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Adding Value

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Welcome to this guide which should give you an understanding of how to add value to your properties and the legislation that applies to them, particularly with regard to planning permission in England

Town Planning Expert is an nationwide planning consultancy headquartered in South-East Hampshire. Our goal is to help clients achieve their aspirations by providing clear, considered and pragmatic advice based on a detailed knowledge of local and national planning policy, and insight into how decisions are made both locally and at appeal.

While we have tried to ensure that this information is as up to date as possible, legislation, particularly that introduced by local authorities, is constantly changing. You should check with us regarding the situation in specific areas.

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# Adding Value

## Introduction

## Adding Value

As a home owner, a developer or investor you should ensure that you are making the best value from your property.

Whether you are viewing properties to buy or just considering your existing house it is worth knowing what potential exists to increase value.

This may be a matter of re-configuring the internal arrangement to increase the number of rooms or to add facilities such as bathrooms, but may involve works of extension, by adding rooms or converting the roof space.

A guide such as this can only point at what may be possible and much will depend on individual properties and the scope for improvement.

While we will concentrate mainly on planning permission other legislation will also impact on what you can do, you will therefore need to consider building regulations, and the party wall act.

You should also always be aware that any property will have a ceiling on what it is worth depending on its location. While there may be significant scope to enlarge it, if it is in an area where property prices are low the cost of the works may ultimately exceed the added value.



## Planning Permission

## Adding Value

The definition of development for which planning permission is required is very broad.

The Planning Act defines development as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”

‘Development’ includes:

building operations (e.g. structural alterations, construction, rebuilding, most demolition);

material changes of use of land and buildings (see below);

engineering operations (e.g. groundworks);

mining operations;

other operations normally undertaken by a person carrying on a business as a builder.

subdivision of a building (including any part it) used as a dwellinghouse for use as two or more separate dwellinghouses

## Planning Permission

## Adding Value

The categories of work that do not amount to 'development' are set out in Section 55(2) of the Town and Country Planning Act 1990. These include, but are not limited to the following:

interior alterations (except mezzanine floors which increase the floorspace of retail premises by more than 200 square metres)

building operations which do not materially affect the external appearance of a building.

a change in the primary use of land or buildings, where the before and after use falls within the same use class.

In reality this would mean applying to the council for almost everything which would put such a strain on the system that no building work would ever get done.

A lot of minor, non-contentious, work is therefore approved by a General Permitted Development Order issued by the Secretary of State. Such work is commonly referred to as 'permitted development' which we deal with below.

## Planning Permission

## Adding Value

Do not assume however, that the fact that you have built something once under permitted development that you can automatically build the same elsewhere.

Issues such as listed buildings, national parks and conservation areas will all affect what you can and cannot build. Each council may also have its own interpretations of what is and what is not permitted development.

In addition, in granting permissions for new houses council's may remove all or some of their permitted development rights, or even in specific areas take away such rights through an Article 4 Direction, these mainly apply in Conservation Areas to control changes to doors and windows but may apply elsewhere.



## Permitted Development

## Adding Value

Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity.

Generally rights go with various types of buildings so, for example, what may be permitted on a house may require permission on a shop.

There are a range of exclusions which apply to permitted development rights in England. For instance, there are protected areas known as article 1(5) land, these cover:

conservation areas

Areas of Outstanding Natural Beauty

National Parks

the Broads

World Heritage Sites

## Permitted Development

## Adding Value

Permitted development rights are subject to national conditions and limitations (for example limits on height, size or location etc). Some permitted development rights are also in place for a limited period of time.

Where a relevant permitted development right is in place, there is no need to apply to the local planning authority for permission to carry out the work. In a small number of cases, however, it may be necessary to obtain prior approval from a local planning authority before carrying out permitted development.

Even if a scheme is held to be permitted development rights this does not override the requirement to comply with building regulations or other legislation.

