

Frequently Asked Questions

Can my neighbour erect a wall or fence on the boundary without planning permission?

Unless their property is a Listed Building, your neighbour can erect a 'means of enclosure' (gate, wall, fence, etc) up to one metre in height where it is adjacent to a highway, or up to two metres in height on any other boundary.

If an existing means of enclosure is altered or repaired, it can extend to its former height. For more detailed or specific advice, visit the [Planning Portal](http://www.planningportal.gov.uk) website (www.planningportal.gov.uk)

You should be aware that the ownership of land and boundaries is a civil matter and cannot be dealt with by Planning Enforcement.

Can my neighbour build an extension or conservatory without planning permission?

In most cases, if the property is a single dwelling house (and not flats) then your neighbour may erect an extension (including a conservatory) without planning permission, within certain restrictions and limitations.

There are a number of restrictions and conditions. Visit the [Planning Portal](http://www.planningportal.gov.uk) for further details.

Can my neighbour build a roof extension (including a dormer window) without planning permission?

In most cases, if the property is a single dwelling house (and not flats) and not in a Conservation Area then your neighbour may erect a roof extension without planning permission, within certain size restrictions and conditions, so long as it is not on the principle elevation that fronts a highway.

There are a number of restrictions and limitations, and although some of the limitations are explained below, for more comprehensive details visit the [Planning Portal](http://www.planningportal.gov.uk) website (www.planningportal.gov.uk).

- The total volume of the resulting roof space must not exceed the original roof space by 40 cubic metres, in the case of a terraced house or, 50 cubic metres in any other case, and may not exceed the highest part of the existing roof.
- Internal loft conversions that do not extend beyond the existing roof may not require planning permission.
- Works to provide verandas, balconies or raised platforms are not permitted.

Can my neighbour install uPVC windows in their house without planning permission, even in a conservation area?

If the property is a single family dwelling house your neighbour can replace windows or insert a new window in the building without planning permission, as long as the materials used are similar in appearance to those used in the existing building.

Some individual properties within Conservation Areas benefit from greater protection.

Can my neighbour erect buildings or structures in their garden?

In most cases, if the property is a single dwelling house (and not flats or a Listed Building) then your neighbour may erect buildings and structures without planning permission, within certain restrictions and limitations.

Although some of the limitations are explained below, there are a number of other restrictions and conditions, for more comprehensive details visit the [Planning Portal](http://www.planningportal.gov.uk) website (www.planningportal.gov.uk).

- No buildings or structures are permitted forward of the principal elevation of the property.
- All structures are restricted to one storey in height and the eaves may not exceed 2.5m. Where the building or structure is within 2m of the boundary, the total height may not exceed 2.5m.
- Works to provide verandas, balconies or raised platforms are not permitted.

Can my neighbour change their shop to a café without planning permission?

If a property has a lawful use as a retail shop (use class A1) and changes to a restaurant, takeaway or café serving hot food (use Class A3), planning permission is likely to be required.

However, if the café is only serving cold food with little or no seating provision for consumption on the premises, planning permission may not be required. Similarly, permission may not be required if the majority of the premises still remain in a shop (Class A1) use. The specific considerations will have to be assessed on a case by case basis.

Can my neighbour cut down a tree on their property?

Your neighbour cannot carry out works without prior consent to a tree that is protected. A tree is protected if it is in a designated conservation area and/or if it is subject to a tree preservation order.

Your neighbour can cut down, or carry out works to any unprotected tree on private land.

Can my neighbour run a business from their house?

Your neighbour does not necessarily need planning permission to run a business from their home. Each case has to be assessed on a case by case basis, but the main test is whether the overall character of the dwelling has changed as a result.

If the house is still mainly being used as a private residence, then planning permission may not be required.

Can my neighbour erect a satellite dish on the front of their property?

In most cases, satellite dishes can be erected on a building subject to various constraints.

For individual properties within Conservation Areas there are more restrictions. For more comprehensive details visit the [Planning Portal](http://www.planningportal.gov.uk) website (www.planningportal.gov.uk).

How do I find out if my neighbour has planning permission for the development being carried out?

If you have the address of where the works are being carried out, you can use our [Planning Applications Database](#) to see whether there are any planning permissions which relate to the address.

How do I find out who owns my neighbour's property or any plot of land, fence or wall?

Swindon Borough Council does not retain this information. You can obtain it by contacting the Land Registry - the government department which holds records of who owns land and property in England and Wales.

What can I do if my neighbour is building an extension or wall and part of it will be on my land?

If your neighbour is carrying out building works that are on your land, you should seek legal advice from a solicitor or the Citizens Advice Bureau.

Land disputes are a civil matter and Planning Enforcement cannot intervene. This can be investigated if the works themselves require planning permission. However, you should be aware that land ownership generally is not a consideration when determining whether consent is granted or not.

Who can help me if my neighbour is carrying out works to a party wall?

Works to party walls are purely a civil matter controlled by the Party Wall Etc Act 1996 and Planning Enforcement has no enforcement power to intervene. You should contact a party wall surveyor for advice in this matter; alternatively, Building Control may be able to offer assistance.

Who can help me if my neighbour's builders are working on Sundays and early or late during the week?

If building works are occurring on the site outside of normal working hours (typically 8am-6pm Monday to Friday and 8am -1pm on Saturdays) and are causing a noise nuisance, you should contact the council's Environmental Enforcement Team.

Who can help me if there is excessive noise, smell or other forms of nuisance being caused by activities at my neighbour's property?

If activities at your neighbour's property are resulting in an unacceptable level of noise, smell or other forms of nuisance, you should contact the Environmental Enforcement team.

Planning Enforcement cannot intervene in this instance unless an unauthorised change of use has occurred. If a change of use has occurred, then Planning Enforcement can only address the use itself, and not any resulting forms of nuisance.

Who can help me if my neighbour's property is very untidy, for example covered in graffiti, garden overgrown or filled with waste?

All complaints about graffiti and waste should be referred to the Environmental Enforcement team.