

**CHANGES TO PERMITTED DEVELOPMENT CONSULTATION PAPER 2:
PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLDERS**

This paper introduces a new impact approach to householder developments, which will reduce the number of minor applications whilst protecting the interests of neighbours, the wider community and the environment. It is also proposed that this approach is extended to other types of development in due course.

General issues

The key recommendation to emerge from the work of the Householder Development Consents Review was that future permitted development rights should be informed primarily by the potential impact on others, e.g. by overshadowing. This approach seeks to assess the level of impact in terms of its scale and the extent to which any impact would be felt.

There will continue to be additional restrictions within 'designated areas' such as conservation areas, e.g. by restricting development facing onto and visible from a highway. The Government also believes that there are adequate safeguards in existence to continue to protect the character of listed buildings.

Flats – it is intended that a further study will be undertaken in respect of flats and PD rights.

Compensation – S108 of the TCP Act 1990 provides that compensation is payable, for a period of 12 months, where a change in the GPDO restricts what was previously permitted and a subsequent application is refused or granted consent subject to conditions. This will be reviewed and will be guided by a desire to ensure that any changes do not result in financial loss for householders.

Article 4 Directions – this is being given further consideration, including the possibility of requiring local planning authorities to review them every 5 years, and removing the need for the Secretary of State's approval.

Prior approval – in order to protect against unsuitable development it is suggested that a prior approval mechanism could be introduced for certain types of permitted development.

Recommendations on Types of Householder Permitted Development

Parts 1 and 2 of Schedule 2 of the GPDO would be replaced with a new development order covering householder development only. The report also includes a number of new definitions in respect of 'original dwellinghouse', 'original rear wall' etc. The report makes recommendations in respect of extensions, roof extensions, roof alterations, curtilage developments and hard surfaces. The recommendations remove the cubic measurement and instead set limits on height, proximity to boundaries etc., and also place restrictions on materials (to match

existing dwellinghouse), side-facing windows in extensions above ground floor to be obscure-glazed and non-openable, no raised terraces, verandahs or balconies to be added etc.

The basic principles for extensions include :

- no extension to project forward of the principal elevation of a dwellinghouse or side elevation facing a highway;
- maximum depth of single storey extension behind rear wall of house to be 4m for attached and 5m for detached dwellings, and this depth for an extension more than 1 storey (or 4m high) to be 3m for attached and 4m for detached dwellings;
- maximum eaves height (within 2m of boundary) to be 3m, and maximum overall height to be 3m for flat roof and 4m for pitched roof;
- maximum eaves and ridge height of extension to be no higher than existing;
- side extensions to be single storey only no higher than 4m and no wider than half the width of the original dwelling;
- 2 storey extensions to be located no closer than 7m to the rear boundary, or no closer than existing rear wall of the dwelling if this is closer than 7m to rear boundary;
- roof pitch of extensions above ground floor (4m) to match those of existing dwelling;
- maximum 50% coverage (including outbuildings) of private garden area.

In designated areas, side extensions and all forms of cladding would require planning permission.

Roof extensions – the same principles apply re matching materials, glazing and terraces, verandahs etc. and planning permission would be required in designated areas :

- no roof extension to come forward of any roof plane of the principal elevation of a dwelling or any side elevation;
- to be a minimum of 1m above eaves, 1m below ridge, 1m from the side verge, and where applicable, 1m from the party wall. Where dwelling roof is hipped, a roof extension may be a minimum of 0.5m from the hipped roof. For a terraced property with a two storey rear outrigger, the roof extension may intersect with the roof of the outrigger.

Roof alterations – proposals are linked to the work on householder microgeneration. It is recommended there should be no limit on the coverage of solar panels on a roof, but they should have a maximum upstand of 150mm. In

designated areas there should be no alteration to the roof plane of a principal elevation.

Curtilage developments – in designated areas outbuildings at the side of properties would require planning permission, and within the curtilage of listed buildings any outbuilding greater than 3 sq m would require planning permission.

Other principles include :

- no outbuildings, garage or swimming pool to come forward of the principal elevation of the dwelling or side elevation facing a highway;
- to be single storey only;
- maximum eaves height of buildings to be 2.5m, and overall height to be 4m with dual pitched roof, or 3m with monopitched roof;
- maximum overall height to be 2.5m within 2m of a boundary;
- maximum combined ground coverage of all garages and outbuildings to be 30 sq m if private garden exceeds 100 sq m, or 20 sq m if private garden area is less than 100 sq m;
- maximum 50% coverage (including extensions) of private garden area;
- no raised terraces, verandahs or balconies (including balustrades, railings and walls) to be added to the dwelling;
- maximum height of decking to be 0.3m.

Questions

Q1 Do you agree with the principle of an impact approach for permitted development?

