Householder Development Consents Review
Implementation of Recommendations
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White Young Green Planning

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## CONTENTS

**EXECUTIVE SUMMARY** 5

**CHAPTER 1** 6  
Background and Introduction

**CHAPTER 2** 13  
Impact Based Approach

**CHAPTER 3** 25  
Analysis of the GPDO

**CHAPTER 4** 40  
Extensions

**CHAPTER 5** 69  
Roof Extensions

**CHAPTER 6** 78  
Curtilage Developments

**CHAPTER 7** 89  
Other Issues

**CHAPTER 8** 97  
Conclusions

**APPENDIX 1** 111  
Draft HPDO Tolerances (First Round of Testing)

**APPENDIX 2** 119  
Draft HPDO Tolerances (Second Round of Testing)

**APPENDIX 3** 123  
Steering Group Membership

**APPENDIX 4** 124  
Sounding Board Participants
EXECUTIVE SUMMARY

This report explains the process by which an impact based approach to householder developments has been devised, tested and refined. The report proposes in detail a Householder Permitted Development Order (HPDO) to replace Parts 1 and 2 of the current General Permitted Development Order 1995 (GPDO).

Three Ministerial aims drive the proposed changes to the GPDO: the need to reduce householder planning numbers; the need to control adverse impacts from householder developments; and the requirement for a set of guidelines which is simple and clear.

A strong evidence base has informed the recommendations, including a survey of local planning authority residential design guides; an analysis of best practice governing daylighting and privacy standards; and evidence taken from recent studies and complaints received by the Local Government Ombudsman of harmful householder developments currently occurring.

Extensive testing of the recommended guidelines has been undertaken, including sampling recent householder planning and building regulation applications from a range of local planning authorities, and examining recent appeal records held by the Planning Inspectorate.

The result is a set of recommendations for updating the parts of the current GPDO which the evidence shows are not ‘fit for purpose’. The changes encompass relaxations in areas where harmless householder developments currently require planning permission, and tightening up where harmful developments currently proceed. The changes represent a rebalancing of the GPDO to respond to modern-day development pressures, and are not simply a deregulatory measure. The report points to ways in which an HPDO could improve the design of householder development.

The proposals pay careful attention to householder development in sensitive areas, and suggest how an HPDO could adopt tighter restrictions in national parks, areas of outstanding beauty and conservations areas. The implications for listed buildings are also explored.

The guidelines simplify the present complex system of calculating domestic extensions, and replace it with a system based on straightforward rules and concepts. The benefits for householders planning extensions are potentially significant.

The report models various scenarios of future trends in householder planning application numbers following the introduction of an HPDO, and concludes that a potential saving nationally of 26% of householder planning applications is achievable. Rural areas are likely to make the largest savings with lower savings in larger towns and cities.
CHAPTER 1
Background and Introduction

Project Brief

1.1 White Young Green was commissioned in September 2006 by the Planning Inspectorate, on behalf of the Department for Communities and Local Government and the Welsh Assembly Government, to:

- make detailed recommendations for improving permitted development rights for Householder Development
- draft model local development orders to extend permitted development rights locally
- draw up a Plain English guide for householders and provide advice and guidance on implementation of the new arrangements

1.2 The commission followed the publication of the Householder Development Consents Review Steering Group Report in July 2006 by Communities and Local Government, which itself drew on two separate studies: a research study by Sparks & Jones entitled Making the System More Proportionate; and a Survey of Neighbours and Applicants undertaken by MORI. These two studies formed appendices to the main Steering Group Report.

1.3 The first two recommendations of the Householder Development Consents Review Steering Group Report were:

**Recommendation 1:** A new and simplified Permitted Development Order for Householder Developments should be prepared. This would be based on Parts 1 and 2 of the existing Order and would move from the present volume-based approach towards one based on impact. It should be issued with a plain-English user guide.

**Recommendation 2:** Communities and Local Government should develop model Local Development Orders to illustrate how they can help Local Planning Authorities to extend permitted development rights in their areas.

The first of the recommendations forms the basis of this report. (The requirement for a plain-English user guide is deferred until after a period of public consultation has been undertaken on the findings contained in this report.)
Objectives

1.4 The Planning Inspectorate produced a Statement of Requirements for the assignment in July 2006. This set out the following requirements for a new Permitted Development Order for Householder Developments:

- clarity, simplicity and consistency
- that the need for specific planning permission is proportionate to the impact of the development
- that the number of planning applications is kept to a minimum
- that the legislation is and can remain relevant to new technologies and changing lifestyles

1.5 The whole of Parts 1 and 2 of the GPDO, with the exception of microregeneration equipment and satellite dishes, are covered by the assignment. (Microregeneration equipment is covered by a separate parallel study by Entec UK Ltd, whilst satellite dishes were recently reviewed by Communities and Local Government and do not require further assessment). The assignment addresses whether Part 1 could be extended to cover flats as well as dwellinghouses.

1.6 This report explains how White Young Green have applied the above requirements to produce recommendations for a new HPDO which is

- impacts-based
- clear and easy for users to interpret
- reduces the burden of planning applications for householder developments which have no adverse impacts
- requires planning applications for householder developments with potential adverse impacts which are currently allowed by the current GPDO

Managing the Assignment

1.7 A Steering Group comprising external experts and senior Communities and Local Government officials was established under the Chairmanship of Katrine Sporle, Chief Executive of the Planning Inspectorate. White Young Green attended monthly review meetings with the Steering Group as well as having the benefit of day-to-day supervision by Communities and Local Government officials. We would like to place on record our thanks to Will French for his invaluable support and guidance in project managing the assignment.

1.8 In addition to the Steering Group, a larger Sounding Board of experts was convened to provide feedback on the emerging proposals. Its membership was drawn from practitioners and academics of the Royal Town Planning Institute,
the Planning Officers Society, the National Planning Forum, the National Association of Planning Enforcement Officers, the Local Government Association and Planning Aid. White Young Green gave two presentations to the Sounding Board, the first at the initial options appraisal stage and the second to review the emerging recommendations for a new HPDO.

1.9 A third component of the assignment was input from Les Sparks and Emrys Jones, the authors of the earlier report referred to above. Their input provided continuity with the previous phase of the Review, allowing Sparks and Jones to act as ‘critical friends’ through the course of the assignment.

Project Team

1.10 The assignment commenced in September 2006 and was completed in January 2007.

White Young Green’s project team was composed as follows:

Jeremy Gardiner
Project Director

Jeremy Heppell
Project Manager

Stuart Goodwill
Project Reviewer

Sylvia Jezeph
Graphics

Graham Martin
Graphics

Jeremy Heppell and Stuart Goodwill have a combined total of 23 years experience in development control with various local authorities, and are therefore in a position to apply their first hand knowledge of the workings of the GPDO to this assignment.

Impact Based Planning

1.11 The planning system is underpinned by the concept of “impacts”. If the impact of a development proposal is acceptable then it should proceed; if the impact is not acceptable then ways must be found to mitigate the impact, failing which the proposal should not proceed. Such an approach can be applied equally to large and small development proposals.

1.12 The way in which the planning system deals with proposals to extend or otherwise alter dwellinghouses mirrors this impact approach, commonly
encompassing an assessment as to whether a proposed extension could overlook or overshadow neighbouring dwellinghouses, or be deemed visually inappropriate or harmful to highway safety, or has other cumulative impacts which, when taken together with other similar developments, make it unacceptable.

1.13 All additions to dwellinghouses, apart from very minor changes and purely internal alterations, are classed as ‘development’. However, not all ‘developments’ require express planning permission, because many smaller additions to dwellinghouses are granted a “deemed” consent by the GPDO provided they comply with specific criteria relating to their size and position. This creates a situation whereby larger or more prominent additions to dwellinghouses are fully tested through the planning application process to discover whether adverse impacts occur; whilst smaller developments are deemed to be acceptable provided specific tolerances are complied with.

The Current GPDO

1.14 The 2-tier approach focusses the work of planning authorities on larger developments which carry a greater risk of harmful impacts, allowing smaller schemes with lesser impacts to proceed without any regulatory process. It could be argued that such an approach is appropriate because it focusses resources where they are needed and saves resources being used where they are not. However, the success of the approach rests on several key assumptions:

a) That the current GPDO applies properly impacts-based tests to determine whether a householder proposal requires planning permission or not

b) That it correctly distinguishes between “permitted development” and development requiring planning permission, and does not allow development with harmful impacts to proceed, or require planning applications for impact-free developments

c) That it is expressed in simple, unambiguous terms that professionals and lay people alike can understand

1.15 The evidence produced in the Steering Group Report showed that the current GPDO fails in each of these areas:

a) The measures it uses to assess whether a development may proceed are not always impact-based, or at least are not expressed precisely enough to properly distinguish between impacting and impact-free proposals. The problem is seen to be primarily a result of the reliance on volume-based calculations.

b) The Steering Group report found that large numbers of planning applications are generated for householder developments which do not have harmful impacts, which are subsequently permitted without amendment or conditions to control impacts; yet on the other hand harmful developments are allowed to proceed unchecked in some instances
c) The current GPDO is not easily understood by non-professionals, largely because the volume of extensions has to be calculated cumulatively.

As a result of these conclusions, the Steering Group Report recommended that the GPDO be revised to adopt a properly impacts-based approach along the lines recommended by Sparks & Jones in their report.

Levels of Impact

1.16 Sparks & Jones carried out a detailed investigation of the types of impacts which householder developments can give rise to, leading to a categorisation of impacts into 4 levels:

Level 1  Affect only the host property and the living conditions of its occupants.

Level 2  Affect the living conditions of people occupying adjoining properties.

Level 3  Affect the character and appearance of the immediate street scene.

Level 4  Affect interests of importance over a wider area than the immediate street scene.

1.17 Level 1 impacts are self-explanatory and relate primarily to loss of light within existing rooms in a host. They could also extend to the harm which may be done to the appearance of a property through injudicious extensions. Sparks & Jones took the view, which the authors of this report endorse, that such impacts are not properly within the remit of the planning system since no public interest is involved.

1.18 Level 2 impacts can include overlooking (loss of privacy), overshadowing (loss of daylight), overbearing presence (loss of aspect or openness) and disturbance (loss of peace and tranquillity). In most cases these impacts are assessed in a quantitative fashion.

1.19 Proposals that are visually discordant will have adverse Level 3 impacts, particularly where the street scene is distinguished by some ordering principles. These impacts are measured qualitatively rather than quantitatively and consequently are more subjective than Level 2 impacts.

1.20 The Steering Group Report gives a number of examples of Level 4 impacts:

- harm to designated areas such as Conservation Areas or Areas of Outstanding Natural Beauty
- harm to listed buildings
- harm through the cumulative impact of a number of small developments e.g. water drainage capacity in a locality being adversely affected by the construction of a large number of concrete hard surfaces
- the range of affordable rural housing stock being eroded by frequent large extensions
- adverse consequences for highway safety
1.21 It is through an understanding of these impacts that it is possible to review and reform the current GPDO to produce an impacts-based HPDO.

## Structure of the Report

1.22 This report sets out the process which has been undertaken to arrive at an impacts-based HPDO. The report is structured as follows:

1.23 **Chapter 2** is devoted to a detailed analysis of the 4 levels of impact and what we mean by acceptable as opposed to unacceptable impacts. The chapter applies the concepts commonly used by town planners in England and Wales to measure impacts, to create an understanding of which impacts are key to determining whether a development proposal is acceptable, and whether these impacts can be measured in an objective manner.

1.24 The evidence base for Chapter 2 is drawn from:

- BRE’s Site Layout Planning for Daylight and Sunlight, the standard text for assessing overshadowing impacts
- Essex Design Guide (2005 version) which enjoys a national reputation for its approach to good design and assessing overlooking impacts
- Residential design guides drawn from a sample of planning authorities across England and Wales

1.25 **Chapter 3** builds on the knowledge gained in Chapter to undertake a detailed analysis of the current GPDO to understand those areas where it adopts an impacts-based approach and those areas where it fails to do so adequately. The chapter concludes with a summary of those parts of the GPDO where urgent revision is required.

1.26 The evidence base for Chapter 3 is drawn from:

- London Assembly’s Crazy Paving report published in 2005
- Royal Horticultural Society’s Front Gardens report published in 2006
- Local Government Ombudsman’s household complaints files

1.27 **Chapters 4, 5 and 6** examine in detail those failing areas of the current GPDO to explore how an impacts-based approach could be adopted. For each failing area of the current GPDO the following approach is applied:

- Options for change are developed using the knowledge gained in Chapters 2 and 3
• Options for change are tested for their ability to reduce planning application numbers, prevent unacceptable environmental impacts from occurring, and their usability

• Preferred options are selected and illustrated

1.28 The evidence base for Chapters 4, 5 and 6 is drawn from:

• A sample caseload of planning and building regulations applications in four planning authorities: Harrow, West Berkshire, Monmouthshire and Leeds

• A sample of recent householder appeals supplied by the Planning Inspectorate

• A usability exercise undertaken by local authority planners

1.29 **Chapter 7** addresses a range of separate issues which are pertinent to the introduction of an HPDO. Amongst these are:

• Further investigation of a basement extensions class

• Conclusions on extending an HPDO to cover flats

• Anomalies in the current GPDO

• New definitions

• Compensation

• The Nathaniel Litchfield report and Communities and Local Government list of complaints

1.30 **Chapter 8** sets out key conclusions and recommendations, including:

• The structure of a new HPDO, set out class by class

• Aggregated test results illustrating the likely overall changes to householder application numbers resulting from the preferred options for change

• The benefits of a new HPDO
CHAPTER 2
Impact Based Approach

Introduction

2.1 The principles underpinning an impacts-based approach to householder development are explained in detail in the report by Sparks and Jones and it is not necessary to repeat all of their analysis. Sparks and Jones examined the types of impacts that a householder development can give rise to, and concluded that there are 4 broad levels of impact. Their analysis provides a useful framework for understanding precisely the types of impact that an HPDO needs to control and how these can be measured and quantified. Each of the 4 levels of impact is examined in detail below.

Level 1 Impacts – Host Property

2.2 Level 1 impacts are the lowest level of impacts and affect only the host property. Such impacts can include changes to the appearance of the host property and changes to the living conditions of the occupiers of the host property. Such impacts do not impinge on the public interest and as a point of principle a view needs to be taken as to whether such impacts should properly be controlled by a GPDO/HPDO. The view which states that such matters are best left to Building Regulations and to the householders themselves is favoured.

Level 2 Impacts – Adjoining Neighbours

2.3 Level 2 impacts are critical to a GPDO/HPDO since they relate to the living conditions of the occupiers of adjoining properties. An analysis of BRE’s Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (published in 1991), the Essex Design Guide (published in 2005) and householder design guides in England and Wales shows that there are four component elements to level 2 impacts, which are overlooking, overshadowing, overbearing presence and disturbance. Each of these is explored in detail below.

OVERLOOKING (LOSS OF PRIVACY)

2.4 Overlooking is commonly taken to relate to loss of privacy in the living areas of a house, but may also include loss of privacy in external living areas such as gardens, patios, and swimming pools.

2.5 Habitable rooms Occupiers generally have an expectation of privacy in their habitable rooms, particularly where these rooms are on the garden side of a
dwelling, and especially when the rooms concerned are living rooms. The Essex Design Guide makes the point that for normal urban densities above 20 houses to the hectare, some overlooking is inevitable. The Guide advocates a minimum of 25 metres between rear-facing habitable rooms, assuming there is boundary screening above eye level (i.e. 2 metres high, unless there is a change in levels in which case it will need to be higher) between the dwellings, and that living rooms are located on the ground rather than the upper floors; if houses are at an angle of more than 30 degrees to each other the Essex Design Guide recommends reducing the separation distance to 15 metres. BRE note that privacy distances used by planning authorities vary widely, from as little as 18 metres to as much as 35 metres. Our research into local planning authorities’ householder design guides suggests that 21 metres is the commonest minimum privacy distance.

2.6 Privacy distances to protect habitable rooms are common in local planning authorities’ householder development guides. However, there is an anomaly inherent in such guidance in that it is commonly applied both to new development and to householder extensions, so that new development which meets minimum separation standards will generally benefit from “permitted development” rights (the advice in Circular 11/95 being that “permitted development” rights on new developments should only be removed ‘to avoid overdevelopment by extensions to dwellinghouses in an area of housing at exceptionally high density’). Householders are thus able to carry out development under the GPDO which brings their properties significantly closer together than the Essex Design Guide recommended minimum.

2.7 This suggests that a lower separation distance may in reality be acceptable to most householders. In a standard ‘estate’ situation where two 10 metre deep back gardens adjoin each other, the separation distance will be 20 metres. If 2 storey rear extensions were added to both houses using “permitted development” rights, each house might add a 3 metre deep extension, reducing the separation distance to 14 metres. Such a separation distance may therefore be considered an acceptable minimum by householders.

2.8 **Amenity areas** Occupiers expect a degree of privacy in their private amenity areas, especially private sitting out areas. The Essex Design Guide suggests that private sitting out areas should extend for a minimum of 3 metres from the rear of the house and should be afforded the same privacy protection as habitable rooms. Developments which might not directly affect habitable rooms, such as side-facing windows on two storey extensions, can have a significant impact on the enjoyment of private garden areas. Developments such as terraces/decking and balconies with clear lines of sight into neighbours’ gardens and habitable rooms can also adversely affect privacy.

2.9 In relation to sitting out areas, the 3 metre requirement set out above is at odds with the commonly accepted rule of thumb that dwellinghouses can be extended by 3 metres without causing overbearing impacts (see below). Again the reality does not match the theory, suggesting that a degree of overlooking in this area may be accepted as the norm.
OVERSHADOWING (LOSS OF DAYLIGHT)

2.10 The key to an understanding of overshadowing is the distinction between the two components of daylight (natural light): skylight and sunlight. Skylight, sometimes known as diffuse skylight, is light which is diffused all around us even on cloudy days, whilst sunlight is the light which comes directly from the sun on clear days. BRE define daylight as a combination of skylight and sunlight, stating, “The quantity and quality of daylight inside a room will be impaired if obstructing buildings are large in relation to their distance away”. In a British context skylight is the more important component. Three indicators are suggested by BRE for measuring skylight, and two for sunlight.

