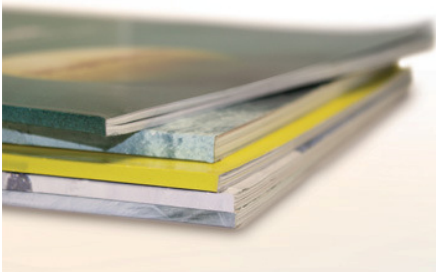


Planning Some Work?

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The increase in popularity of home make-over shows and DIY stores probably reflects the current desire for home-owners to improve, extend or update their properties. Doing the work yourself should ensure cost-savings and a free-reign in terms of how and when the work is carried out. Before commencing work, however, a home-owner should consider whether planning permission is required for the type of works that are proposed.

The Planning and Building (Jersey) Law 2002 prescribes what works require the prior consent of the Minister for Planning and the Environment (planning permission). However, the Planning and Building (General Development) (Jersey) Order 2008 (the Order) provides that certain works carried out within the domestic curtilage of a dwelling house do not need Planning Permission, provided that certain conditions are met.

The curtilage of a dwelling house is the land upon which a dwelling house is built and which is used for

domestic purposes. Interestingly, a 'house' does not include an apartment, so no works to an apartment complex would fall under the provisions of the Order. It is also important to appreciate that the exemptions provided by the Order only apply to works carried out within the domestic curtilage of a dwelling and would not, for example, extend to a field adjacent to a dwelling, even if the dwelling and field were owned by the same person.

The Order does not apply to all property. If your property is registered as a:

- Building of local interest
- Proposed site of special interest
- Site of special interest (SSI)
- Area of archaeological potential
- Archaeological site (AS)
- Historic character area

then the allowances provided in the Order may not apply and advice should be sought before

commencing work.

Similarly, if there is a planning condition relating to your property which removes the rights granted by the Order; or if the works fall within one of the elements that the Order specifically prescribe as requiring planning permission, you would not be able to rely on the exemptions provided by the Order. Finally, this article relates only to planning permissions. It may be that permission is required under the Building Byelaws Law, even if planning permission is not.

So, what works are permitted under the Order without the need to obtain planning permission? The following list sets out what works are permitted subject to the caveats mentioned above, under the Order without the need for Planning Permission. This is not however, an exhaustive list and more exemptions can be found in the Order together with greater detail with respect to each type of work that is contained within the Order; which must be referred to prior to commencing any works:

Demolition

The demolition of a wall, fence or gate unless it adjoins a road. Dismantling of a shed or domestic glasshouse. However, no dwelling or listed structure may be demolished without planning permission.

Painting

Any building or structure, except a listed building which has not been previously painted, may be painted.

Wind turbine

Electricity-generating wind turbines can be installed, but they must not be more than 2m higher than the tallest building on the property and the blade sweep must not exceed 1.75m. Prior written approval of Jersey Airport must be obtained. Free standing turbines must not be within 5m of a boundary.

Maintenance

Routine maintenance and repair may be carried out provided the works do not materially affect the building or structure's external appearance.

Flagpoles

Freestanding flagpoles may be erected within the curtilage of a dwelling house provided they do not display an advertisement, company name or logo.

Decks and patios

Hard surfacing, paving, decks and patios provided they are less than 40cm above ground level and do not result in the discharge of water on to a road, unless the highway authority has approved the works.

Extensions

The erection of sheds, greenhouse, garages and extensions provided that the total area of all such structures does not exceed 25 sq m. That is shed plus greenhouse may total 25 sq m, not shed of 25 sq m plus greenhouse of 25 sq m. If the structure is not attached to the dwelling, it must not be used as commercial or habitable space. If it is attached to the dwelling, it must not comprise a separate residential

unit and must be accessible from within the dwelling. The height of the structure must not exceed 3.5m if the roof is pitched, 2.5m if the roof is flat or 2m if it is within 60cm of an adjoining boundary.

Solar panels

Photo-voltaic or water heating solar panels are permitted at ground level, up to 2.5m high, reducing to 2m if the panels are within 60cm of the boundary.

Solar panels on a roof may cover up to 50 per cent of each side of the roof, but not project more than 10cm above the surface of the roof. The property must not be in the area specified in the Order.

Fences, walls and gates

Provided the structure is not more than 2m high from the ground, reducing to 900mm if within 2m of a road.

Swimming pools

Domestic pools are exempt provided that there are no retaining structures higher than 1m above ground level and the pool is not in front of a principal elevation of the house.

Satellite dishes

Satellite and TV antennae can be installed provided that the dish does not exceed 600mm.

Private roads

Private roads may be maintained without consent. Seats, lamps, barriers, drinking fountains, cycle racks,

bins, bollards and CCTV can be erected on or in a private road.

Geo-thermal heating

May be installed provided that the property is not listed as a site of special interest, archaeological site or area of archaeological importance.

Fuel tanks

Provided that they are not in front of a principal elevation of the dwelling, do not exceed 3,500 litres in capacity and are less than 2.25m above ground level.

Windows

Planning Permission is needed for roof lights and windows at first floor level. At ground-floor level, you may replace a door with a window, replace a window with a door and introduce a new window or door.

As you can see, the Order allows for significant types of work without the need for Planning Permission. Note, however, that this article only relates to works carried on in the curtilage of a dwelling house, it does not include works within the house itself. So next time you are inspired by a home make-over show, before reaching for the tool box, just stop to think whether or not your proposed works need planning permission.

This publication is intended only to provide a summary of the subject matter covered. It does not purport to be comprehensive or to provide legal advice. No person should act in reliance on any statement contained in this publication without first obtaining specific professional advice.

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