

11. **Planning & Building Control** - Outlining the principles behind planning and building control and looking at the instances where consent is required when considering popular domestic works including extensions, attic conversions to garages and external decking. Also a look at Conservation Areas and Listed buildings and the potential restrictions placed on these.

The Property Doctor

Do I need permission for this?

Written by Brian Shaw, Director, Bruce Shaw Property Consultants Limited

...Many readers will have considered extending their property, undertaking an attic conversion, building a conservatory or just taking down a wall, then wondered "what approval do I need, Building Warrant or Planning Permission?" Well the answer may be both! Additionally, your building may be listed and you may even be in a Conservation Area. So where do you go from there? This short article hopefully will dispel concerns and explain some of the whats and whys of Building Control and Planning Approval.

Let's start with **Planning Permission**. Planning control is essential to ensure that development and changes in the use of land fit appropriately into the local environment and do not cause problems for neighbours. Therefore, anyone who wants to erect a new building, alter an existing building or change the use of land or a building, normally requires Planning Permission. Planning can be complex and it is wise to run your idea past your local Planning Officer. External maintenance or minor changes such as painting or replacing windows and doors do not normally require planning permission. Certain exceptions can apply if your property is Listed or in a Conservation Area or even if it is a flat! Internal works do not require Planning Permission unless the property is listed. An attic conversion, house extension or conservatory (size and house type dependant) may require approval as will most garages and carports.

If you live in a Conservation Area; this will have been designated by the Scottish Executive (Historic Scotland) as an "Area of special architectural or historic interest". This ensures the area is conserved for the future and involves more restrictions on what you can do to the building or land. As the term suggests, it is geographically designated and not all buildings will be listed.

So what is a Listed building? The list, prepared by Historic Scotland, is of "Buildings of special architectural or historic interest". When a building is first Listed the owner is informed. However, those buying a building at a later date may be unaware and it is wise to check with the Planning Department if in any doubt. If the building is Listed, then stringent planning controls apply to ensure the character is protected. Even very minor changes require "Listed Building Consent". This application process, similar to Planning Permission, involves input and scrutiny from Historic Scotland as well as the Planning Department. Depending on the importance of the building it is categorised A, B or C(s). Designation A being the most important, restrictions will likely include internal finishes.

Planning Applications are considered by your local Council and approval must be obtained before works commence. An important part of the process is notifying neighbours of a proposal, within a preset radius. Comments will in turn be taken into consideration by the Planning Officer when assessing an application.

Turning to **Building Warrants**, if you intend to erect a new building, alter or extend an existing building, change the use of or demolish a building, you will normally require permission from your local Council. Permission in the form of a Building Warrant must be obtained before starting work. A Warrant will only be granted if the work meets the Technical Standards complying with Building Standards (Scotland) Regulations 1990. The Council's Building Control Officers assess applications for compliance.

The ensuring of health, safety and welfare of people in and around buildings are the principal roles of the Building Standards Regulations. The Regulations cover drainage, structural safety, energy conservation, fire protection, means of escape, housing standards and facilities for the disabled, among many other issues. The Standards also apply to the alteration and extension of existing buildings. The Technical Standards, intended for new buildings, cannot always be achieved in existing buildings. The Council may relax the Standards in certain circumstances.

In almost all cases it is illegal to erect, alter, extend, demolish or change the use of a building without first obtaining a Building Warrant. It would be impossible to list every scenario but common ones encountered by domestic owners are: attic conversions, extensions, porches & conservatories (over 8 sq/m), garages (over 30 sq/m), works involving load-bearing walls, garden walls over 1.2m high, garden fences over 2.0m high, drainage alterations, any demolition works and any significant electrical or heating installations. There are a number of situations where even very minor work requires a Warrant, so consult Building Control first. Where a warrant is not required, any works undertaken must still comply with the Regulations.

It is worth noting that a Warrant is now required for a decking installation, if it adjoins the house and any means of access into the house is gained from crossing the deck.

There are always grey areas, we can but recommend you consult your local Planning or Building Control Officer, as a quick call will often resolve problems before they happen.

If you have any queries, or need to consult the Property Doctor please contact either Colin Bruce or Brian Shaw on 01383 824450 or by mobile (24 hours) on 07900 913975, Bruce Shaw Property Consultants Limited, 6 Forth Reach, Dalgety Bay, Fife KY11 9FF or visit us on-line at www.bruce-shaw.co.uk.