

DEVELOPMENT GUIDE

Introduction

Welcome to our Development Guide. It is designed to be a simple guide written in plain English and aimed at those wishing to develop properties either for themselves or as a business.

All this information is based on our understanding of current legislation and policy as at January 2008, however, this can be subject to change. You are therefore advised to consider this a guide only and to seek expert advice as appropriate whether directly from the council or through an Architect.

Section 1 provides you with a step by step overview to the development process as a whole.

Section 2 goes on to look at planning, whether you need it, what type you need, how to go about getting it - and how to appeal if you don't!

Section 3 then examines what Building Regulations are for and how to go about getting them. This is a huge topic and therefore we only go into a small amount of detail.

Section 4 looks specifically at Building Guarantees which are equally as essential for new builds - mortgage companies require one before agreeing to lend money to a buyer.

We hope that you find the Guide of use and would be happy to receive back any comments from you which might further improve its usefulness.

Many thanks in advance.

Bassets Sales & Lettings

1. DEVELOPMENT PROCEDURE

Developing property can be a daunting process, whether it is extending/renovating your existing property or purchasing a site and building from scratch. Property development encompasses a variety of ways in which to invest in property and you need to think about the type of development you are interested in. Perhaps you are contemplating extending your present accommodation to create more living space for your expanding family or in purchasing an empty property and renovating it for a family home. Maybe you are interested in buying a suitable property to convert into flats to let to tenants or you may have a burning desire to buy land and build your own home.

We hope that this guide will help you to think about types of development that are feasible for your personal and family circumstances and help you navigate the process from idea to completion.

Below are some tips to help guide you smoothly through the process:

- Arrange for a market appraisal of your existing property and discuss the projected value after extension or development to see whether your proposals are realistic. The valuation figures will help you to arrange funding for your proposed build, although the bank, building society or specialist lender funding the work will instruct their own surveyor to assess the values before agreeing to lend the money.
- Arrange an appointment with a professionally qualified Architect to assess the building for suitability for the extension/development required. The Architect should be able to tell you whether you need Planning Permission or just Building Regulations for the scheme or you can check on line at your local planning office
- Take a trip to your local planning office. Some Planning Officers will discuss your proposal with you and give you feedback on your proposed development (*although they won't give you a clear yes or no*). Some councils require you to send in a pre-planning application form (*which you can pick up during your visit*). For a pre-planning application, you state the address and postcode of your property, enclose an Ordinance Survey location plan and details of the extension or development you wish to do. Once submitted it can take several weeks to receive general policy feedback.
- Arrange for your Architect to draw up the plans (*Outline or Detailed, see section 2*)
- Complete an application form applying for Planning Permission (normally your Architect would do this) and submit this together with a full set of plans (*4 copies of the application form and plans*). In the case of new/multiple builds, you can sometimes apply for outline Planning Permission first – you can do this yourself or your Architect will do it for you. Planning Permission can take up to 13 weeks for the major applications, generally 8 weeks otherwise (*see section 2*).
- If Planning is refused you can re-apply with a different proposal/plan or appeal (*see planning section*). If Planning Permission is granted, you can apply for Building Regulations. Building Regulations applications are based on detailed, specification plans drawn by the Architect (*see section 3*). They usually take two to four weeks to be stamped and agreed, dependent on individual councils.
- While applying for Planning/Building Regulations approval, it is a good time to start looking for a building company to do the work. Recommendations from Architects, a trusted Estate Agent, friends or other professional bodies are usually your best bet. Try to find someone who has had experience of the builder's work, proficiency, organisation, fees and time keeping. Check their availability dates.