## Adding Value

In some circumstances you will be required to give the council notice of your proposals. It will then advise if further information is required, usually through the submission of an application, or if you can go ahead.

The planning authority is restricted in what it can consider and if no decision is made within a specified period you can proceed as if no objection was raised.

The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established.

## Prior Approval

## Change of Use

## Adding Value

As well as building work the Planning Act classes material changes of use as development. Again a lot of minor changes are permitted through a specific Order issued by the Secretary of State. Therefore a change of a shop selling food to one selling carpets would not normally require permission, but a change to one selling hot food would.

Again such rights can be removed by a local planning authority by condition or an Article 4 Direction.

Some uses are considered so potentially harmful that they are excluded from the range of uses, these are held to be in a class of their own “sui generis”.

A material change to or from such a use will require planning permission from the local planning authority.

## Change of Use

# Adding Value

### Prior Approval

Recent changes to the Order have allowed for a change from certain uses to residential use.

In such circumstances you will however, be required to give the council notice of your proposals. It will then advise if further information is required, usually through the submission of an application, or if you can go ahead.

The planning authority is restricted in what it can consider and if no decision is made within a specified period you can proceed as if no objection was raised.

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## Change of Use

### Lawful Development Certificate

Even if work is permitted development it may be appropriate to seek a Lawful Development Certificate to confirm the fact from the local planning authority. Such documentation may speed up the sale of your property further down the line.

### Other Legislation

Even if a planning application is not needed, other consents may be required under other regimes. The following list is not exhaustive but illustrates some of the other permissions or consents that may need to be obtained before carrying out development:

- works to protected trees
- advertisement consent
- listed building consent
- hazardous substances consent
- environmental permits/licenses
- building regulations
- environmental permits/licences
- building regulations

It is the developer's responsibility, not the council's, to ensure all consents are in place before starting work.

## Adding Value

## Covenants

## Adding Value

Covenants are private matters included on the deeds of your property by which an owner can seek to restrict uses or confer rights to subsequent owners.

Covenants may be used to control further building to a property or the uses to which it can be put.

Invariably the local planning authority will not be party to such covenants. If the property in question was formerly owned by the council it may be that you have to speak to the Council's Housing or Property Department.

Your solicitor will be able to advise you if such covenants apply and the steps you would need to take to address them.

## Permitted Development Order

## Adding Value

To deal with all aspects of permitted development would be far too much for a guide of this size, we will therefore concentrate on residential permitted development as that is what we anticipate most readers will be interested in.

As indicated above such rights are however, subject to many limitations, dependent on their location, size and even when they have to be done by.

The opportunities to increase the value of your property are very wide-ranging and we have therefore sought to highlight the opportunities available to you.

Some will work for certain properties while others will apply to other properties.

In all cases before starting work we would advise referring to the Order, discussing your proposals with a planning consultant or approaching the local planning authority.

## Cosmetic

## Adding Value

Many houses only require general repairs and a lick of paint to realise their value. Such work is generally exempt from any consent.

To improve the appearance externally you may wish to consider cladding or rendering the outside walls, replacing windows or re-tiling the roof. Again, outside of conservation areas or to listed buildings, this is usually exempt. Beware fashionable additions, which may soon de-value your property, stone cladding was popular in the 1980s but is now rarely undertaken.

Landscaping, new surfacing to drives and replacement fencing may be appropriate but may require planning permission. Don't assume if you have a 2 metre hedge you can replace it with a fence the same height.

A phone call to the planning department or to a planning consultant will quickly ascertain what permission if any is required.

It goes without saying that any work undertaken should be of good quality. Botched work will have the opposite effect on the value of your house to that intended.

## Internal Alterations

## Adding Value

As indicated above internal works, unless to a listed building will not require planning permission, although Building Regulations approval may still be required.

Older properties in particular may have a very inefficient layout, with corridors and rooms larger than suit modern day living. Alternatively there may be a small kitchen next to a dining room which can be knocked though into one.

