

## Residential Property - A guide to Conservatories and Planning Consent

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Conservatories were traditionally used for growing tender plants in a semi domestic environment. They were completely separate from the main house with an external door between the conservatory and the main property, usually without lighting or heating. Over time, the conservatory has developed into an extra reception room for the house, often being used as a second lounge, dining/breakfast room, family or play room.

Many properties now have the benefit of a conservatory which adds value to a property by increasing the size of the home.

Unfortunately, many clients are caught out by the law relating to conservatories and believe that they do not require planning permission. Many clients are not aware that even if planning permission is not required, they should still consider whether they should apply for building regulations approval. So, in order to assist clients here is a summary of the basics:-

#### Do you need Planning Permission for a Conservatory?

A conservatory is classed as a home extension under the Town and Country Planning Act and therefore you should always start with the assumption that you need planning permission. It is only if the conservatory meets the following criteria that it may be exempt:-

If your property is detached or semidetached, the conservatory must not increase the overall volume of the original house by either 70 cubic metres or 15% of the volume of the original house, up to a maximum of 115 cubic metres

If your property is a terrace or end of terrace, then the overall volume of the original house must not be increased by either 50 cubic metres or 10% of the volume of the original house\* up to a maximum of 115 cubic metres

(\*The original house means the house as first built or as it stood on 1st July 1948 if built before that date. If the property has already been extended then the volume of the extension(s) will count against the allowances detailed above.)

To work out the volume in cubic metres (Y) you will need the height (H), width (W) and T o work out the volume in cubic metres (Y) you will need the height (H), width (W) and depth (D) of the conservatory in metres and use them in the following calculation:-

$$H \times W \times D = Y$$

So a rectangular conservatory 2.5m high, 6m wide and 4 metres deep will have a volume of 60 cubic metres.

- No part of the conservatory must project further forward than the existing front wall of the house facing onto a highway.
- No part of the conservatory must be higher than the highest point of the existing house roof
- No part of the conservatory which comes within 2 meters of your property boundary must be more than 4 metres above ground

The conservatory must not result in more than half of the original garden area of the property being covered.

The conservatory must not be used for occupation as a separate and independent dwelling.

Even if you can comply with the above, you may not be exempt from Planning Permission if the property is a Listed Building or within a Conservation Area. You should check with your Local Authority for this information.



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### Do you need Building Regulations Approval for your Conservatory?

The confusion here lies in whether the conservatory is deemed to be a conservatory or a domestic extension. Conservatories are exempt from Building Regulations as they are not considered to be a part of the structure of the main/original house. In order for a structure to be deemed a conservatory and therefore exempt from Building Regulations, it must:-

- Be used solely as a conservatory:-
  - For example, a conservatory used as a kitchen or utility room with plumbed in appliances would result in the conservatory being classed as a domestic extension and Building Regulations approval would be required.
- Have a roof that is at least 75% translucent and walls at least 50% translucent, with all low level glass being toughened safety glass (to BS6206) to prevent accidental injury.
- Be separated from the main house by closable, external windows and doors. Therefore, if a conservatory has a simple open arch between it and the main house, it will not be exempt from Building Regulations
- Be unheated, or if heated, the heating system must be completely isolated and independently controllable from the heating system for rest of the house.
- Be at ground level and single storey.
- Have an internal floor area not exceeding 30 m2.
- For example, 5m deep x 6m wide, 3m deep x 10m wide or 4m deep x 7.5m wide

If the structure is deemed to be a conservatory and therefore exempt from Building Regulations, you must note that any windows and doors between the conservatory and the main house will be classed as external windows and doors and therefore, if they have been replaced since 1st

April 2002 or are to be replaced they will need to have Building Regulations approval or a FENSA Certificate.

### Contacts

For further information, please contact your usual Leeds Day contact or

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