- Once you have the detailed Building Regulation drawings you can give them a copy for a quote to complete the work. Please note that the quote cannot be accurate if it is based only on Building Regulations information as full working drawings and specifications/schedules of work will be necessary. If you are using sub-contractors and managing the project yourself, you will need to gather prices from all trades, making sure they have the required qualifications and regulation certificates required e.g. Corgi for gas etc. Take your detailed plans to a couple of building suppliers and ask them for a Bill of Quantities and cost of materials to complete the build. This gives you the opportunity to compare their quotes and negotiate prices on individual materials. They will usually give a provisional figure for kitchens, bathrooms etc, as these items are a matter of choice and can vary enormously. If you are employing a building company for the project, make sure you have a secure contract outlining price, timescales and stage payments (for example the “JCT standard form of Building Contract”).
- For a new dwelling, you will need insurance for the build. If the building company you choose is NHBC registered, it will be able to give you a certificate at the end of the work to guarantee its workmanship, so all you will need is public liability and possibly employer’s liability insurance (*check this with your insurance supplier*). If you are project managing the self-build yourself using sub-contractors you will need to take out insurance with Zurich or NHBC Solo yourself, in order to receive a 10 year guarantee for the build - otherwise you will have difficulty re-mortgaging. Or, if you sell the property, a building guarantee is required by most mortgage companies before they will lend to a prospective purchaser. The insurance company will inspect the work at set stages and provided that it is happy with the quality of workmanship, it will sign off the work at appropriate stages and give you a 10 year Guarantee certificate at the end of the job (*see section 4*). If you are extending a property your Building Regulations certificate will suffice for your mortgage company, however, you will still need public liability insurance for the site and possibly employers liability insurance, (*check with your insurance provider*).
- If you are building from scratch or demolishing an existing building and re-building a new dwelling, you will also need to contact the service providers for temporary services, (i.e. water, electricity, site toilet, etc.), for use during the building work. This takes time and can hold up works if not applied for at the correct time (*see “Getting Started Section 3*). If you are extending a building you can usually use existing services, although you may need to move overhead wires, or add a temporary supply to the new extension. You may wish to supply a site toilet rather than have dirty boots etc. entering your home during the build.
- Ask to see a detailed schedule of works clearly defining the work to be completed on a weekly basis up to completion. This gives you an idea of how on track the builders are on a weekly basis, especially when it comes to stage payments. Normally, your Architect would look after this as well as making sure that the stage payments coincide with the Building or Zurich/NHBC inspections, so you know each stage has been completed to standard before payment is made).
- On completion and sign off by the Building Inspector and Zurich/NHBC you should be sent your completion certificates. Make sure you keep all receipts for any appliances, windows, boilers, heating, and electricity for at least the next 10 years as these will be needed by the conveyancing solicitor acting on the sale of the property. Also make sure you keep safely your Planning Permission, the original stamped approval copy of your plans, your Building Regulation certificate, completion certificates and any other paperwork concerned with the alteration or build and make sure you keep FENSA certificates for windows and doors.
- If you are using a stage payment building loan to build a new dwelling, (or a loan to extend) that you would like to transfer to a mortgage, (making your repayments cheaper), this can be done once you have received the completion certificates.

2. PLANNING OVERVIEW

If you are looking to renovate, extend, knock down, convert or build a property from scratch, there are rules and regulations you must abide by and criteria you need to consider before making your final decision to proceed.

The first thing you need to consider is whether you need planning permission?

The following are common examples of when you will need to apply for planning permission:

- You want to make additions or extensions to a flat or maisonette (*including those converted from houses*). NB you do not generally need planning permission to carry out internal alterations (*unless listed*) or work which does not affect the external appearance of the building.
- You want to divide off part of your house for use as a separate home (*for example, a self-contained flat or bed-sit*) or use a building or caravan in your garden as a separate residence for someone else. NB you do not need planning permission to let one or two of your rooms to lodgers.
- You want to build a separate house in your garden.
- You want to divide off part of your home for business or commercial use (*for example, a workshop*) or you want to build a parking place for a commercial vehicle.
- You want to build something which goes against the terms of the original planning permission for your house – for example, a planning condition may have been imposed to stop you putting up a fence in the front garden because the house is on an “open plan” estate.
- The work you want to do might obstruct the view of road users.
- The work would involve a new or wider access to a trunk or classified road.

Listed Building & Conservation Areas

If you wish to alter, extend or demolish part or all of a **listed building**, then you must first obtain listed building consent from your local council and if you have a Grade I or II* listed building, you will need to seek consent from English Heritage as well.

In addition, if you wish to demolish an unlisted building within a **conservation area**, then you may require conservation area consent.

The legislation and guidance relating to listing buildings and conservation areas consent regularly change, therefore you should check with your local council or architect before proceeding.

