

# Supplementary Planning Document

## Garden Extensions

**Title**

Garden Extensions Supplementary Planning Document

**Subject matter**

The purpose of this document is to provide to provide more detailed guidance for householders who wish to extend their gardens onto other land.

**Adoption Date**

The Garden Extensions Supplementary Planning Document was adopted by Rutland County Council on 9 March 2015.

This document can be made available on request in large print or Braille by contacting:

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### 1. Introduction

- 1.1. The purpose of this document is to provide more detailed guidance for householders who wish to extend their gardens onto other land. The guidance will be a material consideration in determining planning applications.

### 2. General principles

- 2.1. The inclusion of land within the curtilage of a dwelling, or the incorporation of 'open space' into a garden, may be a material change of use requiring planning permission. In such cases, a planning application must be submitted to the Council irrespective of whether it is the first or a subsequent proposal to extend that garden.
- 2.2. All applications received will be determined on their merits having regard to policies in the Local Plan, this guidance and any other material considerations. Any retrospective applications for garden extensions will be considered in the same way.
- 2.3. In all cases, garden extensions should relate well to the existing built form of the settlement. Therefore, the character of the landscape and the area in general will be important considerations in the determination of applications. Furthermore, the Council will consider issues such as privacy, overlooking and the impact of the proposal on existing public rights of way when examining proposals to extend a garden.
- 2.4. Garden extensions must have regard to the risk of flooding. In considering planning applications, the Council will apply a sequential approach that seeks to steer development to areas with the lowest probability of flooding (Flood Zone 1) and away from medium and high risk areas (Flood Zones 2 and 3). The Environment Agency has also produced statutory planning advice for developments in flood risk areas. In particular it would need to be consulted on flood defence consent requirements where development (including boundary walls etc) is within 20 metres of a main river. There is also guidance regarding extensions in flood zones 2 and 3. Further details can be viewed on the [Gov.uk](https://www.gov.uk) website.

### 3. Development in the towns and villages

- 3.1. Planned limits of development have been defined for the towns and villages in the Council's Site Allocations and Policies Development Plan Document (DPD). Garden extensions that fall within the planned limits of development are likely to be considered acceptable, provided that the land involved would not detract from important open space or other land that forms an important part of the form and character of the settlement.
- 3.2. Policy SP5 in the Site Allocations and Policies DPD (Built development in the towns and villages) sets out the policy on development within the planned limits of development. Some locations are subject to Policy SP21 (Important open spaces and frontages). This states that development within these areas will only be acceptable if it does not have an adverse impact on the important open space or frontage, subject to various criteria specified in the policy.

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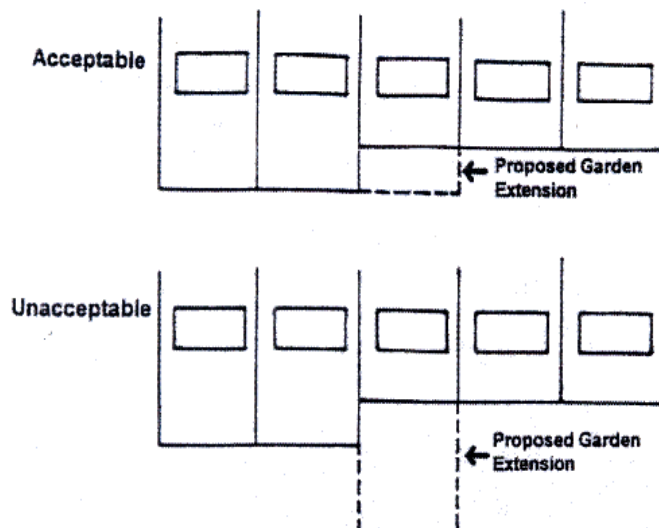
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#### 4. Development in the countryside

- 4.1. Policy CS4 (The location of development) in the Council's Core Strategy DPD states that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside. Policy SP6 (Housing in the Countryside) in the Council's Site Allocations and Policies DPD then sets out the policy on extensions to the curtilage of dwellings within the countryside. It specifies that these will only be permitted if necessary to provide adequate levels of amenity for the occupancy of the dwellings and if there is no adverse impact on the character of the area, or on any adjacent built development, landscape, cultural heritage or wildlife.
- 4.2. In view of the above, proposals for garden extensions may be contrary to policies that seek to protect the countryside from inappropriate development, and will therefore be resisted by the Council. Although there may be no intention to build on the land concerned, the effect of garden fences, garden sheds and other domestic paraphernalia (e.g. greenhouses, climbing frames, washing lines, garden ornaments etc) can have a detrimental effect on the otherwise non-domestic open countryside. In some landscape settings, the enclosure of the land itself may harm the character of the countryside.

#### 5. Size of garden extension

- 5.1. Garden extensions should not be of an excessive scale and size. Proposals that involve a small amount of land are more likely to be considered acceptable. Garden extensions that are larger than the existing garden associated with the property are unlikely to be approved.
- 5.2. Garden extensions that consist of a 'rounding-off' of a rear garden boundary to a line similar to that of neighbouring properties or to a prominent natural boundary are likely to be more appropriate.



