# Do You Need Planning Permission?

# Definitions Page

Balcony – a platform, enclosed by a wall or balustrade, projecting outward from the external wall of a building, with access from an upper floor window or door.

Curtilage – The word curtilage is not formally defined, but it is accepted to mean land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way. It need not be marked off or enclosed in any way. The curtilage tends to relate to the property boundary.

Eaves Height – The height of the eaves should be measured at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.

Front Curtilage – means that part of the curtilage of the original dwellinghouse forward of the principal elevation.

Principal Elevation – A reference to the elevation of the original dwellinghouse which by virtue of its design or setting, or both, is the principal elevation.

Rear Curtilage – means that part of the curtilage of the original dwellinghouse which is not the front curtilage.

# Other Notes

The height of the development is measured from the lowest part of the surface of the ground adjacent to the building or structure.

Works to a listed building will require Listed Building Consent in addition to any planning permission that may be required. It is a criminal offence to carry out works to a listed building without the relevant consent in place.

You should ensure you have any other relevant consents in place prior to starting work. This could include but is not limited to, building warrant consent and owner’s consent.

# Relevant Legislation

Town and Country Planning (General Permitted Development) (Scotland) Order 1992

Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011

Town & Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020

# Additional Guidance

The Scottish Government have produced detailed guidance on householder permitted development rights which can be found here -

<https://www.gov.scot/publications/householder-permitted-development-rights-guidance-updated-2021/>