It is a common misconception that only the exterior of a building is protected. However, the protection extends to both the interior and exterior of the property. Protection can also extend to so-called 'curtilage buildings'. Altering or demolishing a listed building without consent can attract heavy penalties, a fine of up to £2,000 or three months' imprisonment.

Alterations to a listed building are usually exempt from VAT, as long as listed building consent has been granted and the work has been carried out by a VAT registered contractor. All other work is subject to VAT.

Permitted Development Rights

You can make certain types of minor changes to your home without needing to apply for planning permission.

Non-habitable parts of a house already in existence, such as integral garages or outhouses, can generally be converted into part of a house (although planning approval may be needed if the front elevation alters). Houses of the 1960s/1970s periods often have integral garages, which can be converted into another reception room. Similarly Victorian period houses with outbuildings attached to the rear can also be converted.

Detached Annexes: The development of outbuildings for additional accommodation (provided it is used in a close association with, and not independently of the main house) is permitted. Also if an outbuilding is used to house an elderly relative, with their own kitchen and bathroom, (provided they are genuinely dependent on the occupants of the main house and spend time within the main house), planning permission should not be required. For information, if an annexe is built within 5 metres of the house, then it is classed as an extension.

Internal: Sub-dividing rooms using partition walls or inserting or removing floors does not need permission. For example, barn conversions often have large areas of vertical space. Inserting additional floors to create rooms does not need planning permission.

Minor Amendments: You may be able to modify existing planning approval without the need to apply for a new permission. In such circumstances however, minor amendment means just that, for example, adding an extra window or changing the position or style of window, door etc. – for safety always check with the Local Planning Authority.

Loft Conversions: Making the most of a roof space to create additional rooms does not require permission, provided you install Velux windows. For dormer windows you will need planning permission. A loft conversion takes advantage of the large unused space as a cost-effective way of transforming a house.

Roof-lights/Skylights: Adding skylights to an existing roof does not require planning permission. A loft conversion benefits from the natural light although an enlarged roof light may be required for a fire escape. Single storey ground floor spaces can also benefit by opening up the ceiling to expose the roof and the insertion of roof-lights.

New Access: No permission is needed to create a new vehicular access for a residential property from an unclassified road. You can check the status of a road at the local planning authority. Most roads are not classified. Cul-de-sacs and most minor village roads are not classified.

Outbuildings: While the right to build outbuildings is restricted in Conservation Areas and Area of Outstanding Natural Beauty, it is not restricted in green belt areas and offers real potential to make otherwise very restricted land much more useful. Provided outbuildings are further than five metres from the house, not situated between the house and any road and do not cover more than 50 per cent of the garden, there is no limit in the area of floor space created. The floor space should not exceed four metres in height with a pitched roof, or three metres with a flat roof. The uses that they can be put to are very wide, (e.g. home offices, additional lounge, workshops etc.) and limited only in the same way as the use of the house itself. This is provided that the house and its garden and outbuildings are only occupied as one residence. Outbuildings are often best considered as parts of the house, even if detached and located in the garden.

Parking Areas: The creation of hard standing areas within the garden of a house does not require permission. This could in theory include the whole garden and it does enable off street parking and turning to be created. Planning is required though to add a drop kerb for access if it is from a classified road.

Single Storey Extensions, Porches and Conservatories: If a house has not had an extension before – (*or since*

1947 if it was built before then), it can be extended by a total of 15 per cent of its volume (10 per cent for terraced homes) or up to a maximum of 70m³. This additional space includes roof extensions. For very large houses the 15 per cent may be larger than this 70m³ and the maximum is then 115m³.

At single storey level, a pitched roof should not be higher than four metres to the ridge, or three metres for a flat roof and should bring the house no closer to an existing road than it is at present (*unless it would be further than 20 metres away from the boundary of the property*).

Swimming Pool: A pond in the garden simply to attract wildlife, or swimming pool for summer does not require planning permission. Covered swimming pools fall within the same restrictions as outbuildings - provided it doesn't cover more than half the total area of the garden.

Two Storey Extensions: A two-storey extension can use the 15 per cent permitted increase in volume, although this might have to take account of every extension since the property was built, or since 1948 if it is an older property (*10 per cent for terraced homes*). The roof height should be no higher than the existing house and, if within two metres of the boundary, it should not exceed four metres. Provided the boundary is not too close, it's possible to build above a single storey garage or annexe to create new rooms without needing planning permission.