2.11 **Skylight indicator 1: ‘25 degree’ line** This indicator governs new development directly facing existing windows. If a new building or extension breaches a perpendicular line at an angle of 25 degrees above the horizontal taken from a point 2 metres above ground level on an existing house, it is likely that windows in the existing house will be overshadowed. The diagram below illustrates how this indicator works. Where there are no levels changes, the Essex Design Guide suggests that a separation distance of at least 10 metres is required to prevent overshadowing. Our research shows that the 25 degree line is referred to in only a minority of local planning authorities’ householder design guides.

![25 degree line](https://example.com/figure1.png)

2.12 **Skylight indicator 2: ‘45 degree’ line** This indicator governs new development at right angles to existing windows. Two 45 degree lines should be drawn on the elevation drawing and plan drawing respectively. The 45 degree line on the elevation plan should be drawn diagonally down at an angle of 45 degrees from the near top corner of the extension towards the nearest neighbouring window. The 45 degree line on the plan drawing should be drawn diagonally back from the end of the extension towards the nearest neighbouring window. If both lines cross the centre point of the nearest neighbouring window then it is likely that overshadowing will occur. The diagram below illustrates how the indicator works.
2.13 Our research shows that the 45 degree line is contained in the majority of local planning authorities’ householder design guides, often with minor variations from the BRE guidance. For instance many local authorities apply the 45 degree line only in the horizontal, applying the rule more strictly to 2 storey extensions, for instance by requiring the 45 degree line to be taken from the quarter point or nearest edge of the window.

2.14 **Skylight indicator 3: ‘43 degree’ indicator** There is one further indicator recommended by BRE for use in instances where a development close to a boundary must avoid harm to potential new development on the other side of the boundary, so as not to sterilise the adjoining land. Although this is not a scenario which occurs when assessing Level 2 impacts, and for this reason the indicator is not found in householder design guides, it has value to this project because it makes no assumptions about what is on the adjoining land other than that it is susceptible to overlooking, overshadowing and overbearing impacts.
2.15 The rule states that if a new building breaches a perpendicular line at an angle of 43 degrees above the horizontal taken from a point 2 metres above ground level on the boundary, then it is likely that adjoining land will suffer from overshadowing. The diagram below illustrates how this indicator works. The indicator confirms that overbearing impacts can be avoided by ensuring that domestic extensions and outbuildings are sited an appropriate distance from common boundaries, and are limited in height in direct proportion to their distance from the boundary. Such a limitation reflects neighbours’ concerns about development in close proximity to their boundary, and links to the ‘3 metre’ rule and its variants, which are discussed below.

2.16 **Sunlight indicator: ‘25 degree’ line** BRE consider that householders are particularly likely to notice a loss of sunlight to their homes, and value sunlighting of their amenity areas. They advocate using the British Standard for sunlighting, which suggests that all windows oriented within 90 degrees of due south, especially living rooms and conservatories, should be checked for possible loss of sunlight. The simplest indicator recommended by BRE is the 25 degree line, which operates in the same way as the indicator explained above (though it is not applicable to north-facing windows). As with the other indicators, BRE emphasise that the guideline is purely advisory, and that planning authorities may wish to devise different criteria.

2.17 **Sunlight indicator: amenity areas** BRE recommend that no more than 40% of any private garden (which excludes small front gardens) should be prevented from receiving any sun at all when the sun at its equinox (i.e. on 21 March). Such a rule of thumb does not guarantee that sunlight is available in specific areas like patios, and does not guarantee sunlight in winter. The presence of trees and fences impact on sunlighting calculations. BRE do not suggest a simple indicator for measuring loss of sunlight to a garden, but advocate the use of shadow plans to assess whether large buildings are likely to affect adjoining gardens. As the attached example shows, such diagrams are complex to calculate, and have the added complication that different indicators are applicable in the north of England compared to the south. Whilst some local
planning authorities use shadow plans as part of their supplementary guidance for householder developments, their complexity limits their value to an HPDO.

2.18 To what extent do these indicators establish absolute standards for new development? BRE make the point that “like most rules thumb, [the 45 degree line] needs to be interpreted flexibly”, and the same is true of the other indicators. Specific examples of where flexibility is required include where the extension has a larger building behind it which already blocks daylight, and where an extension already exists to one side of a host property raising the possibility of a ‘tunnelling effect’ occurring. For sunlighting, the dwelling’s orientation is obviously crucial. The indicators may act simply as a prompt to designers that a better design solution is achievable.

2.19 It should be borne in mind that the current GPDO does not restrict development which breaches these indicators; for instance, it does restrict extensions along common boundaries even though these will frequently breach the 45 degree line. Similarly two storey extensions which can be built which could breach the 25 degree line in relation to houses at the rear. These indicators should not therefore be regarded as mandatory, but should be used (as their name suggests) to indicate whether there is a potential overshadowing issue with a proposed development. Furthermore their complexity may make them difficult to incorporate fully within a self-regulating HPDO.
OVERBEARING PRESENCE (LOSS OF ASPECT OR OPENNESS)

2.20 Loss of aspect or openness is not as easily measured as privacy or daylighting. It is not covered by BRE, nor is it a design criterion in the Essex Design Guide. It is not as specific in its harmful impact as overshadowing. To illustrate the point, an overlarge structure erected in a rear garden close to a boundary would not cause overshadowing when judged against the above indicators, but might be judged to be unacceptably overbearing because of its height and proximity to the boundary. Similarly, an overlarge box dormer on the rear of a terraced or semi-detached house might be considered overbearing because of its height and poor appearance even if no specific overlooking occurred.

2.21 A key factor in whether a development is perceived as overbearing is proximity to the common boundary. BRE offer the following advice: “A well designed building will stand a reasonable distance back from the boundaries so as to enable future nearby developments to enjoy similar access to daylight. By doing so it will also keep its own natural light when the adjoining land is developed.” This is supported by the MORI research undertaken for the Steering Group Report, which showed that neighbours’ concerns about a proposal diminish in direct proportion to its distance from the common boundary. Other key components of an overbearing presence are the height of a proposed extension or outbuilding, plus – in the case of extensions – their depth from the main house.

2.22 It is likely that in the majority of cases where a possible overbearing presence could occur, the daylight indicators referred to above will provide a good rule of thumb as to whether an adverse level 2 impact will result. There is one further indicator used in many local planning authority design guides which provides a good guide to loss of aspect. It has a dual function in also controlling loss of light, but is included here rather than in the overshadowing section because it does rely on any measurement of daylight; rather it is a rule-of-thumb as to how deep an extension can be before it is likely to impact adversely on adjoining neighbours.

2.23 The ‘3 metre’ rule This rule is not suggested by BRE but is nevertheless common to many local planning authority design guides. The commonest form of the rule stipulates that single storey extensions should be no deeper than 3 metres, which is often reduced to 2 metres for two storey extensions; some authorities will accept a 4 metre extension provided it is to a detached or semi-detached house. In some instances conservatories are exempted from the minimum depth calculations. Additionally a minimum separation distance to the boundary is often specified, with 1 metre being a common distance for single storey extensions, and 2 (or even 3) metres for two storey extensions.
2.24 The relationship between the height and depth of an extension and its proximity to a boundary is a key concept in defining unneighbourly overbearing impacts. This may seem an obvious point to make, yet this relationship is not codified in any meaningful sense within the current GPDO. It is instructive that so many local planning authorities define overbearing impacts by reference to depth, taking account of height and proximity to boundary. The 3m depth limitation provides a helpful starting point in devising an impacts-based GPDO.

**DISTURBANCE (LOSS OF PEACE AND TRANQUILLITY)**

2.25 *Noise* In the vast majority of cases a properly used (i.e. not for business purposes) domestic extension should not give rise to noise disturbance in the ordinary course of events. Soundproofing is covered by the Building Regulations. Where occupiers generate excessive noise that constitutes a statutory noise nuisance, such as noisy pets or loud music, it is an environmental health matter. The Essex Design Guide suggests that the only significant design issue in relation to noise is road noise, which is a matter to be addressed when determining where to build new houses, rather than extending houses which already exist. It is acknowledged that the erection of outbuildings for use as, say, dog kennels, or the installation of a hard surface for parking cars or playing tennis, may generate localised noise nuisance, and in this regard it is sensible to at least ensure that such developments are not undertaken hard up to neighbours’ boundaries. But it is not considered to be within the remit of the GPDO to seek to impose controls generally on noise from domestic properties.

2.26 *Light* Domestic lighting has the potential to cause nuisance to neighbours and the wider environment, partly through lightspill from inside dwellinghouses, but mainly as a result of the careless use of external floodlights and spotlights. This can be a particular issue in relation to security lighting, particularly lighting which is subject to a time switch or being triggered by movement. In general such lights are exempt from planning permission unless installed on a purpose-built structure which itself needs planning permission. It is not within the remit of this review to examine disturbance from domestic light sources though it is acknowledged that this is an issue which could merit investigation.
LEVEL 2 IMPACTS – CONCLUSION

2.27 Sparks and Jones identified 8 housing typologies ranging from low density (executive homes) through medium density (interwar private estates and postwar estates both private and public) to high density (nineteenth century artisan terraces and post-PPG3 urban-style developments). Nineteenth century artisan terraces will normally have lower privacy and daylighting levels than executive homes, with other housing typologies occupying a spectrum between the two. Should the same criteria be applied across all housing typologies for assessing Level 2 impacts? BRE set out absolute standards for measuring daylighting, and the Essex Design Guide does the same for privacy standards. It would add an extra layer of complexity to an HPDO to differentiate between housing typologies and apply differing standards. A uniform approach to controlling Level 2 impacts should be the goal of an HPDO.

2.28 Where quantitative impact criteria are proposed, it is recognised that local topography can have a significant impact on the operation of such rules. Where the host property is higher than its neighbour or occupies a more recessed building line, the risk of adverse level 2 impacts increase. This makes formulating universally applicable and reliable impact criteria difficult, and implies that the criteria must be formulated to avoid adverse impacts in non-standard situations.

Level 3 Impacts – Street Scene

2.29 In defining impact on the character and appearance of a street scene, greater importance is attached to elevations which front a public area as opposed to those which face away from it. The Essex Design Guide explains that “most public spaces should be faced by the fronts of buildings and their entrances, not by a predominance of flank elevations or side or rear boundaries”. In other words, dwellinghouses normally present their best frontage to the public domain, whether this be the street or a communal area such as open space or even a waterway. The Essex Design Guide stresses the importance of achieving a continuity of built frontage.

2.30 Whilst local authority design guides are unanimous in stressing the importance of public frontages, there is less unanimity in what constitutes good or bad design. For any given property there may be a variety of ways in which it could be extended satisfactorily. A common theme in many design guides is that side extensions should be subordinate to the host property and follow the established design theme of the area, whether this be in relation to facing materials, decorative treatment or maintaining gaps between houses. It is commonly stated that tall flat roofed extensions and large box dormers are inappropriate. The overriding theme is respect for the scale and appearance of the street scene.

2.31 A contrasting viewpoint not generally found in design guides is that original, contemporary should be encouraged, and that uniformity is not necessarily a desirable. It may be feasible to extend houses on large plots in a manner which would be considered alien in a street of similarly-designed closely-grouped
houses. Such situations pose a considerable challenge to attempts to codify good design in an impacts-based HPDO.

2.32 A further issue is the regional and sub-regional variation in housing types across England and Wales, as a result of local climatic and other natural conditions, and the use of locally-occurring materials. An HPDO is unlikely to be a suitable vehicle for governing good design that responds adequately to locally occurring factors.

2.33 An HPDO can best protect the street scene from adverse impacts by setting a limit on the size of extension which can be undertaken as “permitted development”, and requiring the submission of a planning application for development exceeding this limit. This is likely to mean that development in front of the house would (as now) require express permission, whilst development to the side of a house is likely to be limited to that which is ‘subordinate’ in visual terms. An HPDO is unlikely to be as specific as many planning authority design guides in setting out detailed criteria for the design of side extensions. Roof extensions to the front and sides of houses would be limited in a similar fashion to front and side extensions.

**Level 4 Impacts – Interests of Wider Importance**

2.34 Level 4 impacts are those impacts beyond Level 3 where harm might be caused because the property lies in a particularly sensitive area, or specific planning policies applying to the area might be breached, or because the development could, in combination other similar developments, give rise to environmental problems. Issues of highway safety might also come under the umbrella of Level 4 impacts. Each of these types of level 4 impact is examined below.

**SENSITIVE AREAS**

2.35 Development which might be acceptable in a normal residential situation might be considered harmful in a sensitive area such as a national park, areas of outstanding natural beauty, conservation area, area of ecological importance or green belt. National parks and areas of outstanding natural beauty are protected for their natural beauty; conservation areas for their historic character; areas of ecological importance for their flora and fauna; and green belts for their openness. Each may require a specific type of protection from householder developments.

2.36 *National parks/areas of outstanding natural beauty* The issue is whether an extension to a dwellinghouse which is acceptable in terms of its level 3 impact could nevertheless harm the natural beauty of protected landscapes. If an HPDO were to set generous limits on rear extensions and outbuildings, there may be a case for tighter controls in national parks and areas of outstanding natural beauty. A particular issue could be large outbuildings and swimming pools in large isolated gardens within protected landscapes.
2.37 *Conservation areas* The issue here relates to publicly-visible alterations to house which, because of its historic character and importance to the built fabric, might be deemed harmful even if the Level 3 impact is acceptable. Thus if a new HPDO was permissive towards side extensions, consideration could be given to requiring planning applications for all side extensions in conservation areas. Similarly if larger rear/roof extensions or outbuildings could have adverse impacts for conservation areas, tighter controls could be considered. It needs to be borne in mind that the most important buildings in conservation areas are likely to be listed and therefore benefit from comprehensive controls over any form of development, whether internal and external.

2.38 *Green belts* Green belts are defined by their openness rather than their landscape character. As a result they are given no special protection in the current GPDO. Careful justification would be needed for an HPDO to introduce additional limitations on “permitted development” rights in these areas.

2.39 *Areas of ecological importance* The issue is whether householder developments are likely to harm nature conservation interests. The present GPDO places additional controls over householder developments in such areas but it is not clear what such controls achieve. If an area is so ecologically sensitive that any additional householder development is harmful, then the current GPDO would be failing, but there is no evidence to suggest that this is the case. It follows that if householder extensions can be undertaken without harming the ecological value of such areas, there may be no reason to impose tighter limits on development than apply elsewhere.

**PLANNING POLICY**

2.40 Two potential instances were cited by Sparks and Jones. Many rural authorities have policies designed to prevent rural dwellings on large curtilages from being hugely expanded thus eroding the rural housing stock; whilst some urban authorities have policies to prevent houses in tightknit situations from being enlarged to create student accommodation, because of the problems which could occur. In both instances a more generous HPDO could potentially allow developments to proceed which could breach such policies. This is an issue to bear in mind if an HPDO is to propose more generous tolerances for dwellinghouse extensions.

**CUMULATIVE IMPACTS**

2.41 Adverse cumulative impacts could occur as a result of an excessive number of similar ‘permitted developments’ occurring in the same street. An example highlighted by the Steering Group report is the proliferation of hard surfaces to the front of properties in urban areas lacking offstreet parking facilities. Such developments may on their own be acceptable but if repeated throughout a street could give rise to runoff problems, visual harm and a potential loss of biodiversity. A new HPDO should address this issue.
ROAD SAFETY

2.42 Where a householder requires a new access it is clearly important that it does not affect highway safety. Where the road is busy it is important that cars do not manoeuvre out in reverse gear. As with the current GPDO controls over new accesses onto classified roads will be necessary. Consideration will also need to be given to the relationship between new accesses and new hard surfaces.

CONCLUSIONS

2.43 Level 1 impacts should not be controlled in an HPDO for the reasons set out above. Key to an impacts-based HPDO is to impose appropriate controls over Level 2 and Level 3 impacts. Level 2 impacts primarily occur at the rear of dwellinghouses, and by their nature are largely capable of being controlled by quantitatively-expressed tolerances. Tolerances which maximise the level of permissible development whilst controlling adverse neighbour impacts should be the aim of an HPDO. Level 3 impacts are often subjective in nature and cannot easily be controlled by quantitative tolerances alone; therefore an HPDO should focus on placing limits on acceptable development rather than applying detailed design criteria. Level 4 impacts are likely to be addressed by modifying Level 2 and Level 3 tolerances as appropriate.
CHAPTER 3
Analysis of the GPDO

Introduction

3.1 Understanding the extent to which the current GPDO controls the impact of householder development is fundamental to the assignment. It is necessary to understand the genesis of the modern GPDO and analyse the limitations the GPDO places on householder development, and whether these limitations act to control Level 1, 2, 3 or 4 impacts. Using this approach it will be possible to determine which elements of the GPDO work effectively at present and which do not, and to make targeted recommendations for change. Where the GPDO works well there should be no overriding reason to change it.

3.2 As well as examining the extent to which the GPDO adopts an impact-based approach, it is necessary to examine whether the limitations contained in the GPDO are properly calibrated to prevent unacceptable development from proceeding, or whether the reverse is sometimes true. Finally it is necessary to examine whether the limitations imposed by the current GPDO are easily understood and interpreted, particularly by householders.

Evolution of the GPDO

3.3 The GPDO’s predecessor, the General Development Order, was introduced by the 1947 Town and Country Planning Act, as a response to concerns that the planning powers introduced by the Act were too wide-ranging, and that it was appropriate to relax restrictions over development to encourage certain forms of development. The GDO was narrow in scope, and in relation to householder developments allowed only small buildings within the curtilage.