If undertaking internal changes check before removing any walls that that they are not structural.

Where properties are being considered for multi-letting the addition of en-suite bathrooms, and sub-dividing rooms to provide additional bedrooms can significantly add to your income.

# Adding Value

In most cases conversion of an integral garage to an additional room will not require planning permission.

Exceptions are where the local planning authority has imposed a condition on an earlier permission, or if you are extending the garage forward.

## Garage's



# Adding Value

For houses, not flats, outside of national parks and conservation areas, there is a wide range of extensions you can add to your property before a formal application for planning permission is required.

In general works forward of the principal elevation, which fronts a road, will need permission, however side and rear extensions are likely to be considered as permitted development.

The principal elevation will normally contain the front door and main windows.

The larger the extension or the closer it is to a boundary the more likely planning permission will be required.

In considering any extension must be had to the size of the plot in order to leave a reasonable sized garden this is particularly important for 3-bed houses and above where the property is more likely to appeal to families.

Any extensions should seek to match the existing design and materials of the main house, and regard had to the impact on neighbouring properties through overlooking and shadowing.

## Extensions

## Basements

## Adding Value

Whether basements can be built without planning permission is unclear at present, as the rules on permitted development are silent on this point.

The larger the basement the more likely permission is required. So while a small store may be acceptable, a cinema room would be likely to require planning permission.

In all cases check with your local planning department first.

Digging under an existing property will have issues regarding structural integrity of the property, ground water and flood risk, natural light and ventilation. In almost all circumstances expert advice will need to be sought.



## Loft Conversions

## Adding Value

Unless there are conditions to an earlier permission the conversion of the existing space in a roof does not need permission. Only any add-ons, such as dormer windows are counted, and even then the size allowed is very generous.

Permission will normally be required for a dormer on the front roof slope, but not on the rear subject to size limitations.

If you have hipped or half-hipped gables you can amend them to full gables without needing to seek planning permission.

Roof lights do not normally require planning permission.

Such work to a listed building, a property in a conservation area or a National Park is likely to need planning permission.

# Adding Value

It may be possible to add a storey by building over an existing property. This may occur where a bungalow sits within a row of houses, or 2 storey property is adjacent to higher properties, such as in a town centre.

Planning permission will be required in all instances.

Regard will need to be had to the character of the area, and the relationship to adjoining properties.

## Adding a Storey



# Adding Value

A material change of use of a property, including 1 dwelling to 2 or more, needs planning permission..

Many changes are however classed as permitted development, and this list has been increased in recent years to allow more commercial uses to change to residential.

Before progressing it is worth checking there are no conditions on the existing building preventing a change of

use without an application for planning permission , or an Article 4 Direction against use as a House in Multiple Occupation or office to residential.

## Conversions

## Houses in Multiple Occupation

## Adding Value

Conversion of a dwellinghouse to an HMO for up to 6 unrelated persons is covered by permitted development, however a large number of authorities, particularly in University towns have introduced Article 4 Directions, such that any change of use involving 4 or more persons needs permission.

As well as planning permission you will also need to have the property licensed

As well as requirements regarding fire safety etc., individual councils may have minimum room sizes and requirements regarding communal rooms.

## Hints and Tips

Before you start

Have floor plans drawn up preferably identifying load-bearing and non-load-bearing walls;

Identify location of services, drains etc.

Plot any trees, telegraph poles, lamp posts which may be affected.

Clarify boundaries. Do not assume that if eaves overhang your neighbour's property that you will be allowed to do the same. The grant of planning permission gives no right to go on your neighbour's property.

Identify what windows are on adjoining properties and if possible establish what rooms they serve.

Look around the area to see if similar work has been done nearby, this may give a good indication of what the council will accept if permission is required.

## Hints and Tips

# Adding Value

### Designing the work

Refer to any design guidance produced by your local council.