Yes – but with reservations. The GDPO should focus on the impacts of extensions and other buildings on the host property and adjoining occupiers. Although the current system does highlight issues which authorities currently have no control over, especially outbuildings, which can be very substantial structures. An impact-based approach would make it easier for the public to understand why they could or could not undertake development with or without planning permission. However extensions in rural areas might still need a percentage limit particularly in Green Belts where disproportionate extensions would be contrary to PPG2. Due to issues such as boundary disputes, there is likely to be an increase in the level of complaints about non-compliance.

Q2 Do you agree with a restriction on development facing onto and visible from a highway in designated areas?

Yes, although 'visible from' may need further clarification as it could be open to wide interpretation.

Q3 Should the restriction apply in the same way to all types of designated area?

Yes

Q4 Do you agree that, subject to safeguards to protect householders from abortive costs, that the existing right to compensation for 12 months after any change to the GPDO is made is reviewed?

Yes. This 12 month notification period would allow householders to undertake works under the current regime before this is changed thereby avoiding incurring abortive costs through the imposition of sudden changes.

Q5 Do you consider that local planning authorities should be able to make an article 4 direction without the need for the Secretary of State's approval at any stage?

Yes. Care would need to be taken to prevent this process being open to abuse. Local authorities would also incur fewer costs.

Q6 Do you consider that, subject to safeguards to protect householders from abortive costs, the existing right to compensation as a result of the making of an article 4 direction should be reviewed?

Yes

Q7 Should there be a requirement for planning authorities to review article 4 directions at least every five years?

No. This would be time consuming and not necessary, and could dissuade authorities from using this approach. A 10 year review may be more appropriate.

Q8 Would there be benefit in making certain types of permitted development subject to a prior approval mechanism?

No – this could be contentious and it is a difficult concept for the general public to understand. It may result in more developments being built which could be at risk from enforcement action due to lack of understanding of the various mechanisms.

Q9 If so, what types of permitted development should be subject to prior approval and what aspects of the development should be subject to approval?

N/A

Q10 Would there be benefit in having a separate development order containing just permitted development rights for householders?

Yes – this would help to reduce confusion and would provide greater clarity. However it should cover all householder development, including areas not covered in the review, such as porches and fences.

Q11 Do you have any comments on the proposed definitions?

Yes. Original rear wall – the 1948 date is well established and understood. But for those buildings built prior to 1948 there could be potential disputes between householder and the local planning authority.

Principal elevation – for corner properties there would be two principal elevations, and presumably two back walls, thus development could have a significant impact.

Original dwelling house – see comments on ‘original rear wall’.

Q12 Do you agree with the proposed limits for extensions?

Some, but not all. There are concerns particularly about the proposed maximum depths (4m and 5m for attached and detached) which are in excess of what most authorities set out in planning guidance, and the same applies to those of more than one storey. Two storey extensions could result in back to back extensions being no more than 14 metres apart, thus seriously prejudicing the privacy of occupiers.

The requirement for a side extension to be no more than half the width of the original dwelling house could result in some very large extensions. The principle of obscure glazed non-openable windows on side extensions is agreed in principle, but there may need to be some form of ventilation.

Some definitions need working on – e.g. cladding.

Q13 Do you agree with the proposed limits for roof extensions?

Generally yes, but some reservations about definitions re principal elevation, dwelling house (in respect of terraces, balconies etc), and comments on side-facing windows as above.

Q14 Do you agree with the proposed limits for roof alterations? This includes solar panels.

Not all. The ability to cover the whole of a roof plane with solar panels will have a considerable visual impact, and could change the character of an individual property particularly in a designated area. The lesser limit of 60% roof coverage would be more appropriate as set out in the Entec proposal.

Q15 Do you agree with the proposed limits for curtilage developments?

Yes, although some clarification of definitions is required, e.g. single storey (in respect of outbuildings and garages), garden area (is it the original area before

any extension or outbuilding is built?). There should also be the imposition of the requirement to site outbuildings at least 5m away from the dwelling.

Q16 Do you agree that there should be no national restriction on hard surfaces?

No. This could have a significant visual impact on the character of an area and has an impact on run-off and flooding potential.

General comments on these proposals

There appears to be no consideration of the orientation of a property in the appliance of the proposals.

There is a need for clearer definitions of key terms like 'principal elevation', 'hipped', 'original dwelling house', 'single or 1-storey', and 'cladding'.

Porches, basements and boundary treatment have been completely overlooked.

Design appears to be a secondary consideration. The proposals appear to allow single and two storey flat roofed development where these would be inappropriate.

Initial examination of the proposals demonstrates that they would not have a significant impact on officer workload as the applications affected are the least complex. However there is likely to be a significant increase in the submission of Lawful Development Certificate applications as well as general enquiries, although this is unquantifiable at present. Once it is clear what the Government propose then further work on this will be undertaken.

There is likely to be an increase in enforcement complaints where neighbours report new building works which may exceed the requirements of the new legislation.