3.4 The General Development Order has been substantially revised twice since its inception, on both occasions the driver for change being the high level of householder planning applications occupying “an amount of time and manpower out of all proportion to their importance to planning” as the Ministry explained in 1950. The result on both occasions was a substantial deregulation of the Order.

3.5 In 1950 the General Development Order was widened to include extensions to dwellings, and the cumulative volume-based method of limiting the size of extensions was introduced. The result was a substantial reduction in the number of householder developments needing express consent. In 1981 a further extension of householder permitted development rights occurred, with the volume limitation on extensions being relaxed, except in sensitive areas where the earlier tighter limitations were retained.
3.6 In 1988 the General Development Order was completely redrafted in an attempt to make it easier for users to understand, and in 1995 it was split into two parts, permitted development rights being consolidated into the current GPDO, and the procedural aspects of the Order being transferred to the General Development Procedure Order.

3.7 Our analysis here is of the GPDO that is currently force in England, but which may now differ in some details to that which operates in Wales. When it was first introduced in 1995, the GPDO applied in both countries. Since that time a number of joint/separate amendments have been made to the order that may have given rise to some differences now to the details contained within each order. However, most of the major principles remain the same.

The Structure of Parts 1 and 2 of the GPDO

3.8 The assignment is primarily concerned with Part 1 of the GPDO which sets out a range of ‘permitted development’ rights for dwellinghouses, but also addresses Part 2 which sets out ‘permitted development’ rights relating to boundary treatment, new accesses and exterior painting. Part 2 rights apply to all classes of development (e.g. industrial users, shops etc) but relevant also to householder developments. Parts 1 and 2 are split into a number of classes of development as set out below:

**Part 1**
- Class A: extensions
- Class B: roof extensions
- Class C: roof alterations
- Class D: porches
- Class E: outbuildings and swimming pools
- Class F: hard surfaces
- Class G: oil storage containers
- Class H: microwave antennae

**Part 2**
- Class A: means of enclosure
- Class B: means of access
- Class C: exterior painting
Analysis of Part 1 of the GPDO

3.9 **Part 1, Class A: Extensions** The GPDO limits extensions in terms of volume, and sets a cumulative limit depending on the type of house and where it is located (terraced houses and houses in sensitive areas have a lower limit). Volume is calculated cumulatively for all extensions later than 1948: thus a house may be extended several times using ‘permitted development’ rights before its limit is reached: thereafter planning permission is required for any additional extensions. The GPDO acts to prevent extensions facing highways (unless set well back) and extensions higher than the original house. Extensions close to boundaries are limited in height, whilst an overall limit is placed on ground coverage by buildings.

3.10 The way in which Class A operates is illustrated in the following diagrams. A single storey rear extension is allowable, as is a 2 storey rear extension, but it will be noted that the 2 storey extension has a smaller footprint (or ground coverage) than the single storey extension, as a result of the volume limitation.
3.11 Two problems occur as the result of the volume limitation. The first is that it places an artificial limit on the enlargement of larger properties even though cumulative extensions beyond the 70 cu m limit may not give rise to any problems. Anecdotal evidence suggests that this is one of the major causes of unnecessary householder planning applications. An illustration of where this problem arises is shown below. The point to note is that because the conservatory came after the two storey extensions, it required permission whilst the 2 storey extensions did not, yet the conservatory clearly has a lower Level 2 impact than the extension.
3.12 The second issue relates to developments at the rear of a property facing a highway (road or footpath). Unless the rear garden is more than 20 metres deep, the GPDO requires planning applications for rear extensions in these circumstances, even though it is usually the case that the house in question does not present a ‘public face’ to the highway, and there will often be substantial boundary treatment enclosing a private rear garden. Such cases give rise to a number of unnecessary planning applications. An example is illustrated below.
3.13 **Part 1, Class 2: Roof extensions** The roof extensions class includes dormer extensions, and enlargements to the roof space such as hipped roofs being extended to form gables. The GPDO limits roof extensions by volume in the same way as for other extensions, and requires that extensions and roof extensions be calculated cumulatively. The GPDO also sets a maximum volume limit on roof extensions independently of any other extensions which may have been added (with the limit being lower for terraced houses). As with other extensions, roof extensions are not allowed facing a highway, and may not be higher than the existing house. No roof extensions are allowed in sensitive areas. Two examples of roof extensions allowed by the GPDO are illustrated below.
3.14 Both the examples illustrated give rise to potentially unacceptable Level 3 impacts, and in the case of the former, Level 2 impacts as well. The first example was submitted to Communities and Local Government by a retired Planning Officer in response to the Householder Development Consents Review to illustrate the sort of roof extension permitted by the current GPDO. Whilst design judgements are necessarily subjective, and in this case there is no direct
impact on a public highway, it is hard to disagree that this sort of development should not be categorised as “permitted development” in the current GPDO.

3.15 The second example, the hip-to-gable conversion (and its counterpart the side dormer extension) might be considered to give rise to a less significant Level 3 impact. It is nevertheless the case that many local authority design guides identify it as an unacceptable form of development, because it can unbalance a pair of properties and harm the rhythm of a street scene.

3.16 A reverse problem occurs as a result of the cumulative volume limitation imposed by Class B, which can result in harmless roof extensions requiring planning permission purely because of the volume of extensions previously carried out. An example is illustrated below.

![Figure 12 Planning permission required: dormers added after a two storey extension](image)

3.17 **Part 1, Class 3: Roof alterations** Roof alterations encompass additions such as rooflights and solar (photovoltaic) panels. The only limitation the GPDO places on such developments is that they should not materially alter the shape of the dwellinghouse. Unlike roof extensions they can be at the front of a dwellinghouse and potentially higher than the existing house. The parallel study by Entec has examined in detail potential tolerances for solar panels using an impacts-based approach, and it is not the intention to replicate their work in this study. Entec’s conclusions are summarised in the concluding chapter of this report.

3.18 **Part 1, Class 4: Porches** The GPDO allows porches to be added to any external door of a dwellinghouse subject only to limitations on height, floor area
and proximity to a highway. There is no cumulative volume limitation as there is for other extensions and no limitation on porches facing a highway.

3.19 **Part 1, Class E: Outbuildings and swimming pools** The GPDO places height limitations on outbuildings, and in sensitive areas limits the size of individual outbuildings. There are 2 cumulative limitations. The first of these requires that all outbuildings (excepting very small structures) that are located close to a dwellinghouse be treated as extensions, and their volume calculated accordingly as part of the overall volume limitation on extensions and roof extensions. The second restricts overall ground coverage cumulatively with any extensions which have been built. Outbuildings and swimming pools are not permitted facing a highway. Examples of outbuildings allowed under “permitted development” rights are shown below.

### Figure 13  “Permitted development”: an outbuilding occupying 50% of the total garden area
3.20 The first example illustrates how “permitted development” rights could be maximised by a householder. Whilst in reality such examples are likely to be rare, the fact that a householder could construct such a large outbuilding on a relatively modest garden without needing planning permission is a cause for concern. The second example drew complaints from neighbours in Slough, leading to the photograph being submitted to Communities and Local Government by the local MP as an example of inappropriate development permitted by the current GPDO. The examples illustrate that level 2 impacts can result from outbuildings constructed in accordance with the current GPDO.

3.21 **Part 1, Class F: Hard surfaces** The GPDO places no limit on the area of hard surface which can be installed for domestic use. As a result significant changes in the appearance of a street can occur where hard surfaces are installed in an uncontrolled manner, as the photograph below taken from the front cover of the London Assembly’s Crazy Paving report illustrates. As well as adverse Level 3 impacts on the street scene, Level 4 impacts such as accelerated runoff and reduced biodiversity can also result.
3.22 **Part 1, Class G: Oil storage containers** The GPDO restricts oil storage containers by height and cubic capacity, and does not allow them to face a road. LPG storage containers are not covered by this class.

3.23 **Part 1, Class H: Microwave antennae** The GPDO places close restrictions on the size, position and number of satellite dishes which can be installed on dwellinghouses. Because this class has recently been reviewed by the Department it does not form part of this study.

**Analysis of Part 2 of the GPDO**

3.24 **Part 2, Class A: Means of enclosure** Walls, fences and gates are limited in height according to their location: 1m adjacent to a highway and 2 metres elsewhere.

3.25 **Part 2, Class B: Means of access** New accesses to a highway are permitted in connection with other “permitted development” provided that they are not onto a trunk or classified road.

3.26 **Part 2, Class C: Exterior painting** The exteriors of buildings can be painted provided no advertisement is incorporated.
Strengths and weaknesses of the GPDO
Parts 1 and 2

3.27 A tabular analysis of the GPDO is set out below. Rather than providing a class-by-class analysis of the GPDO, the table assesses each individual tolerance contained in Parts 1 and 2 of the GPDO. This allows a more detailed analysis of which tolerances work and takes account of those tolerances which straddle several classes of development.

<table>
<thead>
<tr>
<th>Existing Tolerance</th>
<th>Too Restrictive?</th>
<th>About Right?</th>
<th>Too Permissive?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1A.1(a); Class 1B.1(d); Class 1E.1(c) [in conjunction with 1A.3(a)]</td>
<td>Yes (unduly restrictive particularly for single storey extensions)</td>
<td>No</td>
<td>Yes (overlarge dormer windows)</td>
</tr>
<tr>
<td>Cumulative volume limitation on extensions/roof extensions/outbuildings larger than 10 cu m within 5m of the house: 70 cu m/15% for detached/semi-detached; 50 cu m/10% for terraced; Maximum 115 cu m for all house types</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1A.1(a); Class 1B.1(d), Class 1E.1(f)</td>
<td>Yes (prevents any dormer windows)</td>
<td>No</td>
<td>Yes (does not limit the number of outbuildings/swimming pools)</td>
</tr>
<tr>
<td>Cumulative volume limitation on extensions/outbuildings larger than 10 cu m on Article 1(5)* land: Maximum 50 cu m/10% for all house types; Maximum 115 cu m for all house types; No roof extensions; Maximum 10 cu m for each outbuilding</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1A.2</td>
<td>No</td>
<td>No</td>
<td>Yes (some forms of cladding are still allowed)</td>
</tr>
<tr>
<td>Various forms of cladding prevented on Article 1(5)* land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1B.1(c)</td>
<td>No</td>
<td>No</td>
<td>Yes (overlarge dormer windows)</td>
</tr>
<tr>
<td>Volume limitation on roof extensions: 50 cu m for detached/semi-detached; 40 cu m for terraced</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1A.1(d)</td>
<td>No</td>
<td>No</td>
<td>Yes (overbearing extensions near boundaries)</td>
</tr>
<tr>
<td>Limitation on height of extensions near boundaries: Maximum 4m high within 2m of a boundary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1A.1(b); Class 1B.1(a)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Extensions/roof extensions to be no higher than existing house</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1A.1(e); Class 1E.1 (e)</td>
<td>No</td>
<td>No</td>
<td>Yes (excessive rear garden coverage possible)</td>
</tr>
<tr>
<td>Maximum 50% ground coverage of extensions/outbuildings (excluding the area of the original house)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1A.1(c); Class 1B.1(g); Class 1E.1(g); Class 1G.1(c)</td>
<td>Yes (where highways abut a rear boundary)</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Extensions/roof extensions/outbuildings/oil storage containers to be no nearer a highway than the original house</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Other Issues

3.28 In addition to this detailed analysis of the GPDO, the following issues were highlighted in relation to the operation of the current GPDO:

- the cumulative volume-based approach of the current GPDO is difficult for users to interpret, difficult to calculate (despite the presence of a volume calculator on the Planning Portal) and in older properties can give rise to severe difficulties in identifying the ‘original’ dwelling

- the GPDO contains no rights for flats (other than satellite dishes)

- the GPDO contains no allowances for basements and lightwells
Proposed Areas for Change

3.29 The foregoing analysis indicates that the focus for change should be on the following classes of the GPDO:

**Part 1**

Class A: extensions  
Completely revise

Class B: roof extensions  
Completely revise

Class C: roof alterations  
Completely revise (Entec study)

Class D: porches  
No change

Class E: outbuildings and swimming pools  
Completely revise

Class F: hard surfaces  
Completely revise

Class G: oil storage containers  
Combine with Class E

Class H: microwave antennae  
No change

**Part 2**

Class A: means of enclosure  
No change

Class B: means of access  
No change

Class C: exterior painting  
No change

3.30 The following possible new classes should be investigated:

- Basements extensions including lightwells
- Extended rights for flats

Definitions

3.31 A number of definitions in the current GPDO may no longer be needed or may need rewording in an HPDO:

*Cubic content* (Article 1(2) of GPDO): “Cubic content means the cubic content of a structure or building measured externally.”

Not necessary for an impact-based HPDO.

*Existing* (Article 1(2) of GPDO): “Existing, in relation to any building or any plant or machinery or any use means, except in the definition of ‘original’) existing immediately before the carrying out, in relation to that building, plant, machinery or use, of development carried out in this Order.”
Not necessary for an impact-based HPDO.

Original (Article 1(2) of GPDO): “Original means in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July, as so built.”

To be replaced by a definition of “original” which relates to the dwellinghouse as originally built, at whatever date. This overcomes the arbitrariness of the current date (which made sense when the Act was introduced) and the frequent problem of determining whether a dwellinghouse was extended before or after 1948. It is acknowledged that difficulties will arise in some cases in determining the extent of the original dwellinghouse, but a householder should not be expected to prove the size of the original house ‘beyond reasonable doubt”; the test is ‘on the balance of probabilities’. The new definition is necessary to support an impact-based approach, because it would be inappropriate for, say, a terraced house which was substantially enlarged before the war to benefit fully from a more permissive GPDO because the likelihood of an adverse Level 2 Impact would be significantly increased.

Resulting building (Interpretation of Part 1 of GPDO): “Resulting building means the dwellinghouse as enlarged, improved or altered, taking into account any enlargement, improvement or alteration to the original dwellinghouse, whether permitted by this Part or not.”

Not necessary for an impact-based HPDO.

3.32 Other definitions contained within the GPDO will remain unchanged:

Building (Article 1(2) of GPDO)

Dwellinghouse (Article 1(2) of GPDO)

Erection (Article 1(2) of GPDO)

Flat (Article 1(2) of GPDO)

Floor space (Article 1(2) of GPDO)

Ground level (Article 1(3) of GPDO)

Painting (Interpretation of Class C of GPDO)

Purpose incidental to the enjoyment of the dwellinghouse (Interpretation of Class E of GPDO)

Terrace house (Interpretation of Part 1 of GPDO)

Lawful, Unlawful, Ancillary and Incidental as understood from the Act and from case law.
CHAPTER 4

Extensions

Introduction

4.1 Developments within the Extensions class form the large majority of householder schemes, whether as “permitted development” or via planning applications. Reform of this class presents the greatest opportunity to produce an HPDO which is user-friendly and does not generate unnecessary planning applications, whilst at the same time ensuring that certain types of development which can give rise to adverse Level 2 and Level 3 impacts are properly controlled.

4.2 Several key decisions are necessary to help shape a new Extensions class. The first decision is whether to persevere with volume-based tolerances, on the basis that planning officers (even if not lay people) are used to this approach. If so how could the Extensions class be simplified and the number of unnecessary householder applications reduced? This issue is examined below.

4.3 A second key decision concerns the extent to which a new Extensions class should be based upon the rules and guidelines discussed in Chapter 2. In broad terms a new GPDO must be based on the types of criteria found in design guides to measure Level 2 and Level 3 impacts, but the question arises as to how feasible it is to expect every development to exactly comply with each commonly accepted rule. This question is examined below.

4.4 Decisions on these key issues pave the way for new sets of tolerances to be devised. Key definitions which form the basis of the new tolerances are established and justified. The focus initially is on Level 2 and Level 3 impacts; Level 4 impacts are examined later in the context of how agreed tolerances might be modified in sensitive areas or to deal with other Level 4 impacts. The paragraphs below examine first the tolerances necessary to control Level 2 impacts – overlooking, overshadowing and overbearing impacts – with strict, medium and relaxed sets of tolerances proposed. A similar process is followed for Level 3 Impacts, and again different options are examined.

4.5 With a range of possible new tolerances devised, the next step is testing. The methods of testing used, the local authorities chosen, the sizes of sample etc are all explained in detail. The test results are laid out and analysed, and based on the results, conclusions are drawn as to the preferred option for a new Extensions class.
Options for Limited Change

4.6 Two ways of modifying the current volume-based approach were examined. The first would maintain volume calculations but make the current tolerances more generous and/or reset the base date for cumulative extensions so that every householder is entitled to a full volume allowance again regardless of what has been built before. It was concluded that in order to allow more generous volume sizes, other limitations would need to be placed on the size of extensions so as to avoid unacceptable impacts on neighbours, such that the system would become even more complex. An amnesty on all existing extensions would not simplify the current system, and would give rise to even greater confusion in years to come in deciding which extensions predated or postdated the ‘amnesty’.

4.7 A second possibility would be to maintain the current system but remove the associated limitations that give rise to unnecessary applications e.g. the cumulative link between extensions, dormers and garages close to houses. This approach is appealing in that it does not require a sea change in the current system, but would not resolve the current complexity of the system and would be unlikely to reduce the current number of householder applications to a significant degree. It was concluded that the retention of the volume-based approach was incompatible with the aims of the assignment and consequently these options were not considered any further.

Measurement of Impacts

4.8 From the analysis in Chapter 2 the types of measures commonly used to assess Level 2 impacts are known, as well as the types of design commonly considered acceptable for extensions with Level 3 impacts on the street scene. A true impacts based approach would ensure that every householder development is fully compliant with these criteria whether it be “permitted development” or requires planning permission. The extent to which it is realistic or desirable for extensions which are granted deemed consent by an HPDO to comply with the guidance found in design guides needs to be examined however.

