

the 45° code

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.

The new building work should not cross this 45° line. If it does, the new building/extension would affect the outlook and daylight of the neighbour.

The point from which this imaginary line is drawn, depends on what is going to be built. If the extension/building is going to be **single-storey**, the measurement is taken (and the line is drawn) from the **mid point of the nearest ground floor window** of the nearby house/flat. See **DIAGRAM 1**.

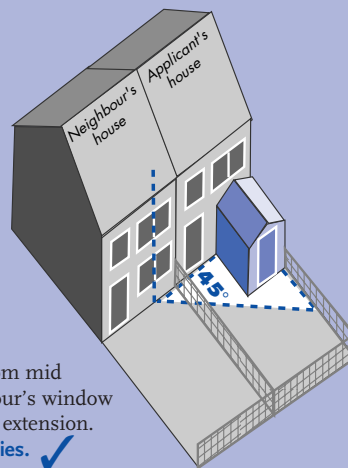


DIAGRAM 1
Code applied from mid point of neighbour's window for single-storey extension.
Extension complies. ✓

If the extension/building is to be **two-storey**, the measurement is taken from the **quarter point of the nearest ground floor window**. See **DIAGRAM 2**.

If there is no ground floor window to which the Code can be applied, or if a first floor window is nearer (and so more likely to be affected), the line may **instead** be drawn from the mid point of the nearest first floor window.

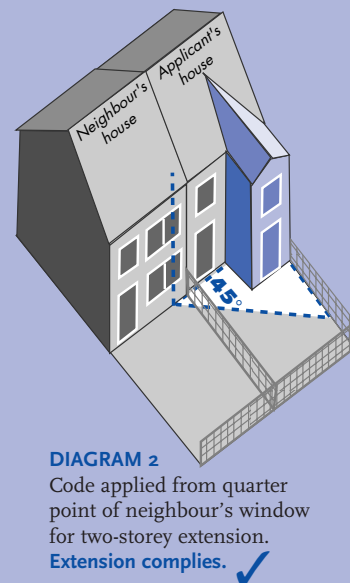


DIAGRAM 2
Code applied from quarter point of neighbour's window for two-storey extension.
Extension complies. ✓

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SOME QUESTIONS ANSWERED

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.

DIAGRAM 3
Code applied from mid-point of neighbour's extension window for single-storey extension.
Extension complies. ✓

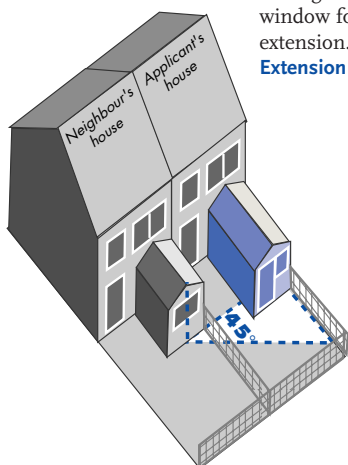
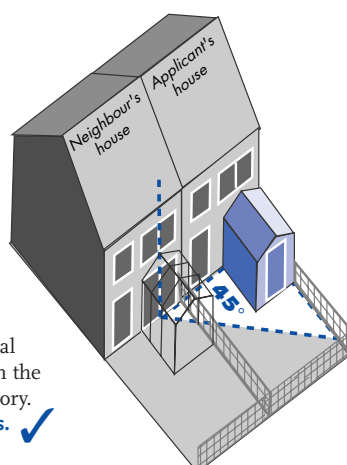


DIAGRAM 4
Code applied from neighbour's original window opening in the case of a conservatory.
Extension complies. ✓



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 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**.

DIAGRAM 5
Code applied from neighbouring bay and bow window for **single-storey** extension.