Windows and Doors: Window and door positions can be changed to maximise the light in rooms and make the most of views. The moving of doors can help maximise the layout of a room too. Whether it is a new first floor or ground floor window, it does not need permission.

Work from Home: Running a small business from your home requires no Planning Permission, provided that the primary and predominant use of the house remains as a dwelling. The amount of noise, traffic, visitors and the existence of employees are all highly relevant. Many businesses can exist invisibly within houses or in outbuildings in the garden without involving any change of use in Planning terms.

Planning Permission

There are two main types of planning permission which can be sought - Outline and Full or Detailed.

Outline Planning Permission (OPP)

In some development schemes it is not possible to present a full planning application in the first instance. In this way some components of the plan can be reviewed at a later date. Depending on their importance to the overall plan, issues such as access routes, size, design and appearance may be applied for at the full planning stage.

If outline planning permission has been granted, a supplementary application will need to be made, incorporating previously reserved elements and allowing the planners to consider the plan in full. Development can only commence when this secondary application has been approved by the planners.

Outline Planning status means that in principle it is possible to build on a particular piece of land and this status is usually valid for three years before re-application is necessary.

In some cases outline planning is necessary. However, in general, applying for full planning permission from the start is more time efficient and less costly.

Full/Detailed Planning Permission (DPP)

Where developers have a strong idea about a particular project, full planning permission is typically sought. In order to apply for full planning permission, a very detailed development plan will need to be drawn up which will leave no unanswered questions when it reaches the desks of the planners.

Development can commence as soon as full planning is granted. However there may be some conditions of approval and these must be complied with during the project.

How To Get Planning Permission

Apart from securing land, most people find planning permission one of the most frustrating and drawn-out processes which can cause delay and disruption to any project. Why is it that one person gets planning permission and their neighbour gets refused?

Planning Permission transforms the value of land and gives you the ability to create development opportunities. It can be a long, drawn out, risky process, fraught with hassle and uncertainty, but usually the potential gain outweighs all this.

5 Things You Need to Know About Planning

- 1. You can make a planning application on any piece of land in the country – you don't have to own it!*
- 2. Your planning decision should take no longer than eight weeks from point of application*
- 3. The objections of neighbours and local people may well not have any impact on the final decision*
- 4. You can withdraw an application at any time – so if you think you are going to get a refusal, you can withdraw it at any time up to the day itself, and resubmit free of charge*
- 5. You can submit an infinite number of planning applications on any one site – and choose which one to use. As long as it is current, you don't have to use the most recent.*

Like any game, Planning Permission has its own rules, but they are particularly unpredictable, open to interpretation and capable of being bent quite dramatically! Unlike Building Regulations, Planning Regulations are not hard and fast and they differ from one part of the country to another. This is because planning involves local politics. Planning decision-making requires the interpretation of national and local planning policies by individual planning officers and by committees of elected councillors. The scope for inconsistencies between planners even in one authority is high – between different authorities it's huge. So if you're going to get involved in building a house or even extending or refurbishing one, a flexible and pragmatic approach to achieving what you want is going to be helpful.

Planning Appeals

Many applications fail first time round, because insufficient discussions with the planners have taken place to establish what is required. We would recommend dealing with an architect or developer who will proactively deal with all elements of the planning application with the council, as this will increase your chances of success, both overall and first time round. When a rejection is received an expert can interpret to see whether further applications, suitably amended, might then be more successful.

There are various reasons why planning might be turned down for example:

- An application is outside the development line of a village or town
- Back land development (this is where an application is for a new dwelling in the back garden of an existing house).

- Over development
- Not in keeping with surrounding properties (wrong style, design or size) especially in a conservation area.

If the Council refuses permission or imposes conditions it must give reasons. If you are unhappy or unclear about the reasons for refusal or the conditions imposed, please talk to the planning staff, before the application is refused if possible, because you may be able to alter your existing application to meet the necessary criteria to pass. Ask if changing your plans might make a difference. If your application has been refused, you may be able to submit another application with modified plans free of charge within 12 months of the decision on your first application.

Appeals are intended as a last resort and they can take several months to decide (as long as a year in some council areas).