4.9 For instance, if each extension allowed by an HPDO is submitted to all the same tests as an extension which is submitted for planning approval, what then is the difference in the way they have been treated? And who is to carry out the assessment for “permitted development” extensions that trained planning officers carry out for householder planning applications? Is it realistic to expect members of the public to be able to carry out these tests without error under a self-regulating system? Is there an alternative approach?

4.10 An approach which does not rely on use of the 45 and 25 degree codes would be based on the 3m rule used by many local authorities as a rule of thumb for what constitutes good development. If it were possible to define in general terms how deep an extension could be, and how high, and how close to the boundary, without having to measure the location of adjoining properties, a much simpler system could be devised than presently exists. Such system needs to be framed to have regard to the fact that local circumstances may place
adjoining neighbours at greater risk of Level 2 impacts e.g. because of levels changes, and the maximum length, breadth and height must be devised accordingly.

4.11 Two broad alternative approaches can therefore be devised to control Level 2 impacts: one which relies on measurement of the position of adjoining properties; and one which is based on standard measurements of “good neighbourliness”

4.12 Level 3 impacts are more subjective in nature than level 2 impacts. Local Authority design guides suggest that side extensions need to be treated with great care because of the impact they can have on a street scene if badly designed. Two storey extensions in particular can have a large impact on the host property and the street scene, and most design guides suggest that side extensions should be subordinate i.e. lower than the main house and set back from it, as well as being limited in width. Design guides similarly contain guidance on roof extensions, especially front and side dormers and hip-to-gable extensions.

4.13 An HPDO cannot codify all aspects of good design. It cannot, for instance, require householders to make a determination as to whether their proposals are in character with an existing street scene, since such a judgment is necessarily subjective. The positive contribution which an HPDO can make to improving design, and reducing potential Level 3 impacts, is by laying down guidance as to the types of extension which are appropriate where a public vantage point is involved. This requires decisions to be taken as to whether extensions to the front of a dwellinghouse are acceptable or not, and whether side extensions are acceptable and if so within what parameters. Similar decisions need to be taken in relation to roof extensions which are publicly visible.

Key Definitions

4.14 Two new concepts are introduced in the new tolerances: the ‘original rear wall’ of the house and the ‘principal elevation’. Each is described below.

4.15 Instead of the concept of the ‘original dwellinghouse’, a new HPDO would rely on the concept of the ‘original rear wall’ of the house. Instead of relating the volume of an extension to the size of the original dwellinghouse, an HPDO would measure the depth of an extension in relation to the original rear wall of the dwellinghouse. The original rear wall is the wall facing directly away from the ‘principal elevation’ (see below). Such an approach provides clarity and simplicity, and unlike the present reliance on the arbitrary date of 1948 to define the original house, the HPDO would use the original house as built. In the vast majority of cases this should be easy to establish, though on older houses care may be needed in defining the original rear wall.

4.16 The concept of the ‘original rear wall’ can be used to set the maximum depth of extension which is appropriate, dependent on the type of dwelling and the type of extensions proposed, in order to control potentially adverse Level 2 impacts. Such a limitation is significantly more user friendly than the current
system as it does not require users to calculate the volume of either the pre-existing house/extensions or the volume of any proposed extensions. All limits to development would then be defined in terms of depth, height and proximity to boundaries. Such an approach is analogous to that found in many household design guides around the country, where the appropriate depth of extensions is specified in order to avoid adverse impacts on neighbours.

4.17 Instead of the current approach of development being prevented closer to a highway than the dwellinghouse, the new GPDO would be based on the concept of the ‘principal elevation’. The ‘principal elevation’ will face the main highway serving the house and will in almost all cases be the front of the house. On corner sites a house could have a second or even third ‘principal elevation’. The rear of a house would not be classed as a ‘principal elevation’ even if it faces a road.

4.18 The concept of the ‘principal elevation’ can be used to control potentially adverse Level 3 impacts by ensuring that where a dwellinghouse presents a ‘public face’ to a highway extensions will not be allowed to project forward of the dwellinghouse, and suitable controls can be applied to side extensions.

Controlling Impacts without Reference to Neighbouring Properties

4.19 As noted above, two broad approaches to setting limits on acceptable development have been explored. The first of these, examined here, is the approach which sets limits based on common measures of good neighbourliness rather than the position of adjoining properties. The approach can be expressed in two forms: either in terms of length, breadth and height, or diagrammatically. Each is set out below. The full set of tolerances which were devised for testing purposes is attached at Appendix 1.

LENGTH, BREADTH AND HEIGHT

4.20 **Length** For rear extensions, it is necessary to define the maximum depth of an extension which will not overshadow adjoining properties. The 3m rule-of-thumb used by many local authorities is a starting point for defining appropriate maximum depths. The appropriate maximum depth will vary according to the height of the extension and the likelihood of the adjoining property being hard up the boundary. Thus single storey extensions can be deeper than two storey extensions without causing overshadowing; and extensions to detached houses can be deeper than extensions to attached (terraced and semi-detached) houses. For 2 storey extensions it is necessary to set a minimum distance to the rear boundary to prevent overlooking. A distance between 7m and 10m is postulated.

4.21 **Breadth** The proximity of an extension to the boundary is important in determining the risk of overshadowing to neighbours. It is commonly accepted that single storey extensions can be built on a common boundary (provided their depth is controlled) without causing harm, whereas two storey extensions
need to be set in from the boundary. The present GPDO suggests that 2m is the appropriate distance that 2 storey extensions should be set in from the boundary, which is reflected in many design guides.

4.22 **Height** It is necessary to control the maximum height of extensions. The most cautious approach is to require all two storey extensions to seek planning permission, but this is not the approach taken by the current GPDO and is not impacts-based. Two storey extensions may be added to many dwellinghouses provided the extensions are not hard up to a common boundary. Within 2m of a common boundary the present GPDO sets a height limit of 4m, which in some situations can give rise to adverse Level 2 impacts, such as extensions to terraced houses. It is proposed that the eaves height of extensions close to common boundaries be reduced to less than 4m. Further than 2m from a common boundary, the height of an extension should be limited to that of the main house.

4.23 **Side extensions** The issue in relation to side extensions is the extent to which they can give rise to adverse Level 2 impacts. It is clear from both local authority design guides and appeal decisions that two storey side extensions are often contentious whereas single storey side extensions do not usually give rise to adverse Level 3 impacts. Thus single side extensions could be permissible under an HPDO. Whether two storey side extensions could be allowed subject to certain parameters requires careful investigation. A restriction on the width of side extensions is common in local authority design guides, with 50% of the width of the original house being a common criterion.

4.24 **Other limitations** Other controls to be considered include:

- no front extensions – to avoid adverse Level 3 impacts;
- no terraces or balconies – to avoid the perception of overlooking;
- no side facing windows in 2 storey extensions unless fixed and obscure-glazed – again to avoid overlooking;
- the roof pitch of 2 storey extensions to match the pitch of the main house – to control Level 3 impacts;
- matching materials – again to control Level 3 impacts.

4.25 **Tested options** The full set of tolerances which were taken forward for testing are set and illustrated out in Appendix 1. Three variations of the option were tested:

- single storey extensions rear and side – option 1a (low risk)
- two storey extensions to the rear – option 1b (medium risk)
- two storey extensions to the side – option 1c (high risk)
DEVELOPABLE ENVELOPE

4.26 This variation of the length, breadth and height option takes essentially the same tolerances but expresses them diagramatically. The key to this model is the 43 degree rule devised by BRE for limiting overshadowing where the nature of the adjoining property is not known. A 43 degree line is drawn inwards from the top of a notional 2m high boundary fence around the site, and this broadly defines the envelope within which development may take place. The attraction of the approach is its simplicity, though it will be noted that it does rely on additional limitations, notably a restriction on front extensions, and a maximum depth of rear extensions (to prevent a situation arising where a house with a long back garden could extend indefinitely). There are also limitations on roof pitch, height, roof plane, side facing windows, and balconies and terraces.

Figure 17 Developable envelope for extensions

4.27 The developable envelope ensures that 2 storey extensions cannot be built right on the boundary, and whilst it allows 2 storey side extensions it is more sophisticated than the length, breadth and height option because it works to ensure that side extensions are subordinate to the main house. One issue with the developable envelope is its usability to people not familiar with visualising 3-dimensional space.

Controlling Impacts by Reference to Neighbouring Properties

45/25 DEGREE CODES

4.28 This approach is a more sophisticated interpretation of an impacts-based approach which is closely reliant on some of the ‘rules’ established by BRE and found in many local authority design guides. The two key rules are the 45 degree code which measures overshadowing of adjacent dwellinghouses; and
the 25 degree rule which measures overshadowing of dwellinghouses to the rear. Both rely on precise measurement of the position of principal windows on adjoining houses and an understanding of what constitutes a principal living room. By drawing lines from these windows the maximum size of extensions can be precisely defined and householder developments accurately tailored to the property on which they sit.

4.29 The 45/25 degree option requires few additional limitations to control the extent of development. The suggested limitations relate to depth (where there are no adjoining properties to impose a depth limitation); height, roof pitch, side-facing windows on 2 storey rear extensions, no terraces or balconies and no front extensions. The key drawback with the approach is the extent to which lay people will find it usable and understandable.

Methodology for Testing

4.30 A comprehensive programme of testing was carried out on all the options with a view to determining:

- how many planning applications might be saved by the revised Extensions class
- whether any adverse Level 2 or Level 3 impacts are likely to arise as a result of the new tolerances
- whether the options are simple enough for users to understand and operate
The following sections explain the testing methodologies employed.

**CASELOAD OF PLANNING AND BUILDING REGULATION APPLICATIONS**

4.31 In order to test fully the impact of the changes on likely application numbers, it was necessary to review both planning and building regulations applications: the former to determine whether application numbers would rise or fall as a result of the changes; and the second to see whether additional planning applications would arise from householder extensions which presently only require building regulation approval.

4.32 A mixed cross-section of local authority areas was chosen in order to provide a comprehensive assessment base on which to test the proposals. Four authority areas were selected representing a mix of mainly urban, mainly rural and a mix of urban and rural settlements from around England and Wales. The aim was to find examples of industrial housing, suburban housing, market towns and villages, and rural housing. The selected authorities were Leeds, Harrow, West Berkshire, and Monmouthshire.

4.33 **Leeds** is a principally urban authority located in West Yorkshire, to the east of Bradford and west of York. Leeds had a population of 715,402 people in 2001 and an unemployment level of 5% (of those economically active). Although this local authority area has a mix of house types, there is a predominance of semi-detached houses, with around 39% of households living in such accommodation, with 15% living in detached accommodation, 28% terraced and 17% in flats. The Census data from 2001 identifies that the principal tenure of dwellings was owner occupation, with 25% of households owning their property out right, 37% owned with a mortgage, with 26% social rented/shared ownership and 10% private rented.

4.34 **Harrow** is a principally urban outer London Borough, located approximately 17km north west of the City, that had a population of 206,814 people in 2001 and an unemployment level of around 4% (of those economically active). The Borough has a varied mix of house types, with households principally living in detached (12%), semi-detached (40%) and terraced (20%) accommodation and flats (27%), with a mix of tenures. Census figures from 2001 show that the tenure of the majority of dwellings within the Borough was owner occupation, with around 32% of households owning their property out right and 42% owned with a mortgage, whereas around 12% were social rented/shared ownership and 12% private rented.

4.35 **West Berkshire** is a mixed urban/rural Unitary authority located north of Winchester and west of London, stretching from the edge of Swindon in the north west to Reading in the east, with the principal town being Newbury. West Berkshire had a population of 144,483 people in 2001 and low levels of unemployment (2% of those economically active). This area has a predominant mix of detached and semi-detached properties, with 35% of households living in detached properties and 34% living in semi-detached properties, 18% lived in terraced properties and 12% in flats. The majority of households are owner occupiers, with 28% of households owning their home out right and 46% with a mortgage, whereas 15% are social rented/shared ownership and 9% private
rented. West Berkshire was the only authority to possess significant landscape
designation – an Area of Outstanding Natural Beauty – which affected the range
and type of householder applications submitted.

4.36 Monmouthshire is a mainly rural authority located in South Wales, with a
population of 84,881 people in 2001 and an unemployment level of around 4%
(of those economically active). This area is located approximately 9km north of
Newport and 7km south of Pontypool. There is a predominance of detached
residential properties in Monmouthshire, with 44% of households living in such
dwellings, with 29% living in semi-detached, 17% in terraced and 10% in flats,
with the majority of households owner occupiers. Around 36% of households
own their property out right and 44% through a mortgage, with around 15%
social rented/shared ownership and 8% private rented.

Urban/rural split across the four authorities

4.37 The 2001 Census identifies that the United Kingdom had a population of
60,209,500 people, of which 50,431,700 live in England and 2,958,600 in Wales.
In 2004, DEFRA published its Rural Strategy which identifies that around 81% of
people in England live in urban areas and 19% in rural areas. The definition of
‘rural’ adopted sought to:

- extend the Government ‘land use’ based definition of urban areas to include
  rural settlements of different sizes and kinds;

- recognise the differences between rural areas and moves away from crude
  urban/rural splits given the increasing difficulty in drawing a sharp line
  between the two;

- base the description of ‘rural’ on factors that people recognise as important
  rural characteristics, for example the nature and distribution of towns,
  villages and dispersed areas;

- allow ‘fine grain’ analysis of localities within rural areas, for rural delivery
  and targeting purposes; this will include analysis of economic and social
  peripherality in rural areas; and

- provide a means of basing social and economic data from, for example, the
  Census, on the more enduring features of rurality – namely the settlement
  pattern.

4.38 Based upon DEFRA’s definition of ‘rural’ used within the Rural Strategy, the four
authorities can be classified as follows:

- Leeds is an urban authority

- Harrow is an urban authority

- West Berkshire is a mixed urban/rural area, comprising key principal towns
  and a network of smaller rural/semi-rural settlements

- Monmouthshire is a mainly rural area, comprising smaller rural settlements
Householder application numbers processed by each authority

4.39 The numbers of householder planning applications processed by each authority in 2005, together with the equivalent number of domestic building regulations applications, was as follows:

<table>
<thead>
<tr>
<th>2005</th>
<th>Householder planning applications</th>
<th>Domestic building regulations applications</th>
<th>% of building regulations applications exempt from planning permission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leeds</td>
<td>4,208</td>
<td>4,189</td>
<td>(0.45%)</td>
</tr>
<tr>
<td>Harrow</td>
<td>1,576</td>
<td>2,150</td>
<td>36.42%</td>
</tr>
<tr>
<td>West Berkshire</td>
<td>1,365</td>
<td>1,447</td>
<td>6.01%</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>587</td>
<td>899</td>
<td>53.15%</td>
</tr>
</tbody>
</table>

4.40 The numbers of applications processed are broadly in line with the population figures for each authority, though Harrow and West Berkshire receive higher numbers of applications per head of population than Leeds or Monmouthshire. It is evident from the figures that volumes of building regulations applications are generally higher than planning applications, which is to be expected given that smaller domestic extensions and internal structural alterations are exempt from planning permission. In the case of Harrow and Monmouthshire the difference is significant. It is not evident why Leeds appears to processes fewer domestic building regulation applications than householder planning applications.

4.41 The importance of examining building regulations as well as planning applications records is two fold: first, it gives an indication of how many domestic developments the current GPDO is taking out of the planning system; and second, it allows the number of additional planning applications which might be taken out of the system by an HPDO to be compared to the number of additional planning applications that might potentially be ‘captured’ from building regulations by an HPDO. In this way an assessment can be made as to the likely overall impact of an HPDO on householder planning application numbers in each of the four authorities.

4.42 Two rounds of testing were carried out in each authority. For each authority 50 building regulation applications and 50 planning applications were sampled from 2005 in each round of testing, giving a total of 200 applications per authority (though not all building regulations files that were sampled contained plans that were usable for the purposes of the study). The building regulations applications sampled excluded proposals which also required planning permission, since the intention was to focus on how many schemes currently submitted solely for building regulation approval might be ‘captured’ by an HPDO.
**CASELOAD OF HOUSEHOLDER APPEALS**

4.43 The purpose of testing householder appeals was to discover whether householder schemes on the margins of acceptability would be permitted by any of the options out forward, which would indicate that too permissive a regime was being contemplated. A sample of 100 recently-determined householder appeals was tested at the Planning Inspectorate (though because many of the appeals were withdrawn or did not proceed the figures quoted relate to 74 appeals).

4.44 The appeals testing was only carried out in the second round of testing once the preferred options were known and had been refined (see below).

**USABILITY SURVEY**

4.45 In order to test the usability of options put forward, notably the developable envelope and the 45/25 degree code options, a small number of local authority planners were asked to carry out an exercise to see how long each option took to apply to a particular option to a test case and how difficult they found it. A total of 8 local authority planning officers undertook the test.

**Test Results: First Round of Testing**

**CASELOAD OF PLANNING AND BUILDING REGULATION APPLICATIONS**

4.46 The test results for the four local authorities are set out below. The percentages shown indicate the proportion of the sample size which would no longer require planning permission under each of the tested options.

<table>
<thead>
<tr>
<th>Figure 20</th>
<th>% change in the number of planning applications for extensions (first round of testing)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option</strong></td>
<td><strong>1a</strong></td>
</tr>
<tr>
<td>Leeds</td>
<td>–13.16%</td>
</tr>
<tr>
<td>Harrow</td>
<td>–21.74%</td>
</tr>
<tr>
<td>West Berkshire</td>
<td>–28.20%</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>–48.00%</td>
</tr>
</tbody>
</table>

4.47 The test results for the building regulations caseload are shown below. The survey sampled only those building regulation applications which did not have a companion planning application i.e. householder developments that were exempted from planning permission by the current GPDO which are shown in the third column of Figure 20. The table shows the proportion of building regulations applications which are currently exempt from planning permission which would, as a result of the tested options, require planning permission in future. It should be noted that the sample sizes do not total 50, both because
developments for roof extensions and outbuildings are tabulated elsewhere, and because some applications sampled did not contain plans with sufficient information to allow the options to be fully tested.