Consider the existing design and materials of the property and seek to match them

Consider the position of windows to ensure natural light to all rooms where possible.

Think how the property will be used so rooms work well together.

If extending the property seek a formal determination from the council to confirm you don't require planning permission, a "lawful development certificate". This will be invaluable when selling your property.

Get costings and, if for investment purposes, also seek advice as to whether you would be adding value.

Speak to your neighbours to inform them what you propose to do and take on board their concerns.

# Adding Value

## Building

Make sure any amendments made after getting permission are approved by the planning authority.

Keep neighbour's informed, and try to avoid evening and weekend working if possible.

## Hints and Tips

## Party Wall Act

## Adding Value

This Act is not a planning matter but is a private matter between owners.

The Party Wall Act provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes. The Act is separate from obtaining planning permission or building regulations approval.

The main types of party walls are:

a wall that stands on the lands of 2 (or more) owners and forms part of a building - this wall can be part of one building only or separate buildings belonging to different owners

a wall that stands on the lands of 2 owners but does not form part of a building, such as a garden wall but not including timber fences

a wall that is on one owner's land but is used by 2 (or more) owners to separate their buildings

The Act also uses the expression 'party structure'. This could be a wall or floor partition or other structure separating buildings or parts of buildings in different ownership, such as in flats.



## Party Wall Act

The Act covers:

new building on or at the boundary of 2 properties  
work to an existing party wall or party structure  
excavation near to and below the foundation level of neighbouring buildings

This may include:

building a new wall on or at the boundary of 2 properties  
cutting into a party wall  
making a party wall taller, shorter or deeper  
removing chimney breasts from a party wall  
knocking down and rebuilding a party wall  
digging below the foundation level of a neighbour's property

If this is applicable to you then advice should be sought from a specialist surveyor..

## Right to Light

### Right to Light

Although the local planning authority will have regard to any loss of light to neighbouring properties the often claimed 'right to light' is a private matter, which gives an owner rights to maintain the level of light to their property.

In effect, the owner of a building with windows that have received natural daylight for 20 years or more is entitled to forbid any construction or other obstruction that would deprive him or her of that illumination.

Legal advice should be sought if a claim of right to light is made.

## Bibliography

## Bibliography

National Planning Policy Framework

Town and Country Planning (General Permitted Development (England) Order) 2015

## About TPX

## Adding Value

Town Planning Experts is an independent nationwide planning consultancy based in South-East Hampshire.

We have significant knowledge regarding Houses in Multiple Occupation and have been successful in gaining planning permission for our clients or overturning Councils' decisions on appeal.

Our goal is to help clients achieve their aspirations by providing clear, considered and pragmatic advice based on a detailed knowledge of local and national planning policy, and insight into how decisions are made both locally and at appeal. We believe in making town planning simple!

Getting planning permission should be easy and straightforward so that you can concentrate on what is really important to you in your project. We believe that your journey through the planning process should be free and clear of obstacles. That's why we work hard to keep your risks as low as possible.

Not only are we confident in our abilities. We are also confident that you will love our customer experience. We set ourselves apart from others because we go the extra mile. Your experience is important to us so we make sure that there is nothing to trip you up, nothing hidden and nothing taken away. In short, piece of mind.

Whether you are thinking about a scheme, have difficulties in moving it forward or have run into problems with the local authority why not have a chat with us.



Contact Information:

Town Planning Expert  
14 St Georges Business Centre  
St Georges Square  
Portsmouth  
PO1 3EZ

Telephone: 02392 523352

Email: [jonmcdermott@tpexpert.co.uk](mailto:jonmcdermott@tpexpert.co.uk)  
[tanyamcdermott@tpexpert.co.uk](mailto:tanyamcdermott@tpexpert.co.uk)  
[helenmorrisruffle@tpexpert.co.uk](mailto:helenmorrisruffle@tpexpert.co.uk)

Web: [www.tpexpert.org](http://www.tpexpert.org)