your neighbour. Poorly placed windows or using a flat roof of a single storey extension as a balcony may seriously affect your neighbour's privacy. A solid wall close to the boundary may have an overbearing impact on your neighbour's property.

11.28 When considering the effect of an extension on a neighbour, reverse the situation and try to consider how you would feel if your neighbour were to propose a similar development. If you would consider it unacceptable, then the likelihood is that your neighbour would object to a formal planning application.

11.29 The Council notifies adjoining neighbours on the validation of a planning application and will always take into account the effect that your extension will have on the adjacent properties, whether neighbours comment on an application or not. It may also be that even if your neighbours do not object, the Council will raise concerns, ultimately leading to the planning application being refused.

Ashfield District Council

Urban Road, Kirkby in Ashfield, Nottingham, NG17 8DA

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