Table: % change in the number of planning applications for extensions as a result of ‘captures’ from building regulations (first round of testing)

<table>
<thead>
<tr>
<th>Option</th>
<th>1a</th>
<th>1b</th>
<th>1c</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leeds*</td>
<td>+8.00%</td>
<td>+6.67%</td>
<td>+4.00%</td>
<td>+5.24%</td>
<td>+4.00%</td>
</tr>
<tr>
<td>Harrow</td>
<td>+35.06%</td>
<td>+35.06%</td>
<td>+35.06%</td>
<td>+36.42%</td>
<td>+36.42%</td>
</tr>
<tr>
<td>West Berkshire</td>
<td>+1.95%</td>
<td>+1.95%</td>
<td>+1.14%</td>
<td>+2.27%</td>
<td>+2.00%</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>+28.20%</td>
<td>+20.60%</td>
<td>+17.35%</td>
<td>+13.02%</td>
<td>+13.02%</td>
</tr>
</tbody>
</table>

* although the recorded number of domestic building regulations applications in Leeds in 2005 was almost identical to the number of householder planning applications, the caseload survey of building regulation applications indicated that a number of domestic extensions proceed under building regulations without the need for a planning application. For the purposes of calculating ‘building regulation’ captures, a notional figure of 20% has been assumed i.e. that 20% of building regulation applications are exempt from planning permission.

4.48 The ‘savings’ shown in Figure 20 need to be aggregated with the ‘captures’ shown in Figure 21 to produce an overall picture of the net change in householder application volumes which would result from each of the tested options. The table below shows the overall outcome for extensions.

Table: Total % change in the number of planning applications for extensions (first round of testing)

<table>
<thead>
<tr>
<th>Option</th>
<th>1a</th>
<th>1b</th>
<th>1c</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leeds</td>
<td>-5.16%</td>
<td>-6.49%</td>
<td>-14.42%</td>
<td>-17.92%</td>
<td>-6.53%</td>
</tr>
<tr>
<td>Harrow</td>
<td>+13.32%</td>
<td>+17.67%</td>
<td>+4.63%</td>
<td>+14.58%</td>
<td>-2.71%</td>
</tr>
<tr>
<td>West Berkshire</td>
<td>-26.25%</td>
<td>-26.25%</td>
<td>-47.58%</td>
<td>-23.37%</td>
<td>-31.33%</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>-19.80%</td>
<td>-37.40%</td>
<td>-42.65%</td>
<td>-52.98%</td>
<td>-54.98%</td>
</tr>
</tbody>
</table>

USABILITY SURVEY

4.49 Planning were asked to rank the 5 alternative Options for dwellinghouse extensions according to ease of use and the time taken to apply each option to a case study which was supplied. Planners were then asked which option (if any) should replace the current GPDO. The results are as follows:

Table: Results of usability exercise undertaken by planning officers

<table>
<thead>
<tr>
<th>Option</th>
<th>1a</th>
<th>1b</th>
<th>1c</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ease (5=easiest)</td>
<td>4.4</td>
<td>4.1</td>
<td>3.4</td>
<td>1.9</td>
<td>1.0</td>
</tr>
<tr>
<td>Time taken (mins)</td>
<td>2.6</td>
<td>2.4</td>
<td>4.2</td>
<td>10.1</td>
<td>8.3*</td>
</tr>
</tbody>
</table>

* this is an average of only 5 officers’ time since 3 did not complete the exercise
When asked which option should replace the current GPDO or whether the GPDO should remain as it is, the results were:

<table>
<thead>
<tr>
<th>Option</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1a (single storey rear and side extensions)</td>
<td>0</td>
</tr>
<tr>
<td>Option 1b (two storey rear extensions)</td>
<td>3</td>
</tr>
<tr>
<td>Option 1c (two storey side extensions)</td>
<td>1</td>
</tr>
<tr>
<td>Option 2 (developable envelope)</td>
<td>1</td>
</tr>
<tr>
<td>Option 3 (45/25 degree codes)</td>
<td>0</td>
</tr>
<tr>
<td>Current GPDO</td>
<td>2</td>
</tr>
<tr>
<td>Undecided</td>
<td>1</td>
</tr>
</tbody>
</table>

4.50 The sample is clearly small and the results must consequently be treated with a degree of caution. Nevertheless there is an unmistakable pattern indicating that the length, breadth and height option is appreciably simpler and quicker to use than the developable envelope or 45/21 degree options, which indicates that the latter two options may fail one of the key Ministerial requirements relating to usability. The results don’t allow a comparison with how easy the current GPDO is to use, since trained planners start with a clear advantage in this respect. To test this aspect would require ‘lay people’ to undertake the exercise, which has not been attempted. When asked which of the options they preferred in comparison to the current GPDO, there was a consensus amongst planning officers in favour of change, with length, breadth and height (Option 1b) emerging as the favourite.

### Option Appraisal and Refinement

4.51 The test results were used to decide which of the options to take forward to a second round of testing. The key decisions were which of the options saved most in terms of application numbers; which of the options carried the greatest risk of adverse environmental impacts; and which of the options was easiest to use.

4.52 The usability test taken in tandem with feedback from the Sounding Board led to the conclusion that the developable envelope (option 2) and 45/25 degree codes (option 3) were not sufficiently simple for householders to apply and ran the risk of replacing the present complex system with one which was no simpler. Although the sample size of users was small, the results confirmed the strong feedback from the Sounding Board and also the feelings of the study team who carried out the testing, that these options were difficult for non-professional to easily use. A key point made at the Sounding Board was the ‘telephone test’ i.e. could each of the options easily be explained over the telephone to a householder. The clear conclusion was that Options 2 and 3 could not be easily explained and consequently failed the Ministerial test of clarity and simplicity.
4.53 The ‘length, breadth and height’ option was therefore selected as the preferred option moving forward. Of the three variations of the option tested, the following conclusions were drawn:

- option 1a (single storey rear and side extensions) – requires planning permission in too many instances where no adverse impacts would result

- option 1b (two storey rear extensions) – achieves an appropriate balance between protecting against adverse Level 2/3 impacts whilst not generating unnecessary planning applications

- option 1c (two storey side extensions) – two storey side extensions were judged to give rise to potentially harmful Level 3 impacts which should be subject to planning control

Option 1b (two storey rear extensions plus single storey rear and side extensions) was selected as the preferred ‘length, breadth and height’ option to take forward to a second round of testing.

4.54 Option 1b was further refined to take account of feedback from the first round of testing. The intention was to establish the limit of Level 2 tolerances beyond which adverse environmental impacts start to occur. Various pairs of tolerances were tested for length, distance to boundary etc to see which tolerance best matched the decision reached by the local authority. The tested tolerances are attached at Appendix 2.

Test Results: Second Round of Testing

4.55 A second round of testing was carried out. The caseload sample was repeated in the sense that the same sized sample was taken from the same authorities, though the actual applications sampled was deliberately varied. A sample of planning appeals was also studied as set out above. The usability survey was not repeated since the usability of the length, breadth and height option had been established.

CASELOAD OF PLANNING AND BUILDING REGULATION APPLICATIONS

4.56 The results of the testing are in the same format as before but combined into a single table. It will be noted that a single set of figures is given despite the fact that several pairs of possible options were tested. The figures shown in the table reflect in all cases the final recommended tolerances as set out on the following pages.
4.57 The planning application caseload was further tested to discover the degree of correlation between the decisions made by the planning authorities and the applications ‘saved’ by the tested option. The intention was to find out whether applications refused by the planning authorities could have been permitted under the tested tolerances. The results are shown below.

<table>
<thead>
<tr>
<th></th>
<th>% change in planning applications</th>
<th>% change in building regulations applications</th>
<th>Total % change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leeds*</td>
<td>-15.22%</td>
<td>+1.82%</td>
<td>-13.40%</td>
</tr>
<tr>
<td>Harrow</td>
<td>-28.57%</td>
<td>+8.41%</td>
<td>-20.16%</td>
</tr>
<tr>
<td>West Berkshire</td>
<td>-31.71%</td>
<td>+1.64%</td>
<td>-30.07%</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>-66.66%</td>
<td>+15.18%</td>
<td>-51.48%</td>
</tr>
</tbody>
</table>

* see note to Figure 21

4.58 It is worth noting that the proportion of refusals is much higher in the urban authorities, with the mixed urban/rural authorities producing no refusals in the sampled caseload. This is doubtless a reflection of the tightknit nature of much of the housing in these authorities and the consequent difficulty of designing householder extensions that do not give rise to adverse impacts. Significantly, the results show that in Leeds and Harrow the tested options would safeguard neighbours and the street scene from adverse impacts, because every one of the refused applications would still have required a planning application. The results indicate that the proposed tolerances for extensions have been relaxed within acceptable limits.

<table>
<thead>
<tr>
<th></th>
<th>No of refusals</th>
<th>No of instances where the new tolerances would have allowed the refused development to proceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leeds</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Harrow</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>West Berks</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Figure 24 Total % change in the number of planning applications for extensions (second round of testing)

Figure 25 Correlation between applications which were refused, and whether the tolerances tested would have allowed the developments to proceed

4.59 To further test this conclusion, the caseload sample was retested with proposed depth limitations increased by 1m in all categories. The results showed that in both Leeds and Harrow, the more relaxed tolerances would have allowed one refused development to proceed. Both instances related to overlong extensions to semi-detached properties, with adverse Level 2 impacts. These results are important in reinforcing the conclusion that the proposed tolerances and in
particular the depth tolerance have been relaxed as far as is possible given the need to protect neighbours’ amenities.

**CASELOAD OF HOUSEHOLDER APPEALS**

4.60 74 householder appeals were studied to determine whether or not the proposed tolerances would have allowed unacceptable extensions to proceed. As with the local authority sampling above, the figures quoted relate to the final agreed tolerances. The cases have been separated out into appeals dismissed and appeals allowed, and for each case a determination has been made as to whether the under the tolerances tested the proposal would have been ‘permitted development’ or not. The results of the analysis are shown in the table below.

<table>
<thead>
<tr>
<th>Number of appeal files reviewed</th>
<th>Instances where the new tolerances would have allowed development to proceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissed appeals</td>
<td>46</td>
</tr>
<tr>
<td>Allowed appeals</td>
<td>28</td>
</tr>
<tr>
<td>All appeals</td>
<td>74</td>
</tr>
</tbody>
</table>

4.61 There are two important points to note from the tabulated results. The first is that the proposed new tolerances act in a predominantly restrictive manner regardless of whether the appeal was allowed or dismissed. The second point is that in two instances, dismissed appeals would have been ‘permitted development’ under the proposed new tolerances, and it is necessary to examine these cases closely to see whether they highlight specific weaknesses in the proposed new tolerances.

4.62 The two instances both relate to single storey extensions. The first instance involved a property in the Green Belt, and although the design and proportions of the extension were deemed acceptable in relation to the listed host property, the proposal was considered by the Inspector to have an unacceptable impact on the openness of the Green Belt. The adverse impact identified by the Inspector was a Level 4 Impact i.e. a cumulative impact on the Green Belt, rather than a Level 2 or Level 3 Impact. However other appeal decisions showed that Inspectors were not inclined to support the refusal of householder extensions in the Green Belt purely because of Level 4 impacts. Consideration could be given to tightening the proposed new tolerances in Green Belts areas; but in should be borne in mind that the present GPDO does not afford Green Belts any extra ‘protection’ from householder extensions, so it is questionable whether it is right to do so now.

4.63 The second instance related to a single storey rear extension to a terraced house. The extension was proposed to be 3.2 metres deep and less than 3 metres high to eaves. The Inspector determined that such a proposal would
have an adverse Level 2 Impact i.e. an overbearing impact on the adjoining neighbours. However on a different appeal an Inspector was happy to allow a 5m deep single storey extension to the rear of a terraced house. A key determinant in the first case is likely to have been the adopted Supplementary Planning Guidance which limited the depth of extensions in that district to 3m.

4.64 The view is taken that with the reduced height restriction of 3m to eaves close to common boundaries (compared to a an overall permitted height of 4m under the current GPDO) single storey extensions to terraced houses to a depth of 4m are unlikely to harm the amenities of neighbours. This is supported by the number of instances shown up in the local planning authority caseload sample where extensions deeper than 3m are constructed under ‘permitted development’ rights.

4.65 A final point which emerged from the appeal caseload was the difficulty Inspectors have with the potentially adverse Level 3 impacts of two and even single storey side extensions, dismissing many appeals because of adverse street scene impacts. This approach by Inspectors backs up the decision not to proceed with Option 1c which would have permitted two storey side extensions.

4.66 The appeal caseload results show a strong correlation between the tolerances tested and the decisions taken by planning authorities and Inspectors, confirming that the tolerances proposed are unlikely to give rise to adverse environmental impacts at either Level 2 or Level 3.

Refinement of the Preferred Option

4.67 Following the two rounds of testing, a preferred length, breadth and height option was finalised. In all instances bar one where a pair of tolerances was tested, the more generous option was selected because it maximises the number of householder planning applications taken out of the system whilst at the same time, as the test results show, would not result in adverse Level 2 or Level 3 impacts. The exception was the eaves height of extensions close to boundaries, where a maximum height of 3m was considered appropriate in order to protect against overshadowing impacts.

4.68 Whilst the depth limitations proposed go further than some local authority design guides recommend, it is important to bear in mind two points: first, that the recommended limitation of 3m for the eaves height of extensions close to boundaries is 1m lower than the current GPDO allows; and secondly that two storey extensions are required to be a minimum of 2m away from the boundary. With these two height controls in place, the depth limitations proposed are considered appropriate.

4.69 Following the testing, a further limitation has been added to limit the maximum ground coverage of garden areas. Such a limitation is deemed necessary to control situations where a householder might seek to maximise their rights under both Class A and Class E, with the result that small gardens there could be left with potentially little or no private amenity area. It is proposed that the cumulative ground coverage limit for extensions and outbuildings be set at 50%
of private amenity areas gardens. It should be noted that this tolerance differs from the current GPDO which imposes a 50% limit over the entire curtilage, including the front garden. The problem with the current limitation is that the existence of a large front garden gives householders the ability to build over a large portion of their rear garden.

**The Preferred Option Illustrated**

4.70 The diagrams below illustrate how the maximum tolerances operate for detached, semi-detached and terraced houses. Single storey and two storey examples are shown. The tolerances are dimensioned in each diagram.
Figure 28 Permitted by HPDO: single storey extensions to detached house

Figure 29 Permitted by HPDO: two storey extension to detached house
Figure 30 Permitted by HPDO: single and two storey extensions to semi-detached houses

Figure 31 Permitted by HPDO: single storey extensions to terraced house
4.71 The maximum tolerances produce extensions which are compliant with the majority of 45 degree codes operated by local planning authorities. In relation to the single storey extension to a terraced house, some local planning authorities may consider that the extension to the back of the main part of the house could give rise to a tunnelling effect, but it is important to bear in mind that the tolerances proposed represent a tightening of the current GPDO allowance, which would allow an extension 4m deep, 3m wide and 4m high to eaves.

4.72 To test whether the proposed tolerances could give rise to unacceptable Level 2 impacts in non-standard situations, examples have been illustrated with adjacent houses at significantly different ground levels, and with adjacent properties offset from each other by an irregular building line. In both diagrams the largest possible two storey extensions is shown. In neither instance is the resultant juxtaposition of rear extension to neighbouring property considered to give rise to adverse Level 2 impacts. In the first example, the extension is still compliant with the 45 degree line in the horizontal as applied by the majority of local planning authorities, and would not be considered to give rise to an overshadowing impact. In the second example, the 45 degree line in the vertical would not be breached and consequently overshadowing would not occur.
Figures 33 and 34: Permitted by HPDO: two storey extension illustrating variation in ground levels and building line.
Case Studies of the Preferred Option

4.73 The preferred option has been tested by studying examples of recently-constructed extensions, built with the benefit of planning permission, which by virtue of their size and position would be “permitted development” under an HPDO. The purpose of the exercise was to provide a reality check as to whether the relaxation of the existing GPDO would give rise to developments which were considered to have acceptable impacts. Three examples are illustrated and discussed below:

- a two storey rear extension to a detached house
- a conservatory to the side of a detached house
- a side extension to a chalet bungalow

CASE STUDY 1: TWO STOREY REAR EXTENSION TO A DETACHED HOUSE

4.74 The photographs show a well designed 2 storey extension that required a formal planning application. The proposal required planning permission owing to the extension having a volume in excess of the 70 cu m allowance for extensions that is currently prescribed in the GPDO. As can be seen from the photographs the scheme is well designed and integrates well within its surroundings and has no adverse impact on the character of the existing dwelling, the street scene or the amenities of the neighbouring properties.
This proposal meets the tolerances proposed for an HPDO as such would result in this proposal not requiring a formal planning application. The photographs demonstrate that the tolerances proposed for an HPDO for two storey extensions will allow appropriate forms of development which follow an impacts based approach and result in development that respects its surroundings and the amenities of the neighbouring properties.

**CASE STUDY 2: CONSERVATORY TO THE SIDE OF A DETACHED HOUSE**

The photographs show a conservatory in the rear garden of a modern house. This type of development is a common addition to properties in that it offers a simple solution in providing additional accommodation. Planning permission is required in this instance due to the garage being within 5m of the house and therefore counting against the 70 cu m volume allowance. As such the combined volume of the garage and conservatory results in the proposal requiring formal planning permission. Whilst the conservatory is visible in the street scene the design, size and scale is appropriate to its surroundings and has no adverse impact on either the character and appearance of the area or the residential amenities of neighbouring properties.
4.77 An HPDO would remove spurious tolerances such as cubic capacity and introduce limitations based on the impact of developments. As such this proposal would not require a formal planning application and in turn will free up planning officer time. These photographs demonstrate that the tolerances contained within an HPDO for extensions will allow appropriate forms of development that result in development that is appropriate to its surroundings and respects the amenities of the neighbouring properties.
CASE STUDY 3: SIDE EXTENSION TO A CHALET BUNGALOW

4.78 The photographs show a single storey side extension to a chalet bungalow. This type of development is characteristic of a typical simple extension to a property and numerous examples can be found across the country. This proposal requires planning permission on the basis of the extension exceeding the 70 cu m allowance for extensions that is currently prescribed in the GPDO. As can be seen from the photographs the scheme is well designed and integrates well within its surroundings and has no adverse impact on the character of the existing dwelling, the street scene or the amenities of the neighbouring properties.