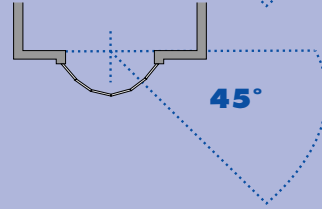
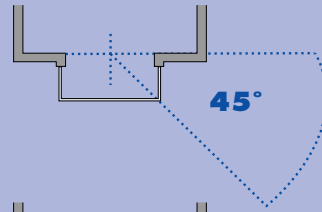
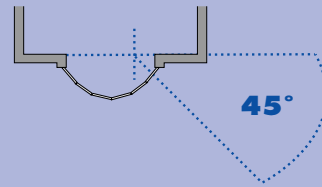
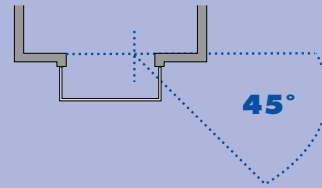


DIAGRAM 6
Code applied from neighbouring bay and bow window for **two-storey** extension.



However, if the bay has **solid brick sides** which extend the full height of the window opening, then the measurement is taken from the glazed part of the window itself. See **DIAGRAMS 7 AND 8**.

DIAGRAM 7
Code applied from neighbouring bay window whose sides are brick for **single-storey** extension.

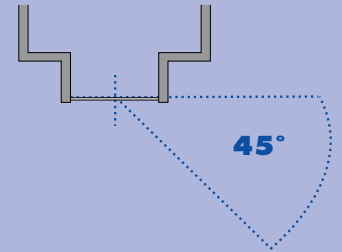
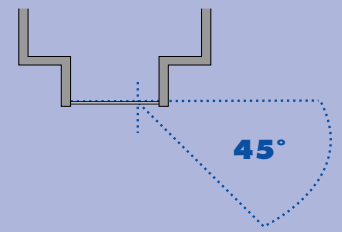


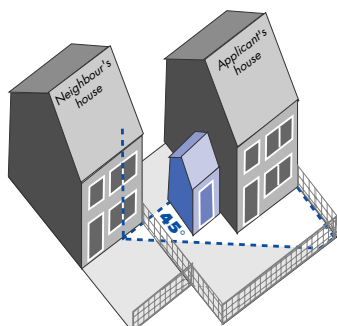
DIAGRAM 8
Code applied from neighbouring bay window whose sides are brick for **two-storey** extension.



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**.

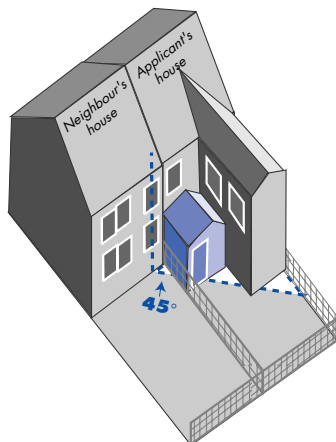
DIAGRAM 9
Code applied to side extension in a staggered building line. **Extension complies.** ✓



WHAT ABOUT EXTENSIONS TO OLDER TERRACED HOUSES?

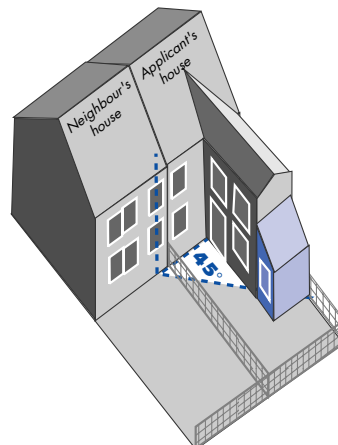
In the case of an older terraced property, where the original building has a rear 'wing' section which already breaks the Code, it is **not** normally acceptable to build an extension which fills the gap to the side of the wing because it will nearly always break the Code. See **DIAGRAM 10**.

DIAGRAM 10
Not acceptable to fill gap beside the wing. **Extension does not comply.** ✗



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.

DIAGRAM 11
Single storey extension on the end of an existing wing. **Extension does not comply but may be acceptable.** ✓



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:

- 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.
- 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.

or

Write to us with your planning application enquiries at:

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Alpha Tower
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