- **Written appeal** - Usually the quickest and cheapest way to appeal is to put your case in writing, without a verbal account at a hearing or inquiry.
- **Hearing or enquiry** – You can put your case to the inspector in person, either at local level with a specially arranged council meeting with representation from yourself, your advisor and the planning officer concerned. The committee will then make a decision.
- Or you can put your case to an **Independent Planning Officer** who decides the appeal.

The case officer for your appeal will write to you if they think the procedure you have chosen is the most appropriate one for your case and unless you or the other party insist otherwise, then the appeal will progress through the procedure recommended by the case officer.

Most appeals must be made on a form which you can get from the Planning Inspectorate, The Department of the Environment, Transport and the Regions, Room 301, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Web site is www.planning-inspectorate.gov.uk

3. BUILDING REGULATIONS

What are Building Regulations?

As previously mentioned Building Regulations may be required either for new build or relevant building work. Building Regulations, like planning conditions, are statutory requirements that must be satisfied in order for construction to be carried out. They are laid down by Parliament and are aimed at ensuring adequate standards of building work are met, mainly concerning the health and safety of those in and around the building both during construction and for future occupancy.

You should submit a Building Regulations application prior to commencement of construction. A Building Inspector will then assess your proposals and if they conform, issue an approval.

Following approval, the inspector will carry out a number of inspections at various stages of construction right through to completion whereupon they will issue a completion certificate.

Getting Started

As it takes some weeks to organise temporary supplies it is advisable to contact the relevant authorities well in advance of commencing construction. If you are running the site yourself, this will be up to you to arrange. The site will require temporary services, such as power supply for tools and lighting and water supply for use when mixing materials and for cleaning and washing purposes. The site must also have WC facilities and somewhere protected from the elements for the workmen to eat and take their breaks. It is also a good idea to arrange to have a site office with a telephone connection.

Authorities to contact

- Sewage Works
- Local Electricity Board
- Telephone company
- Local Water Company

Alternatively, you could avoid contacting the first three service authorities by replacing them with: a chemical toilet, a generator, a mobile phone. However, you will almost certainly need a fresh running water supply

Typical Building Regulations Inspection Stages (Typical notice due)

- Commencement – 48 Hours prior to inspection
- Excavation of foundations – 24 hours prior to inspection
- Concrete foundations – 24 hours prior to inspection
- Damp proof course – 24 hours prior to inspection
- Hardcore oversite – 24 hours prior to inspection
- Structural timbers – 24 hours prior to inspection
- Drain Connection with sewer – 24 hours prior to inspection
- Drains inspection – 24 hours prior to inspection
- Drain backfilled and ready for test – within 5 days
- Final Completion or occupation before completion – 5 days prior to inspection

4. BUILDING GUARANTEES

When you build a new house, you must insist upon a 10-year Building Guarantee Certificate in order for you or your subsequent purchaser to be able to mortgage the property. This is provided on completion guaranteeing the quality of the build. Mortgage lenders insist upon having this key protection before releasing mortgage funds.

The following are ways of satisfying a mortgage lender. It is imperative that you decide at the beginning of the project which route you are going to follow. If you complete the build, then decide to obtain certificates retrospectively, this at best will be expensive and at worst will be impossible.

CONTRACTED BUILDER

There are various building insurances available. If you are employing a building company to fully manage the build of your new house make sure they are NHBC registered.

SELF BUILD

If you are project managing your own build, with sub-contractors you will need to pay separately for a 10 year guarantee. There are several companies who offer this facility e.g. NHBC Solo and Zurich Municipal. They will check the build quality at set stages throughout the project and issue the certificate on completion.

ARCHITECT CERTIFICATE

As a last resort, an Architect's certificate can be obtained provided the Architect has inspected the build quality at set stages throughout the project. This is generally also accepted by mortgage lenders.

We hope the above document is of help to you. Our thanks go to Gerry Kelly who has helped put this Guide together. His contact details are as follows:

Gerard Kelly BSc(Hons) RIBA ACI Arb FRSA
GERARD KELLY ARCHITECTS
The Studio, 101 Castle Road, Salisbury, Wiltshire, SP1 3RP
T: 01722 333093 | F: 01722 333994 | M: 07721 657600
e: mail@gerardkelly.co.uk | W: www.gerardkelly.co.uk