4.79 This proposal meets the tolerances proposed for an HPDO and as such would result in this proposal not requiring a formal planning application. The photographs demonstrate that the tolerances contained within the HPDO for extensions will allow appropriate forms of development that result in development that is appropriate to its surroundings and respects the amenities of the neighbouring properties.
Sensitive Areas and Policy Issues

4.80 Consideration has been given to the extent to which these tolerances should be tightened in sensitive areas. A number of conclusions have been drawn:

- sensitive areas should not be grouped together as they are in the present GPDO as each has different pressures and threats

- the tolerances set out are considered to limit the size of extensions to a degree which would not cause harm to the natural beauty of national parks and areas of outstanding natural beauty; put another way, the impact that the existing house has on the landscape will not be significantly affected by an extension allowed under these tolerances

- in conservation areas there could be greater impacts from developments carried out under these tolerances where these have Level 3 impacts. Side extensions by their nature are visible from the street scene. A limitation on side extensions in conservation areas, in contrast to the current GPDO, is therefore appropriate

- cladding of dwellinghouses in conservation areas is inadequately dealt with in the current GPDO because the list of excluded types of cladding is not exhaustive. An HPDO should rule out all forms of cladding in conservation areas

- a case has been made that all window and door replacements in conservation areas, unless like-for-like, should require planning permission, to address the prevalent problem of uPVC doors and windows being installed with adverse Level 4 impacts. At present the GPDO allows Councils to serve
an Article 4(2) Direction to deal with this issue, but the anecdotal evidence suggests that the problem of uPVC doors and windows is so widespread that Article 4(2) Directions are no longer an adequate response. Consideration could be given to planning permission being required for all such works

- there is considered no need to make the tolerances tighter in areas of ecological importance, the rationale being the same as for national parks
- listed buildings need no additional protection since listed building consent is required for all alterations
- green belts need not be given any additional protection since a householder extension which complies with the tolerances proposed will have only a minimal impact on the openness of the green belt

The following additional tolerances are therefore recommended:

- in conservation areas, side extensions should require planning permission
- in conservation areas, all forms of cladding should require planning permission

4.81 In relation to policy issues such as maintaining a range of dwelling sizes in rural areas, or ensuring that student accommodation is not extended excessively in some urban areas, it is recognised that a relaxation of “permitted development” rights as recommended in this report could impact to a degree on these policy aims. It is nevertheless important to recognise that what is being recommended is not a complete derestriction of householder development rights but an approach which balances freedom to undertake suitably-sized extension with limitations where appropriate to ensure suitable environmental protection. Extensions permitted under the new class would not be excessive in size and would not in most cases be likely to conflict with such policy aims, and where such conflicts do occur they are likely to be test the policy restraints only marginally.

Conclusions on the Preferred Option

4.82 The final preferred option is judged to achieve the optimum balance between reducing planning application numbers, increasing protection for neighbours from possible adverse impacts and producing a system which is easy for users to understand.

4.83 In terms of saving application numbers, the figures show a potential reduction in householder applications for extensions, though of course the figures must be aggregated with the figures for roof extensions and outbuildings developments (see concluding chapter) before potential overall savings can be estimated.

4.84 The savings for extensions vary between 15% and 51%, with a gradation which is strongly reflective of the urban/rural split in each authority; the more rural an
authority, the more it is likely to save planning applications as the result of an HPDO.

4.85 The savings incorporate an element of 'capture' from building regulations. These are householder developments which currently go ahead as permitted development even though they would breach the tolerances proposed for an HPDO are by implication are likely to breach the guidelines contained in local authority design guides. It is regarded as positive that such developments would be brought under planning control by an HPDO.
CHAPTER 5

Roof Extensions

Introduction

5.1 Roof extensions are treated differently from other extensions in the GPDO and it is proposed that this approach be continued in an HPDO, because of the different tolerances needed to define roof extensions. Roof extensions are the second most common type of householder development, especially so in dense urban areas where they sometimes represent the only opportunity available to householders to extend their property.

5.2 As with the Extensions class, there is the opportunity to impose a set of tolerances which are not reliant on volume calculations, and which impose a greater degree of control over potentially harmful developments. As evidenced by the Local Government Ombudsman, overlarge dormer extensions constructed under “permitted development” rights account for a significant number of complaints, so there is a clear opportunity to review the tolerances and impose tighter restrictions if necessary. As a result there is likely to be less opportunity to save planning applications in this category.

Types of Impacts

5.3 At Level 2 the potential impact of a roof extension is largely restricted to overlooking, though overbearing presence might be considered as a related issue. In broad terms, overlooking is unlikely to be a significant problem provided any windows face in the same direction as the main windows on the house. Thus side facing dormer windows or windows in gable end extensions may well give rise to problems. Rear facing dormers may give rise to the perception of overlooking if overlarge windows are installed which give views over adjoining properties. This in turn relates to issues of good design.

5.4 Adverse Level 3 impacts can result from the type of overlarge box dormers added to terraced houses, which can dominate the roof of the house and materially change its shape and appearance. This is a particular problem if a dormer is added to the front of a house, but can still be a problem at the rear where the vast majority of such extensions are undertaken, if the box dormer is visible to neighbours or in oblique views from public vantage points. Hip-to-gable extensions often face the highway and can have significant street scene impacts especially when one half of a pair of semi-detached properties is extended. Side dormers can in some circumstances have similarly harmful effects.
Options for Change

5.5 Local authority design guides do not usually seek to impose 45/25 degree-type rules on roof extensions for the reason that they sit within the footprint of the existing dwellinghouse and are therefore unlikely to give rise to overshadowing issues. The impacts resulting from roof extensions are commonly Level 2 (privacy) and Level 3 (design). Options along the lines of the 45/25 degree option tested for the Extensions class are not therefore available.

5.6 Retaining the current system of volume limitations but with a reduced tolerance has been considered as an option, along with breaking the cumulative link between extensions and dormer extensions so that acceptable dormer extensions would no longer require planning permission simply because of large previous extensions to the property. Neither of these approaches would produce an impacts-based approach and would be at odds with the proposed changes to the Extensions class. Therefore a new approach to defining roof extensions is necessary base on size and position within the roof. The tolerances for each of the options is attached at Appendix 1.

DORMERS PROVIDING LIGHT ONLY

5.7 As envisaged by the Essex Design Guide, the function of dormer windows is properly to provide light into a large roofspace to make it usable, but not to provide the space necessary to make it usable. Hence their physical impact on the roof should be minimal. The first option put forward defines dormer windows in terms of a maximum width (1.5m) plus a minimum distance from the edge of the roof (1m in all directions). Such dormers would only be permitted at the rear of dwellinghouses, and side-facing windows and balconies would not be permitted. Side dormers and hip-to-gable extensions would be ruled out.
DORMERS PROVIDING ADDITIONAL SPACE

5.8 The second option takes a broader approach to dormers by accepting that box dormers are generally regarded as an acceptable means of extending a house at the rear, provided they are not oversized. The key requirement is to impose a limit on how close the box dormer can come to the edge of the roof, in order that the box dormer is viewed as an addition to the roof rather than dominating the roof. The proposal is that a 1m separation distance be maintained to all edges of the roof, but unlike traditional dormers no limitation on the size of the dormer. Such dormers would only be allowed at the rear, hence side dormers and hip-to-gable extensions would still be excluded. Balconies would also be prohibited. It should be noted that despite being permissive of box dormers, this option is more tightly-defined than the current GPDO. This option is illustrated at paragraph 5.20.

DORMERS PROVIDING LIGHT ONLY TO THE FRONT AND ADDITIONAL SPACE TO THE REAR

5.9 The third option is a combination of the first two, allowing box dormers at the rear and traditional dormers at the front.
Methodology for Testing

5.10 As with the Extensions class, a comprehensive programme of testing was carried out on all the options to determine:

- whether planning applications are likely to increase as a result of the changes
- whether any adverse Level 2 or Level 3 impacts are likely to arise as a result of the new tolerances
- whether the options are simple enough for users to understand and operate

5.11 Testing was carried out as it was for Extensions:

- a caseload of planning and building regulation applications using the same local authorities. As with Extensions, two rounds of testing were carried out in each authority, with the second round of testing concentrated on a refined set of tolerances for the preferred options (see below)
- a caseload of householder appeals tested in the second round of once the preferred options were known and had been refined (see below)
- a usability survey was not undertaken as each of the options was expressed in clear, unambiguous terms simple to the preferred option for Extensions

Test Results: First Round of Testing

CASELOAD OF PLANNING AND BUILDING REGULATION APPLICATIONS

5.12 The test results for planning applications for the four local authorities are set out below. Sample sizes were very small for each authority except Harrow, with 15.

<table>
<thead>
<tr>
<th>Option</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leeds</td>
<td>No change</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>Harrow</td>
<td>No change</td>
<td>–13.33%</td>
<td>–13.33%</td>
</tr>
<tr>
<td>West Berkshire</td>
<td>No change</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>No change</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

5.13 The test results for buildings regulations applications are set out below. Again only Harrow had a significant sample size, with 13.
5.14 The aggregated figures for the change in application numbers for roof extensions is shown in the table below.

<table>
<thead>
<tr>
<th>Option</th>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leeds</td>
<td>+20.00%</td>
<td>+20.00%</td>
<td>+20.00%</td>
</tr>
<tr>
<td>Harrow</td>
<td>+36.42%</td>
<td>+30.82%</td>
<td>+30.82%</td>
</tr>
<tr>
<td>West Berkshire</td>
<td>No change</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>No change</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>

* see note to Figure 21

5.15 As with Extensions, the test results were used to decide which of the options to take forward to a second round of testing. The key decisions were which of the options was likely to unnecessary extra application numbers and which of the options best controlled potential adverse impacts. The following conclusions were drawn on each of the options tested:

- option 1 (dormers providing light only) – considered to be too restrictive of people’s expectations for being able to maximise the use of their roofspace, and likely to lead to a significant upturn in planning application numbers as a result

- option 2 (dormers providing additional space) – allows householders to construct a room in the roof in the majority of properties whilst ensuring that box dormers are not created which will dominate the roofscape

- option 3 (dormers providing light only at the front/dormers providing additional space at the rear) – the addition of front dormers was considered to carry an unacceptable risk of adverse Level 3 impacts

Option 2 was selected as the preferred option to take forward to a second round of testing.
5.16 The second option was further refined to see whether a box dormer with a distance to roof edges of just 0.5m might lessen the increase in application numbers without adverse impacts. The 0.5m option and the 1m alternatives, as set out in Appendix 2 were taken forward to the second round of testing.

Test Results: Second Round of Testing

CASELOAD OF PLANNING AND BUILDING REGULATION APPLICATIONS

5.17 The results of the second round of testing are shown below. The figures reflect the preferred option described below. It will be noted that the Leeds sample show a much higher number of dormer windows than in the first round of testing. As before Harrow had significant numbers of applications for roof extensions (9 for planning and 18 for building regulations), whilst the figure for Leeds had climbed steeply (7 for planning and 23 for building regulations). The figures for West Berkshire and Monmouthshire should be treated with caution as the sample size is very small.

<table>
<thead>
<tr>
<th>CASELOAD OF HOUSEHOLDER APPEALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.18 The outcome of the appeals survey is shown at Figure 26, which is an aggregate of appeal decisions for all classes of householder development. Neither of the examples of dismissed appeals which would have been permitted by the proposed tolerances related to roof extensions.</td>
</tr>
<tr>
<td>5.19 One strong theme which emerged from the appeals caseload was the hard line taken by Inspectors regarding overlarge rear box dormers close to eaves and ridge lines, based on both Level 2 and Level 3 impacts. The approach of Inspectors is in contrast to at least one sampled local planning authority, Harrow, which appeared to be generally permissive of large rear box dormers. The approach of Inspectors backs up the view advanced in this report that it is necessary to restrict the type of box dormers which currently get through as “permitted development”.</td>
</tr>
</tbody>
</table>

<p>| Figure 45  | Total % change in the number of planning applications for roof extensions (second round of testing) | | | |
|------------|-----------------------------------------------------------------------------------------------|| | | |</p>
<table>
<thead>
<tr>
<th>% change in planning applications</th>
<th>% change in building regulations applications</th>
<th>Total % change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leeds*</td>
<td>−14.29%</td>
<td>+10.43%</td>
</tr>
<tr>
<td>Harrow</td>
<td>−11.11%</td>
<td>+30.35%</td>
</tr>
<tr>
<td>West Berkshire</td>
<td>No change</td>
<td>+6.01%</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>No change</td>
<td>+53.15%</td>
</tr>
</tbody>
</table>

* see note to Figure 21
Refinement of the Preferred Option

5.20 Following the two rounds of testing, a preferred roof extension option has been finalised. The 1m gap to roof edge was preferred to the 0.5m gap as producing a better visual appearance whilst not generating significantly higher numbers of planning applications, and still allowing householders space to create a room in the roof even on small terraced properties.

5.21 Two issues arose in relation to the proximity of dormer windows to the roof edge. The first concerns hipped roofs especially on semi-detached properties, where a requirement to maintain a 1m distance in from the hip would impact significantly on the ability to install a box dormer. In these circumstances it is proposed that dormers be allowed to extend to within 0.5m of the hipped part of the roof.

5.22 The other instance concerns two storey original outriggers on the back of terraced houses. Where such outriggers exist, the requirement to maintain a 1m gap to the roof junction could effectively prevent a box dormer being installed. It is proposed therefore to allow box dormers to intersect if necessary with rear outrigger roofs.

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**Figure 46  Proposed HPDO tolerances for roof extensions**

**RECOMMENDED TOLERANCES FOR CLASS B ROOF EXTENSIONS**

1. No roof extension to come forward of any roof plane of the principal elevation of a dwellinghouse or any side elevation (where the principal or side elevations is stepped, the rearmost part of that elevation is taken to be the principal or side elevation)

2. Roof extensions 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 the roof of a dwellinghouse is hipped, a roof extension may be a minimum of 0.5m from the hipped roof. Where a terraced property has a two storey rear outrigger, the roof extension may intersect with the roof of the outrigger.

3. Materials to match those of the existing dwellinghouse

4. No raised terraces, verandahs or balconies, including railings, walls or balustrades added to the dwellinghouse

5. Any side-facing windows to be obscure-glazed and non-opening
Sensitive Areas and Policy Issues

5.23 It is important to consider the extent to which tighter tolerances may be required in sensitive areas given that the current GPDO does not allow any roof extensions in sensitive areas. These conclusions have been drawn:

- in national parks and areas of outstanding natural beauty there is not considered to be a case for additional restrictions since roof extensions do not increase the footprint of the house and hence its general bulk. A rear roof extension is unlikely to impact significantly on the natural beauty of the landscape

- in conservation areas which are defined by their historic and attractive landscape, roof extensions of any sort carry the risk of an adverse Level 4 impact, and should therefore always require permission in conservation areas, as they do under the current GPDO

- there is no need to make the tolerances tighter in areas of ecological importance since building footprint will not be increased

- listed buildings need no additional protection since listed building consent is required for all alterations
• green belts need not be given any additional protection since roof extensions will not affect the their openness

The following additional tolerance is therefore recommended:

• **in conservation areas, all roof extensions should require planning permission**

5.24 Roof extensions have the potential to impact on policy aims in the same way as other extensions, but the same counter arguments apply, and it should also be borne in mind that since the tolerances proposed are more restrictive on roof extensions, the policy situation will be improved in many instances.

Conclusions on the Preferred Option

5.25 The final preferred option is judged to achieve the optimum balance between reducing the impact of overlarge box dormers and the desirability of not increasing application numbers significantly. In environmental terms it is considered essential to exert control over the worst type of dormers extensions currently allowed even if it is at the expense of potentially increasing application numbers. The tolerances which have been devised are considered to be easy for users to understand.

5.26 In terms of application numbers, the figures illustrate that there is a risk of increased application numbers as a result of the changes, particularly in urban areas such as Leeds and Harrow. However, the increase in applications is unlikely to be as high as the figures show since the proposed tolerances have been designed to allow housebuilders to make significant use of their loft space by constructing box dormers albeit without sensible parameters. Some householders will still wish to maximise their usable space by applying for overlarge box dormers or hip-to-gable conversions, but a process of education via design guides should ensure that the majority of householders are content to build acceptably-sized box dormers.
CHAPTER 6
Curtilage Developments

Introduction

6.1 Curtilage developments include all freestanding structures or works within the boundaries of a property, including outbuildings, garages and swimming pools. Oil storage containers and hard surfaces are types of curtilage development but fall within separate classes in the current GPDO. Applications for outbuildings and swimming pools are less frequent than for extensions and roof extensions, but it is nevertheless appropriate to examine whether the current GPDO limitations are impact-based and easily understood.

6.2 The current limitations on outbuildings rely on volume calculations in two respects: in relation to outbuildings within 5m of the house; and in relation to all outbuildings in sensitive areas. There is an opportunity to move away from these volume calculations and to devise a set of tolerances which are more impact-based. As evidenced by the complaints files of the Local Government Ombudsman, controls on large outbuildings close to neighbouring properties are insufficient in the current GPDO. In regard to hard surfaces, there is an opportunity to review whether tighter controls are necessary to address the issues reported in urban authorities, especially in London, where excessive areas of hard surface at the front of properties can lead to harmful cumulative impacts including unsightliness, accelerated runoff and loss of biodiversity.

