

Housing Services Garden Outbuilding and Conservatory Policy

Department	Housing Services
Responsible Person	Director of Housing
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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.

2. Introduction

- 2.1 In recent times, the 'home' has become a much more multi-functional place and because of this, the London Borough of Barking and Dagenham (the Council) receives requests from tenants to build external outbuildings or conservatories to create additional workspace such as home offices, or gyms etc.
- 2.2 In the case of such requests, the Council as 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

- 3.1 The Planning and Building Control guidance provided on Council's website states you will not normally need building regulations permission for:
- small, detached single-storey buildings containing no sleeping accommodation, that are less than 30 square metres in floor area, are made of non-combustible materials and are 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.
- 3.2 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
- 3.3 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

- 4.1 The Planning and Building Control guidance provided on the Council's website states 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) and that,
 - 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 conducted by a competent registered trades person (i.e. National Inspection Council for Electrical Installation Contracting and/ or Gas Safe registered).
- 5.3 The installation of a 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 as the landlord 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 of the outbuilding/ conservatory proves a significant source of complaint due to ongoing nuisance, anti-social behaviour, and/ or misuse.

6. Breach of Conditions

- 6.1 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 Council as 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.
- 6.2 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

- 7.1 Applying this policy consistently and sensitively will ensure that all tenants and their household members in Council owned homes who have protected characteristics and/or are deemed vulnerable for other reasons receive services that are based on a recognition of their vulnerability. The Council will make all appropriate adjustments to the services they receive in order to mitigate any potential negative impacts on them and to ensure they receive fair and equal treatment from the Council as their landlord.