

FAQs – PERMITTED DEVELOPMENT

What is meant by “permitted development”?

Houses normally have certain permitted development rights such as being able to erect small-scale extensions without the need for planning permission. If, however the work proposed exceeds the permitted development parameters then an application would always be required. The Planning Portal has produced a website for householders on permitted development. This user friendly website can be accessed by [clicking here](#). Please note this takes you to an external site.

Sometimes these 'permitted development' rights are removed when the Council wants to control development in a certain area. Generally this is done in one of two ways; by imposing an Article 4 Direction on the property or by removing the permitted development rights by way of a planning condition. Further information on Article 4 Directions and to search whether your property has one can be found by [clicking here](#).

The result of the removal of permitted development rights means that work that would not normally require planning permission will actually require the submission of a planning application. A planning fee would not be required in these cases.

Please note that flats do not have any Permitted Development Rights. If you intend to materially alter the external appearance of a flat or flats, you WILL require planning permission. This includes the installation of double glazed windows in place of single glazed units in a flat, unless the appearance of the new windows would be 100% identical to the existing windows. If you consider that they are 100% identical, then please submit a Certificate of Lawful Proposed Development to have this formally confirmed by the Council.

How do I find out whether I need planning permission?

You can obtain advice on whether or not you require planning permission in a number of ways:

1. You can also seek advice from a Planning Officer on the Planning Information Desk at the Town Hall, Hornton Street, W8 7NX. The Officer will be able to look at your proposal and any possible planning restrictions on your property and advise you whether you may require permission.
2. You can research permitted development on the Council's website. By using the information available and the links to external website, you may be able to ascertain whether what you are proposing requires planning permission. If, once you have consulted this information, you consider your proposal to be permitted development, you are advised to confirm this through the formal process of submitting a [Certificate of Lawful Proposed Use or Development](#).
3. You can submit a [Certificate of Lawful Proposed Use or Development](#). This is the only way to obtain formal confirmation whether what you are proposing is considered to be 'permitted development'. You should complete the appropriate application form, submit existing and proposed floorplans and elevations, a site location plan and the appropriate fee. Please click on the above link to obtain further advice on submitting a Certificate.

Please note: Flats do not benefit from permitted development rights, therefore any alterations that affect the external appearance of a flat will require planning permission. This includes the replacement of windows unless they are 100% like for

like replacements. 100% like for like replacement requires the existing and proposed windows to be exactly the same materials, sizes, proportions and design.

If you are verbally advised that a development does not require planning permission, you are strongly advised to seek confirmation of this in writing. Any advice given to you verbally may not be the formal opinion of the Council, is always subject to the information provided and is in no way legally binding.

You can obtain formal confirmation of whether a proposal requires planning permission or not by submitting a [Certificate of Lawful Proposed Use of Development](#). You can obtain further information on this by clicking on the above link.

Can you give me this advice be given over the phone?

Responses to general enquiries can usually be given over the telephone. However, specific enquiries cannot be dealt with without researching the history or viewing plans or photographs of the site. If you require pre-application advice that may involve a meeting with an Officer, you should e-mail the details to planning@rbkc.gov.uk or complete our pre-application advice enquiry form which is downloadable from the Council's website – www.rbkc.gov.uk/planning. The completed form should be sent to the Planning Department with all the details of your proposal and the appropriate fee.

Your request for advice will be acknowledged within five working days and a Planning Officer will contact you to arrange a meeting.

Do permitted development rights allow me to remove, prune or damage protected trees?

No. Even though certain developments may be permitted development this does not allow you to damage protected trees or their roots. If you require advice please call the Council 's Arboriculturalists on 0207 361 2767.

I would like the kerb outside my property to be dropped so I can park on my driveway, do I need planning permission?

You will require planning permission for this if the access created would be onto a **classified road** or it would pose a threat to highway safety. You can clarify whether your road is a classified road by contacting Transportation and Highways.

For kerbs on non-classified roads, please contact the planning help line on 020 7361 3012 or e-mail planning@rbkc.gov.uk for further advice on how to apply to have the kerb dropped.

Please note you may require planning permission if you intend to construct a driveway or a hardstand. Please contact PlanningLine on 020 7361 3012 for further advice.

Do I need planning permission for a change of use?

Some uses of land, due to their similarities in planning land-use terms do not require planning permission to change between them. However, change of use is not cut and dry. Below is a check-list of how you can find out if you require planning permission. To view the [Use Class Order](#) please click on the link.

FIRST - establish whether your property falls within one of the Use Classes. Check the details for each property type.

SECOND - If so, check to see if you can change between the present use and any proposed use without planning permission. Remember that the change of use is generally only one way.

THIRD - If your property does not fall within one of the use classes it is *Sui Generis*; ie a use on its own. Any change of use will require a formal planning application.

You may need to call a policy planner to discuss your case. Please telephone 020 7361 3012 to speak to a Policy Planner.