Types of Impacts

6.3 The Level 2 impacts of outbuildings relate primarily to overbearing presence and possible overshadowing of amenity areas. As the Local Government Ombudsman’s files show, the issue of overbearing presence in relation to private amenity areas is a particularly sensitive one, with householders having strong expectations that their enjoyment of such spaces will not be affected by large adjoining outbuildings or garages. By contrast hard surfaces are unlikely as a rule to give rise to adverse Level 2 impacts.

6.4 Level 3 impacts can result from overlarge or poorly located outbuildings being visible from the street, as might be the case with outbuildings located to the side of a house. Even outbuildings not visible from public highways can have adverse Level 3 impacts, especially when large outbuildings are erected in gardens backing onto open countryside in areas of designated natural beauty. The same can be true of swimming pools in sensitive areas.

6.5 Hard surfaces at the front of dwellinghouses can give rise to adverse impacts when several householders in the same street choose to install them, resulting
in a cumulative adverse Level 4 impact. Careful consideration needs to be given as to how such impacts might be addressed in an HPDO.

**Options for Change**

6.6 Local authority design guides do not devote particular attention to the design of outbuildings, and where they do it is often in relation to detailed issues of appearance. There are no rules of thumb suggested by either BRE or the various design guides for locating outbuildings. As with extensions two broad approaches are possible: a ‘pure’ impacts-based approach which relates the position of proposed outbuildings to existing dwellings and outbuildings on adjoining properties; or the limitation of acceptably-sized outbuildings expressed either in terms of ‘length, breadth and height’ or diagrammatically in the manner of the ‘developable envelope’.

6.7 As with extensions and roof extensions, there is the possibility of retaining volume calculations for outbuildings by increasing the volume limitations, or breaking the cumulative link between extensions, dormer extensions and outbuildings within 5m of the house. Neither of these approaches would produce an impacts-based approach and would be at odds with the proposed changes to the Extensions and Roof Extensions classes. Therefore a new approach to defining outbuildings is necessary based on height, floor area and proximity to the boundary. The tolerances for each of the options is attached at Appendix 1 and explained below.

6.8 Because hard surfaces do not require planning permission, local planning authority design guides as a rule devote little attention to them. Where they do so, they focus on illustrating how householders can maintain a balance in their front gardens. It might be recommended, for instance, that householders do not hard surface their entire front curtilage, but instead try to maintain a separate path to the front door plus an area of lawn or planting. Two possible approaches to limiting hard surfaces are set out in Appendix 1 and explained below.

**OUTBUILDINGS: LENGTH, BREATH AND HEIGHT**

6.9 The key consideration, as with Extensions, is the relationship between height and proximity to the boundary. Outbuildings within 2m of a boundary need to be carefully controlled in height to prevent overshadowing; given that 2m boundary fences are common, a height limitation of 2.5m is considered to strike an appropriate balance between amenity and achieving functional headroom within an outbuilding. More than 2m from a boundary, a height to 4m (in common with the height limitation on single storey extensions) is appropriate.

6.10 An outbuilding built in accordance with such limitations could create an adverse impact if it covered too much ground. Thus a limitation should be placed on the maximum floor area of outbuildings, with larger gardens having a higher tolerance. The floor area limit should apply equally to swimming pools. A limitation is also required to ensure that outbuildings and swimming pools are not placed in front of principal elevations. The height of decking should be controlled. All these limitations are illustrated at paragraph 6.27.
OUTBUILDINGS: DEVELOPABLE ENVELOPE

6.11 This option takes broadly the same approach as the length, breadth and height option, but in the key area of height in relation to boundaries, it defines the maximum height of outbuildings by reference to the developable envelope, as shown in the diagram below.

![Developable envelope for outbuildings](image)

OUTBUILDINGS: TAKING ACCOUNT OF NEIGHBOURING OUTBUILDINGS

6.12 This option is similar to the length, breadth and height option but adds an additional impacts-based tolerance so that where there is an adjacent outbuilding, the height limitation on outbuildings close to boundaries would not apply. As with the 45/25 degree option for Extensions, there is an issue in relation to whether such a tolerance will lead to unnecessary complexity for householders. The option is illustrated below.
HARD SURFACES: NO “PERMITTED DEVELOPMENT”

6.13 The first option tested would require all hard surfaces in front of dwellinghouses to be the subject of a planning application. Such an approach achieves full control over hard surfaces but could be seen as excessively restrictive.

HARD SURFACES: 50% RESTRICTION

6.14 The second option would allow householders to hard surface up to 50% of their front curtilage, thus affording all properties with sufficient depth to park a car the ability to create at least one parking space. Larger properties would have the ability to create more spaces. Such an approach strikes a balance between the needs of householders and the need to prevent adverse Level 4 impacts. The option is illustrated at paragraph 6.30.

Methodology for Testing

6.15 As with Extensions and Roof Extensions, a comprehensive programme of testing was carried out on the options for outbuildings to determine:

- whether planning application numbers would be affected by the changes
• whether any adverse Level 2 or Level 3 impacts are likely to arise as a result of the new tolerances

• whether the options are simple enough for users to understand and operate

6.16 Testing for outbuildings was carried out as it was for Extensions and Roof Extensions:

• a caseload of planning and building regulation applications using the same local authorities. As with Extensions, two rounds of testing were carried out in each authority, with the second round of testing concentrated on a refined set of tolerances for the preferred options (see below)

• a caseload of householder appeals tested in the second round of once the preferred options were known and had been refined (see below)

• a usability survey was not undertaken as each outbuildings option was analogous to each Extensions option and therefore the results of the usability exercise for Extensions could be used to inform the preferred option for outbuildings

6.17 For hard surfaces the job of testing was made difficult by the fact that there is no caseload data available, because hard surfaces do not currently require planning permission except in rare circumstances. In terms of measuring a potential increase in application numbers, the only available data is the number of dropped kerb applications made annually to the highways departments of local authorities. These statistics have been collated for the 4 sampled local authorities. Adverse impacts as a result of a tightening of the GPDO restrictions on hard surfaces appear unlikely, whilst the proposed new tolerances are simple and straightforward and do not need testing in this regard.

Test Results: First Round of Testing

OUTBUILDINGS: CASELOAD OF PLANNING AND BUILDING REGULATION APPLICATIONS

6.18 The test results produced no more than one or two applications for outbuildings in most of the authority, and an even lower number of building regulations applications (since most outbuildings do not require building regulation approval). The only authority with a sample size large enough to be of value was West Berkshire, with 7 outbuildings applications, of which 2 would have been made “permitted development by Option 1, 3 by Option 2 and 2 by Option 3. The reason West Berkshire had a higher proportion of outbuildings applications was because of its Area of Outstanding Natural Beauty, within which the GPDO places tighter limitations on the size of outbuildings.
HARD SURFACES: DROPPED KERB APPLICATIONS TO HIGHWAY AUTHORITIES

6.19 The number of domestic dropped kerb applications submitted each year in the 4 local authorities is tabulated below, together with, for comparisons purposes, the number of householder planning applications submitted over the same period.

<table>
<thead>
<tr>
<th>Authority</th>
<th>No of domestic dropped kerb applications</th>
<th>No of householder planning applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Berkshire</td>
<td>159</td>
<td>1,365</td>
</tr>
<tr>
<td>Leeds</td>
<td>740</td>
<td>4,208</td>
</tr>
<tr>
<td>Harrow</td>
<td>455</td>
<td>1,576</td>
</tr>
<tr>
<td>Monmouthshire</td>
<td>71</td>
<td>587</td>
</tr>
</tbody>
</table>

Option Appraisal and Refinement

6.20 Because the sample sizes were small and because no clear picture emerged as to whether the options tested are likely to increase or reduce number of applications for outbuildings and swimming pools, the data collected did not critically influence the option appraisal.

6.21 More crucial was the issue of usability, in relation to the findings for Extensions. Because it was clear that users found the developable envelope difficult to use, it followed that the same potential difficulties might arise in relation to the developable envelope option for outbuildings. Similarly the requirement in the third option that householders measure the height and position of neighbouring outbuildings was likely to make this option unnecessarily complex for householders. The decision was taken not to proceed with the second and third options.

6.22 For hard surfaces, the data collected suggests that a rise in planning applications could follow from a tightening of the restrictions on hard surfaces, on the assumption that there is a correlation between those dropped kerbs and hard surfaces. The data suggest that a blanket restriction on hard surfaces might lead to a significant rise in householder applications for hard surfaces, as well as being unduly restrictive of people’s reasonable expectations of being able to park a car off the road. For this reason the first option was not proceeded with. The second option, which achieves a better balance between control and freedom for householders, was considered to achieve a range of environmental benefits, and was therefore identified as the preferred option.
Test Results: Second Round of Testing

OUTBUILDINGS: CASELOAD OF PLANNING AND BUILDING REGULATION APPLICATIONS

6.23 The second round of testing threw up even fewer examples of outbuildings applications, the exception again being West Berkshire with 6 planning applications, none of which would have been ‘saved’ by the tested option, Option 1.

CASELOAD OF HOUSEHOLDER APPEALS

6.24 The outcome of the appeals survey is shown at Figure 26. Neither of the examples of dismissed appeals which would have been permitted by the proposed tolerances related to outbuildings. No hard surface applications featured in the appeal caseload.

6.25 A theme from the appeals evidence is that Inspectors are not sympathetic towards overlarge outbuildings, especially where these are placed well away from the host dwelling and close to site boundaries. Consideration therefore needs to be given to whether to limit the size of outbuildings more closely, particularly in environmentally-sensitive areas.

Refinement of the Preferred Option – Outbuildings

6.26 Following the two rounds of testing, a preferred outbuildings option has been finalised. There are two particular points to note compared to the tested options. The first is that a lower cumulative limit on outbuildings in smaller gardens (those below 100 sq m) has been introduced to tackle the possible adverse Level 2 impacts of excessive ground coverage by outbuildings in very small gardens. Additionally, a 50% cumulative limitation on the coverage of private garden areas with extensions and outbuildings has been introduced, to avoid adverse impacts resulting from householders maximising their “permitted development” rights in small garden areas.
### RECOMMENDED TOLERANCES FOR CLASS E OUTBUILDINGS/GARAGES/STORAGE CONTAINERS/SWIMMING POOLS

1. No outbuilding, garage or swimming pool to come forward of the principal elevation of a dwellinghouse or a side elevation facing a highway (where the principal elevation is stepped, the rearmost part of that elevation is taken to be the principal elevation).

2. Outbuildings and garages and outbuildings to be single storey only.

3. The maximum eaves height of outbuildings and garages to be 2.5m, and the maximum overall height to be 4m with a dual pitched roof, or 3m with a monopitched roof.

4. Within 2m of a boundary the maximum overall height to be 2.5m.

5. The maximum combined ground coverage of all garages and outbuildings to be 30 sq m if the private garden area exceeds 100 sq m, or 20 sq m if the private garden area is less than 100 sq m.

6. No raised terraces, verandahs or balconies, including railings, walls or balustrades added to the dwellinghouse.

7. Maximum 50% coverage (including extensions) of the private garden area.

8. Maximum height of decking to be 0.3m.

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**The Preferred Option Illustrated**

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**Figure 52  Permitted by HPDO: outbuildings in smaller gardens**
6.27 Tighter tolerances may be required in sensitive areas given that the current GPDO limits the size of individual outbuildings in sensitive areas. These conclusions have been drawn:

- national parks and areas of outstanding natural beauty have the potential to be adversely affected by out-sized outbuildings and swimming pools located too far from the host property. It is therefore proposed to add an additional limitation on outbuildings in these areas as set out below

- in conservation areas a potential issue arises with outbuildings to the side of properties which are visible in the street scene. A restriction should be placed on such outbuildings

- there is not considered to be a need to make the tolerances tighter in areas of ecological importance

- the current GPDO limits outbuildings within the curtilage of listed buildings to 10 cu m. A similar restriction (avoiding a volume calculation) should be retained.

- green belts need not be given any additional protection since outbuildings of the size that would be permitted by an HPDO (which would be smaller than allowed in green belts by the current GPDO) are unlikely to impinge on their openness

The following additional tolerances are therefore recommended:

- **in national parks and areas of outstanding natural beauty, the maximum area to be covered by outbuildings, garages and swimming pools located more than 20 metres from the host dwellinghouse to be limited to 10 sq m**
- in conservation areas, outbuildings at the side of properties should require to planning permission

- within the curtilage of listed buildings, any outbuilding greater than 3 sq m should require planning permission

6.28 Outbuildings do not have particular implications for the policy aims discussed in relation to Extensions and Roof Extensions.

**Refinement of the Preferred Option – Hard Surfaces**

6.29 A preferred option for hard surfaces has also been finalised:

<table>
<thead>
<tr>
<th>Figure 54 Proposed HPDO tolerances for hard surfaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECOMMENDED TOLERANCES FOR CLASS F HARD SURFACES</td>
</tr>
<tr>
<td>1. Maximum of 50% of the ground area in front of the principal elevation or a side elevation facing a highway to be hard surfaced</td>
</tr>
<tr>
<td>2. Porous materials to be used</td>
</tr>
</tbody>
</table>

**The Preferred Option Illustrated**

| Figure 55 Permitted by HPDO: hard surfaces covering up to 50% of front gardens |

6.30 There is not considered to be a need to impose tighter controls in environmentally-sensitive areas, since the tolerances proposed are tighter than exist currently in these areas.
Conclusions on the Preferred Options

6.31 The final preferred option for outbuildings acts to control the problem of large outbuildings close to common boundaries. This may impact on the overall numbers of planning applications, but since application numbers for this class are low in any event, the impact will be marginal at most. The tolerances proposed are clearly set out and should easily understood by householders.

6.32 For hard surfaces, a tighter tolerance is proposed than exists at present. This will help to counterbalance some of the harmful environmental impacts resulting from the cumulative creation of hard surfaces in residential areas. The 50% limitation proposed is clearly expressed and unambiguous. The biggest concern is the extent to which application numbers might rise. The rate at which dropped kerbs are applied for each year suggests that the addition of new hard surfaces is commonplace, which given the rise in car ownership and the increased parking problems in some older residential areas is unsurprising. However, the expectation is that householders in smaller properties will often be content to park one car off the road – which would be exempt from planning permission under the 50% limitation – whilst those in large properties could potentially park 2 or more cars off the road – again without exceeding the 50% limitation. Householders could also maximise off-road car parking within the HPDO limitation by maintaining a strip of grass down the centre of their driveways, which would aid runoff and visual enhancement.
CHAPTER 7
Other Issues

7.1 This chapter addresses a number of important issues that impact on the conclusions of this study, namely:

- Basement extensions
- “Permitted development” rights for flats
- Anomalies in the current GPDO
- Definitions
- Compensation

Basement Extensions

7.2 Basement extensions are an increasingly popular method of extending houses, particularly in urban areas characterised by terraced houses where other forms of extension may not be possible. The excavation of basements is a form of development, but the GPDO is silent as to whether there are circumstances in which basements can be viewed as ‘permitted development’. Notwithstanding this silence, the volume limitations imposed by Class A of Part 1 are capable of being interpreted to include basement extensions, and anecdotal evidence suggests that many local authorities do this. A small minority of design guides published by local authorities contain guidance on designing basement extensions, suggesting that a set of tolerances to guide basement extensions could be designed.
7.3 A typical basement extension is illustrated above and below. The key external feature is the lightwell, which if located at the front of a house is likely to have Level 3 Impacts resulting from the exposure of an additional area of masonry, the need for protective fencing and the resultant loss of garden area. A set of possible tolerances was devised to try to limit these impacts, picking up on recommended best practice by various Local Planning Authorities. The key limitations considered necessary were a maximum width and projection from the house of lightwells, and where a lightwell occurred at the front of a house, a requirement that a minimum depth of front garden be retained. Two options were tested, the full tolerances for which are contained at Appendix 1.
7.4 The first option set the maximum dimensions of lightwells – 1m projection from the side of the house and 3m wide – but allowed them only to the side and rear of dwellinghouses, thus ensuring that Level 3 impacts would not occur, and providing adequate control over Level 2 impacts.

BASEMENT LIGHTWELLS TO THE REAR, SIDE AND FRONT

7.5 The second option adopted the same lightwell dimensions as option 1, but allowed them at the front of houses as well. In order to control potentially adverse Level 3 impacts a minimum garden depth of 6m was required, in order that 5m of grass or vegetation could be retained between the lightwell and the road.

TESTING THE OPTIONS

7.6 The two options were tested in the same way as the options for existing classes of development. Unfortunately the applications sampled threw up no examples of basement extensions, meaning that there is no evidence to demonstrate the validity or otherwise of the tolerances proposed. This has prevented detailed proposals for a basements class being included within this report.

7.7 In order to take this aspect of the study forward, a separate line of enquiry utilising a questionnaire survey of Planning Authorities most affected by basement proposals has been carried out. At the time of writing this report analysis of the survey results had still to be completed, but one point which
came across strongly was the near unanimity of local authorities in applying Part 1 Class A of the GPDO to basement extensions, notwithstanding that neither the GPDO nor published guidance booklets make reference to basements being “permitted development”.

7.8 It follows that an impact-based HPDO must include a specific basement class if it is to avoid creating a situation where all basement extensions are automatically deemed to require consent. It further follows that because the volume limitations that “permit” basement extensions under the current GPDO would not exist in an HPDO, a new means must be devised to define the acceptable limits of basement extensions. It is likely that such limits could be expressed in terms of a maximum depth of basement extension plus a maximum floor area in relation to the footprint of the existing house. Consideration also needs to be given as to whether lightwells can be “permitted development” in appropriate circumstances. A supplementary report addressing these issues will be produced in due course.

