

Landlord Services Garden Outbuilding and Conservatory Policy

Final Version

Document Control

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Approval History

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1. Definitions

Outbuilding	A smaller structure not connected with the primary residence but situated on the same parcel of property. This may include a shed or garage.
Conservatory	A room added to the back or side of a house or bungalow that often acts as an extension of living space within the home. Conservatories are usually characterised by glass walls and a roof made of a transparent or translucent material. They may also be referred to as orangeries or sunrooms.
Nuisance	Under the Environmental Protection Act 1990, nuisance is defined as: <i>'An unreasonable and significant emission of noise that causes significant and unreasonable interference with the use and enjoyment of your premises'</i> .
Anti-social Behaviour (ASB)	Section 1 (1) of the Crime and Disorder Act 1998 defines anti-social behaviour as acting in a way that causes or is likely to cause harassment, alarm, or distress to anyone else. Anti-social behaviour is often persistent behaviour.

The Policy

2. Introduction

In recent times, the 'home' has become a much more multi-functional place by definition, due to the national restrictions placed upon us following the outbreak of Covid-19.

In 2020 'home' became the office, the workshop, the gym, and even school for the many, and due to tightened restrictions, the home may continue to be all these things for the foreseeable future.

Consequently, the way in which the Landlord views the home needs to adapt in line with the lifestyle changes that have been brought upon us because of the pandemic.

As a result of this, it is accepted that many households across the borough require more space to enable the household to function in this new way. Therefore, it is feasible that the Council will receive an increased number of requests from tenants to build external outbuildings or conservatories to create additional workspace such as home offices, home schools, or home gyms etc.

In the case of such requests, the Landlord is unlikely to object to outbuildings purposed for additional work space, and accepts that the size of this external workspace may require larger dimensions than the average garden shed (3 x 2 x 2.5 metres to the ridge) in order to accommodate its purpose and/or the needs of the household. This stance would also apply to tenants requesting to build conservatories to extend the household living space.

3. Outbuilding Guidance

The Planning and Building Control guidance provided on the Barking and Dagenham website informs of the following:

You will not normally need building regulations permission for:

- *small, detached single-storey buildings containing no sleeping accommodation, that is less than 30 square metres in floor area, is made of non-combustible materials and is at least one metre from the boundary, e.g. a detached garage or workshop.*
- *small detached buildings that contain no sleeping accommodation and are less than 15 square metres in floor area*

However, if the tenant plans to install such a space, they must inform planning of any of the following types of work:

- *supplying electrical power to a garage or outhouse*
- *providing external lighting or power sockets*

Therefore, for tenants intent on creating such a space in their home environment, they should be mindful of the above advice and the type of permission required from planning before commencing works.

4. Conservatory Guidance

The Planning and Building Control guidance provided on the Barking and Dagenham website informs of the following:

You will not normally need building regulations permission for:

- *An extension at ground level with a floor area of less than 30 square metres which is used either as a porch, conservatory, covered way or carport (open on at least two sides).*

Glazing in a porch or conservatory must meet part N of the building regulations (safety glass).

5. General Conditions

- 5.1. As is required upon the erection of a standard sized garden shed, an outbuilding or conservatory should also be constructed on a firm base.
- 5.2. Where applicable, works should be carried out by a competent registered trades person (i.e. NICEIC and/ or Gas Safe registered).

- 5.3. The installation of toilet, shower, bathroom, or kitchen facilities will not be permitted within the parameters of the outbuilding or conservatory.
- 5.4. The outbuilding/ conservatory should be erected and maintained to a satisfactory standard both with regard to repair and appearance.
- 5.5. The outbuilding/ conservatory should be built as stated in the proposed plan at the point of application and should not be altered or extended upon without prior Landlord consent.
- 5.6. The Council will not be liable to maintain or repair any structure erected by the tenant, therefore all costs associated with the structure must be funded by the tenant.
- 5.7. The appropriate planning permission (where applicable) should be obtained prior to the commencement of any works i.e. supplying electrical power to an outhouse or garage.
- 5.8. The outbuilding is not to be built for the purpose of containing sleeping accommodation or overnight use.
- 5.9. Only property such as houses/ bungalows with direct access to a remote garden are eligible.
- 5.10. It is not the Council's policy to reimburse tenants with the cost of this alteration on termination of tenancy.
- 5.11. Prior to the termination/ transfer of a tenancy, the outbuilding or conservatory will be inspected. If it is deemed unsatisfactory to remain, the departing tenant will be liable to cover the cost of demolition and removal of the outbuilding/ conservatory from the site prior to the tenancy ending.
- 5.12. The use of the outbuilding should not encourage breaches to tenancy conditions i.e. source of nuisance or anti-social behaviour (ASB).
- 5.13. Permission can be revoked by the Landlord if the outbuilding/ conservatory is not constructed in accordance with health and safety guidelines, breaches the terms of the permit, or if the outbuilding/ conservatory proves a significant source of complaint due to ongoing nuisance, anti-social behaviour, and/ or misuse.

6. Breach of Conditions

In cases where complaints of anti-social behaviour (ASB), noise nuisance and/or misuse (i.e. outbuildings being used as sleeping accommodation) are received as a direct result of such outbuildings being erected, the Landlord may have reason to object to the use of the outbuilding and intervene where necessary if tenants are found to be in breach of their tenancy conditions.

In certain circumstances, the Landlord has the authority to revoke permission and pursue legal action for the outbuilding/ conservatory to be removed by the tenant at no cost to the Council.

7. Equality Impact Assessment

An Equality Impact Assessment has been carried out on this policy.

This involves assessing the effects of the policy and subsequent service provided to our customers in respect of their age, disability, race, religion/belief, sexual orientation, and/ or gender identity to ensure equal and fair access for all.

Conducting an Equality Impact Assessment assists us to make sure that the needs of people are accounted for when developing and implementing policies and services.