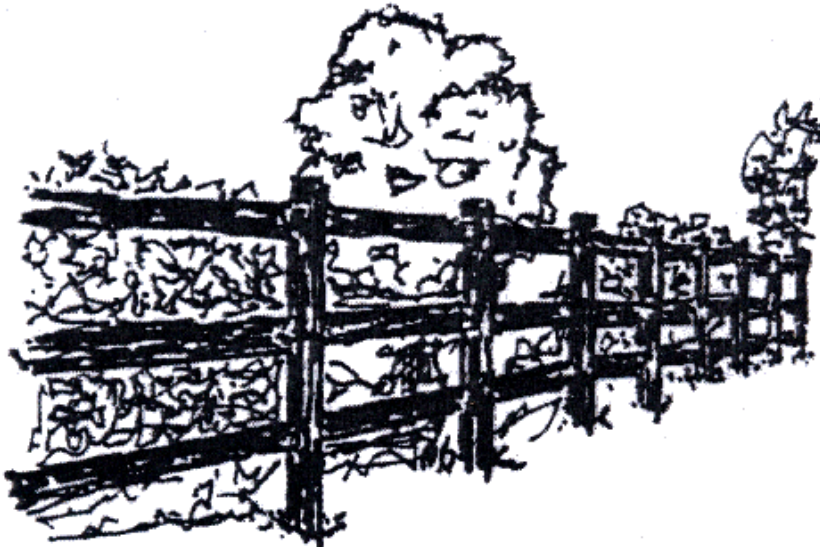
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#### 6. Boundaries

- 6.1. Garden extensions that would abut an established boundary (e.g. field hedgerow or fence) are likely to fit into the landscape and therefore be more acceptable to the Council than a proposed extension with no natural boundaries.
- 6.2. Where a new boundary is to be established it should reflect the landscape character of the area. However, in general it is considered that a wooden post and rail fence under-planted with a native hedgerow and tree mix is the most appropriate solution. The native hedgerow and tree mix should reflect the traditional composition of native hedges in the area. Conditions may be attached to planning permissions, requiring details of the boundary treatment and proposed planting to be submitted and approved. Close-boarded timber fences will not normally be appropriate, particularly where they would abut the countryside.



#### 7. Open areas in housing developments

- 7.1. Open areas are common features in most housing developments and are provided for a number of reasons:
  - some may take the form of highway verges or visibility splays, to provide good safety standards for drivers, cyclists and pedestrians.
  - others may be set aside as children's play areas, or may simply be available for informal recreation.
  - additionally, areas of tree or shrub planting, or other forms of landscaping, are often provided simply to improve the appearance of a housing estate.
- 7.2. Such areas will have been included as part of the overall design of the development, for the wider benefit of its residents, and are usually intended for public ownership. It is therefore very unlikely that approval would be forthcoming to incorporate such land within private gardens.

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7.3. On corner plots or other similar locations, the land between fences or walls and the adjacent road or footpath is normally conveyed to the owner of the house. In some cases, moving these fences or walls to enclose more of this land as private garden may not require planning permission. This could depend on:

- the height of the fence or wall;
- its proposed new position in relation to the road or footpath;
- relevant conditions imposed on previous planning approvals.

7.4. It is always advisable to check the position with the Council before taking any action. It may also be worthwhile checking your house deeds to make sure you will not be contravening any restrictive covenants.

7.5. In cases where planning permission is required, approval may be given to extend private gardens where the overall appearance of the area would not be harmed as a result. However, it will often be important to retain some open space, to provide continuity and retain the open character of the area. The most suitable position and form of any new boundary will therefore depend largely on local conditions, and it will probably be helpful to submit a formal request for pre-application advice before making an application. Details of this procedure are available on the Council's website.

#### **8. Permitted development rights**

8.1. In most cases it is not necessary to submit a planning application for new fences, sheds, etc within a domestic garden. However, these "Permitted Development Rights" may be removed via a condition imposed on any grant of permission for the extension of a domestic garden. This could be in circumstances where the extension of a garden may be acceptable but where new buildings or fences would have a detrimental impact on the character of the area.

#### **9. Nature conservation**

9.1. The Council will expect proposals for garden extensions to respect land supporting protected species or displaying biodiversity importance. In general it will resist the incorporation of sites of ecological importance into private garden areas. In addition, care must be taken to ensure that semi-natural habitats (e.g. floodplains, field ponds etc) are not incorporated into private gardens given their importance to the natural environment. In circumstances where the proposed garden extension may affect a site of ecological interest the applicant will be expected to submit an ecological survey with the planning application identifying the ecological interest on the site and any measures to mitigate the impact of the proposed development.

9.2. Policy SP19 (Biodiversity and geodiversity conservation) requires that all new developments will be expected to maintain, protect and enhance biodiversity and geodiversity conservation interests in accordance with Core Strategy Policy CS21 (The natural environment). The policy sets out the criteria that will apply to sites of biodiversity importance, protected species, irreplaceable habitats, trees and hedgerows.

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#### 10. Help and advice

10.1 Further advice can be obtained as follows

Development Control Section  
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