the 45° code

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Birmingham City Council
The 45° Code is one of the factors that the Council will take into account when determining your planning application. If you follow the code, it should lead to a quicker and more favourable decision.

**WHAT IS THE CODE FOR?**
The 45° Code is used when the Council looks at planning applications for new buildings and extensions to existing properties which might affect the outlook from or daylight to a nearby house or flat. The Code aims to provide a fair balance between the wishes of those who want to build and the people who live next door.

**HOW DOES THE CODE WORK?**
An imaginary line is drawn at an angle of 45° from the nearest front or rear window of the house/flat that may be affected by the new building work. This window must be the main source of light to a ‘habitable room’.

Habitable rooms include living rooms, bedrooms, kitchens and conservatories but do not include rooms such as bathrooms, utility rooms, halls, landings or garages.

**WHAT IF THE NEIGHBOURING PROPERTY HAS AN EXTENSION?**
If the neighbouring property has already been extended, the measurement is taken from the nearest habitable room window of that extension, provided it is the window most likely to be affected. See DIAGRAM 3.

Once both properties have been extended, any further extensions will be looked at on their merits as long as they leave enough garden area.

**WHAT IF THE NEIGHBOUR’S EXTENSION IS A CONSERVATORY?**
If the affected property has an extension which is mainly made from glass, such as a conservatory, the Code is applied to the original window opening in the wall of the house where the conservatory has been added. See DIAGRAM 4.

**WHAT IF I WANT TO BUILD A GROUND FLOOR EXTENSION FIRST AND THEN ADD ANOTHER FLOOR LATER?**
It is important to remember that the Code will be applied when a further storey is added to an existing single-storey extension. So, if it is intended to build a first floor extension at a later date, the ground floor extension on which it will be built, should be designed to meet the requirements of the Code for two-storey extensions.

**IS THE CODE APPLIED TO SIDE WINDOWS?**
No. The impact on outlook and daylight will be assessed on its merits, taking into account the size of the extension and the distance between it and the neighbouring property.
WHAT IF THE PROPOSED EXTENSION IS A CONSERVATORY?
The Code is applied to applications for new conservatories. If the conservatory is mainly made from glass, this is taken into account when looking at the effect on the neighbouring property.

WHAT IF TWO NEIGHBOURS WANT TO BUILD A JOINT EXTENSION?
If neighbours submit joint planning applications for extensions which are of the same size and are to be built at the same time, the extensions may be allowed even if they would have broken the Code if they had been built separately. In these cases, neighbours must confirm in writing that the extensions will be built at the same time. It is important to stress that in these cases, the Code will also be applied in the normal way to any other neighbouring houses/flats that might be affected.

WHAT IF THE PROPOSED EXTENSION IS ON THE SIDE OF THE HOUSE?
If the extension is to the side of the house only, then the Code is only applied if the extension goes out further than the front or back of the neighbour’s house. This may arise in cases where houses are built on a staggered building line. See DIAGRAM 9.

WHAT IF THE NEAREST WINDOW IS A BOW OR BAY WINDOW?
If the neighbouring property has a bow or bay window, the measurement is taken from the mid or quarter point at the back of the window where it joins the main wall of the house or flat. See DIAGRAMS 5 AND 6.

WHAT ABOUT EXTENSIONS TO OLDER TERRACED HOUSES?
In the case of an older terraced property, where the original building has a rear ‘wing’ section which already breaks the Code, it is not normally acceptable to build an extension which fills the gap to the side of the wing because it will nearly always break the Code. See DIAGRAM 10.

Single-storey extensions at the end of the wing will be looked at on their merits as long as they leave enough garden area. See DIAGRAM 11. Two storey extensions at the end of the wing are not normally allowed.

SPECIAL CIRCUMSTANCES WHICH MAY AFFECT THE USE OF THE CODE.
The Code is simple to apply in most cases, but there are some circumstances which also need to be taken into account. These include:

1. If the ground level is different between properties. This may either improve or worsen the effect of new building work on a neighbour’s light and outlook and an appropriate allowance must therefore be made.
2. If there is an existing solid boundary wall, permanent outbuilding or other type of solid screen between the neighbouring properties. As long as the new building/extension is not significantly larger than the wall, outbuilding/screen it may be accepted.

The distance between the new building/extension and the neighbouring property can also be taken into account. The greater the distance the less the effect on the neighbour’s outlook and light.
contact

**CONTACT**
For all initial enquiries on Planning Permission and Building Regulations Approval telephone our Planning Enquiry Centre: (0121) 303 1115.

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