Flats

7.9 Part 2 of the GPDO (means of enclosure, means of access and painting) apply equally to flats as well as dwellinghouses, whilst Part 1 contains rights for the occupiers of flats to install satellite dishes. Based on this principle there is no logical reason why other householder development rights could not in principle be extended to flats. A particularly compelling case concerns flats which have been converted from houses, or pairs of flats arranged with the deliberate appearance of terraced houses. The issue is why the occupiers of a ground floor flat converted from a terraced house, possessing a private back garden, should not be able to erect a garden shed as freely as the adjoining householders can in their gardens. Going further, could ground floor flats not also have the ability to add porches or extend modestly, or upper floor flats the ability to install dormer windows or solar panels?

7.10 Part of the problem is defining which types of flat “permitted development” rights might apply to. It might be inappropriate, for instance, to allow outbuildings or extensions to be added to ground floor flats where there is a shared amenity area or a uniform landscaping plan; similarly it might be inappropriate to allow dormer extensions or solar panels to be added to a block of flats with a unified design and external appearance. If these arguments are accepted, then a definition of ‘flat’ is needed which distinguishes flats converted from (or having the appearance of) dwellinghouses.

7.11 An attempt was made to devise a set of tolerances which would apply only to flats which have been converted from dwellinghouses. The tolerances allowed for extensions, outbuildings, hard surfaces and basements to be added to ground floor flats, and roof extensions and solar panels to top floor flats. The limitations proposed were akin to those set out for similar classes of development in relation to dwellinghouses. They are contained in full at Appendix 1.
TESTING THE OPTIONS

7.12 As with basement extensions, the problem was the very small sample generated by the caseload study, which did not allow meaningful conclusions to be drawn as to the effectiveness of the proposed tolerances. For this reason detailed proposals for extending permitted development rights to flats are not included within this report.

7.13 It is not proposed to conclude this aspect of the study at this time, because of the problem of defining a “flat” appropriately for the purposes of extending “permitted development” rights, because of issues such as who has responsibility for party walls if a ground floor flat is extended, and who has responsibility for roofs if a top floor flat installs a dormer window, and because of the issue of shared amenity space. All these issues were highlighted in feedback from the Sounding Board.

7.14 For all these reasons, it is recommended that the issue of “permitted development” rights for flats be deferred and taken forward, if appropriate, by a separate later study. The most obvious area where “permitted development” rights for flats could be extended is in relation to outbuildings, and this could be the initial focus of a further study.

Anomalies in the Current GPDO

7.15 As part of this study it is necessary to address loopholes which have been previously identified in the current GPDO, which the change to an impact-based approach would not in itself resolve. Two loopholes in particular have been brought to the attention of the authors:

**Roof extensions to parts of a dwellinghouse lower than the main roof**
The issue is whether such proposals properly fall within Class A or Class B of the GPDO. The view is advanced that such extensions properly fall within Class A since this class contains a range of tolerances designed to control the impact of single storey extensions, as opposed to Class B which is directed towards extensions to the main roof of the dwellinghouse. The only exception to this would be if the dwellinghouse is a bungalow, in which case, Class B would apply.

**Replacement means of enclosure** The issue is whether an existing means of enclosure which exceeds the GPDO tolerances can be replaced with a fence of similar height without planning permission. The issue for means of enclosure is different from dwellinghouses and outbuildings since, like windows, the lifespan of means of enclosure tends to be much shorter hence regular replacements may be needed. Given that fences can be maintained, improved or altered without permission, it is appropriate that like-for-like replacement be similarly allowed, provided the materials and colour are the same and the height is not increased.

7.16 The Nathaniel Lichfield Report from 2003 details a number of issues and problems with Part 1 of the GPDO in relation to householder rights. Most of the issues raised in the report are addressed through the proposals for a new HPDO, notably:
the potential for “permitted development” rights to undermine national parks, AONB’s and green belts

the relationship between Classes A, B, C and E is unclear

many necessary definitions are missing

no control over materials

permitted extensions can lead to overshadowing

extensions 4m high close to a boundary and overlarge ancillary buildings can overshadow/overlook neighbouring properties

balconies, roof terraces and decking are not adequately dealt with

calculating volumes is complicated

Class E permits a 3 metre fence whereas Part 2 Class A permits only a 2 metre one

uncertainty as to how original detached outbuildings should be treated

hipped roofs can be converted to gables without planning permission

dormer windows may need permission simply because of a large previous extension

do solar panels need permission?

how are swimming pools dealt with?

adverse impacts from Class E where houses are at right angles

the 50% limitation on ground coverage fails when there is a large front garden

the installation of hard surfaces at the front of houses is not controlled

LPG tanks should have “permitted development” rights the same as oil tanks

Issues thrown up by Nathaniel Lichfield which are not explicitly resolved in the report include:

alterations to ground levels are not addressed: presently such works require permission where they are held to constitute “development”: this would not change under an HPDO

the effect of householder developments on protected trees: nothing in an HPDO would undermine the protection enjoyed by trees covered by an Order

inserting new windows which overlook neighbours: such developments are granted permission under the current GPDO and would continue to be granted permission under an HPDO
• uPVC windows in conservation areas can be harmful: this issue is flagged up in the report but for now no further controls are recommended in this area

• garden sheds can be put up by householders but not by people living in maisonettes: the report recommends a further study into “permitted development” rights for flats

7.18 The Communities and Local Government provided a list, which was last updated on 6th December 2005, which logged the complaints received regarding discrepancies and grumbles with the current GPDO and supporting documents. This list has also been studied to assess the key concerns that have been raised and to address these in the proposed HPDO.

7.19 In total 66 issues have been identified in the Communities and Local Government list and although some of these are not directly related to the area of study a number of the issues raised would be addressed by the proposed HPDO. Concern has been raised regarding a number of issues which include the use of flat roofs as terraces, the impact of raised terraces and balconies on the amenities of the neighbouring properties, the size of outbuildings positioned on a boundary with a neighbour, size of extensions, a garage within 5m of a house using cubic capacity, no control over first floor windows in extensions and concern over definitions of various aspects such as sloping ground and original dwelling house. A number of these issues are reflective of those found in The Nathaniel Lichfield Report from 2003 and as detailed in paragraph 7.17 would be addressed by the proposed HPDO.

7.20 In terms of the concerns raised regarding the cubic capacity of development, these vary from the whether this includes outbuildings within 5m of the dwelling but built at the same time as the house, complications of including dormer windows and roof extensions in volume calculations and the issues of the impact on a neighbouring properties amenities if an extension utilises the full tolerance allowed by the current GPDO. All these issues have been addressed by the proposed HPDO by removing reference to cubic capacity and assessing development on impact. This removes any complex calculations and the adding up of different extensions and alterations and when and where they have been built.

Furthermore, the new HPDO makes it clear that any balconies, terraces, or raised terraces or decking require planning permission.

7.21 As the HPDO is based on an impacts approach a number of tolerances have been introduced which allays a number of points raised in the Communities and Local Government list. This includes the height and size of developments permitted for extensions and outbuildings positioned on or in close proximity, within 2m, of a neighbouring properties boundary.

Concern was also raised in the Communities and Local Government list regarding “party walls” and the complications with a box dormer in that the current GPDO only permits development within the curtilage of the dwellinghouse. This issue would be overcome with the suggested tolerance in the HPDO that any rear facing box dormer is off set from the eaves, ridge and verge of the dwellinghouse by 1m, thereby not only resulting in an improved design but removing any confusion with regard to “party walls”.
The issue of roof extensions where a dwelling with a hipped roof is extended to have a gable end was also raised in the Communities and Local Government list. This form of development can have a significant impact in the street scene and be detrimental to the character of the dwelling and its surroundings. This issue would be controlled by the proposed HPDO and planning permission would be required for such an alteration.

7.22 With regard to LPG tanks this was raised as an issue in the Communities and Local Government list and The Nathaniel Lichfield Report from 2003 both querying whether these should be afforded the same permitted development as oil tanks. The proposed HPDO has included LPG tanks as permitted development alongside oil tanks.

7.23 In conclusion it is considered the key points and issues raised in both The Nathaniel Lichfield Report and the Communities and Local Government list of complaints have been, on the whole, addressed and would be overcome by the proposed HPDO.

Definitions

7.24 The following new definitions are to be included in an HPDO:

Original dwellinghouse The dwellinghouse as originally built; where this is unclear a view is to be taken on the ‘balance of probabilities’

Original rear wall The wall of a dwellinghouse facing directly away from the ‘principal elevation’

Principal elevation The wall of a dwellinghouse which faces the main highway serving the dwellinghouse; in most cases this will be the front of the dwellinghouse

Side wall The walls linking the ‘principal elevation’ and the ‘original rear wall’

Compensation

7.25 To protect householders who may have planned or even begun an extension or alteration, and find that the GPDO has changed and that they need permission for their proposal, Sections 107 and 108 of the Town and Country Planning Act 1990 entitle householders to compensation for a period of one year following the revocation of the current GPDO, should they be refused permission or receive permission subject to conditions, for a development which would previously have been permitted by the GPDO. Clearly this has implications for proposals to tighten the limitations within the current GPDO, depending on the way in which compensation is calculated and the potential number of cases arising. Relaxation of tolerances does not raise the same issues since this would not give rise to circumstances where additional planning applications are generated. The issue of compensation will be addressed separately by Communities and Local Government.
CHAPTER 8

Conclusions

Introduction

8.1 The study has sought to devise a Householder Permitted Development Order which:

- reduces the number of householder planning applications across England and Wales
- ensures that householder ‘permitted developments’ do not give rise to adverse environmental impacts
- is easily understood and interpreted by householders and planning professionals.

8.2 The methodology has involved examining Parts 1 and 2 of the GPDO to identify where the current regulations achieve the above aims and where they fail. Where the current GPDO is shown to adopt an impacts-based approach, does not generate excessive numbers of straightforward applications, does not give rise to harmful developments and is easily-understood, no changes are recommended. For those areas of the GPDO which fail one or more of these tests – Class A (Extensions), Class B (Roof Extensions), Class C (Roof Alterations), Class E (Outbuildings) and Class F (Hard Surfaces) – a new set of tolerances has been devised and tested.

8.3 A comparison between the tolerances contained in the current GPDO and those proposed for an HPDO is shown in the table below:
### Figure 58 Comparison of GPDO and HPDO limitations for householder development

<table>
<thead>
<tr>
<th>Existing Tolerance</th>
<th>Proposed Tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1A.1(a); Class 1B.1(d); Class 1E.1(c) [in conjunction with 1A.3(a)]</td>
<td><strong>Depth limitation on rear extensions:</strong> Single storey: 4m (attached), 5m (detached); Two storey: 3m (attached), 4m (detached) <strong>Width limitation on side extensions:</strong> 50% of width of original dwellinghouse <strong>Limitations for 2 storey or higher rear extensions:</strong> Minimum 7m to rear boundary; Roof pitch to match main house; Any side-facing windows to be obscure glazed and non-opening <strong>Other limitations:</strong> No terraces or balconies; Materials to match</td>
</tr>
<tr>
<td>Cumulative volume limitation on extensions/roof extensions/outbuildings larger than 10 cu m within 5m of the house: 70 cu m/15% for detached/semi-detached; 50 cu m/10% for terraced; Maximum 115 cu m for all house types</td>
<td><strong>In National Parks/AONB’s:</strong> Maximum floor area of outbuildings/swimming pools more than 20m from the house: 10 sq m <strong>In conservation areas:</strong> No extensions or outbuildings to the side of dwellinghouses; No roof extensions <strong>Within the curtilage of listed buildings:</strong> Maximum floor area of outbuildings: 3 sq m</td>
</tr>
<tr>
<td>Class 1A.1(a); Class 1B.1(d), Class 1E.1(f)</td>
<td><strong>Size limitation on roof extensions:</strong> Minimum 1m from eaves, ridge, verge (and party wall) <strong>Other limitations:</strong> No front or side roof extensions; No terraces or balconies; Materials to match; Any side-facing windows to be obscure-glazed and non-opening</td>
</tr>
<tr>
<td>Cumulative volume limitation on extensions/outbuildings larger than 10 cu m on Article 1(5)* land: Maximum 50 cu m/10% for all house types; Maximum 115 cu m for all house types; No roof extensions; Maximum 10 cu m for each outbuilding</td>
<td><strong>Height limitation on extensions:</strong> 3m to eaves within 2m of a boundary; 4m to ridge within 2m of a boundary; 4m for side extensions; Within 2m of a boundary or to the side of a dwellinghouse extensions to be single storey only</td>
</tr>
<tr>
<td>Class 1A.2</td>
<td>All forms of cladding prevented in conservation areas</td>
</tr>
<tr>
<td>Various forms of cladding prevented on Article 1(5)* land</td>
<td></td>
</tr>
<tr>
<td>Class 1B.1(c)</td>
<td><strong>Size limitation on roof extensions:</strong> Minimum 1m from eaves, ridge, verge (and party wall) <strong>Other limitations:</strong> No front or side roof extensions; No terraces or balconies; Materials to match; Any side-facing windows to be obscure-glazed and non-opening</td>
</tr>
<tr>
<td>Volume limitation on roof extensions: 50 cu m for detached/semi-detached; 40 cu m for terraced</td>
<td></td>
</tr>
<tr>
<td>Class 1A.1(d)</td>
<td><strong>Height limitation on extensions:</strong> 3m to eaves within 2m of a boundary; 4m to ridge within 2m of a boundary; 4m for side extensions; Within 2m of a boundary or to the side of a dwellinghouse extensions to be single storey only</td>
</tr>
<tr>
<td>Limitation on height of extensions near boundaries: Maximum 4m high within 2m of a boundary</td>
<td></td>
</tr>
<tr>
<td>Class 1A.1(b); Class 1B.1(a)</td>
<td>Eaves and ridge height of extensions to be no higher than the eaves and ridge of the main part of the dwellinghouse</td>
</tr>
<tr>
<td>Extensions/roof extensions to be no higher than existing house</td>
<td></td>
</tr>
<tr>
<td>Class 1A.1(e); Class 1E.1(e)</td>
<td>Extensions and outbuildings to cover a maximum of 50% of private garden area</td>
</tr>
<tr>
<td>Maximum 50% ground coverage of extensions/outbuildings (excluding the area of the original house)</td>
<td></td>
</tr>
</tbody>
</table>
**Figure 58** Comparison of GPDO and HPDO limitations for householder development (continued)

<table>
<thead>
<tr>
<th>Existing Tolerance</th>
<th>Proposed Tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Class 1A.1(c); Class 1B.1(g); Class 1E.1(g); Class 1G.1(c)</strong> Extensions/roof extensions/outbuildings/oil storage containers to be no nearer a highway than the original house</td>
<td>Extensions/roof extensions/outbuildings not to come forward of the principal elevation or side elevations facing a highway</td>
</tr>
<tr>
<td><strong>Class 1E.1(d); Class 1G.1(g)</strong> Limitation on height of outbuildings/oil storage containers: 4m for outbuildings with a ridged roof; 3m for outbuildings with a flat roof and oil storage containers</td>
<td><strong>Height limitation on outbuildings:</strong> 2.5m to eaves, 4m to ridge (dual pitched), 3m (monopitched) 2.5m to ridge within 2m of a boundary <strong>Floor area limitation:</strong> 20 sq m if the rear garden is less than 100 sq m; 30 sq m if the rear garden exceeds 100 sq m <strong>Other limitations:</strong> Single storey only; No terraces or balconies;</td>
</tr>
<tr>
<td><strong>Class 1C.1</strong> Roof alterations not to materially alter roofshape</td>
<td><strong>Limitations on roof alterations (Entec study):</strong> Maximum upstand of 150mm (120mm in sensitive areas); Maximum 60% roof coverage (50% in sensitive areas)</td>
</tr>
<tr>
<td><strong>Class 1D.1(a); Class 1D.1(b); Class 1D.1(c)</strong> Restrictions on porch size: 3sq m in area; 3m high; Minimum 2m back from a highway</td>
<td>No change</td>
</tr>
<tr>
<td><strong>Class F</strong> Hard surfaces unrestricted provided incidental to the enjoyment of the dwellinghouse</td>
<td><strong>Limitations on hard surfaces</strong> Maximum 50% of ground area in front of principal elevation and side elevations facing a highway to be hard surfaced; Porous materials to be used</td>
</tr>
<tr>
<td><strong>Class 2A.1(a); Class 2A.1(b)</strong> Limitations on height of means of enclosure: 1m facing a highway 2m elsewhere</td>
<td>No change</td>
</tr>
<tr>
<td><strong>Class 2B</strong> Creation of means of access unrestricted except onto trunk or classified roads</td>
<td>No change; delete requirement that accesses must be required in connection with another class of development</td>
</tr>
<tr>
<td><strong>Class 2C.1</strong> Painting exterior allowed provided it is not for the purpose of advertising</td>
<td>No change</td>
</tr>
</tbody>
</table>

* Article 1(5) land includes sensitive areas such as National Parks, Areas of Outstanding Natural Beauty, Conservations Areas and areas of ecological importance
The Tolerances Proposed for of an HPDO

8.4 The full set of recommended limitations for an HPDO is set out below:

PART 1

Class A (extensions)

1. No extension to come forward of the principal elevation of a dwellinghouse or side elevation facing a highway (where the principal or side elevations are stepped, the rearmost part of that elevation is taken to be the principal or side elevation)

2. The maximum depth of single storey extension behind the original main rear wall of the house to be 4m for attached dwellinghouses and 5m for detached dwellinghouses (if the rear wall is stepped, the limitation on the depth of extension will similarly be stepped)

3. The maximum depth of an extension more than 1 storey (or 4m high) behind the original main rear wall of the house to be 3m for attached dwellinghouses and 4m for detached dwellinghouses

4. Within 2m of any boundary, the maximum eaves height of an extension to be 3m, and the maximum overall height to be 3m with a flat roof and 4m with a pitched roof

5. The maximum eaves and ridge height of an extension to be no higher than the existing dwellinghouse

6. To the sides of a dwellinghouse, extensions to be single storey only and no higher than 4m high, and no wider than half the width of the original dwellinghouse

7. 2 storey extensions to be located no closer than 7m to the rear boundary, or no closer than the existing rear wall of the dwellinghouse if this is closer than 7m to the rear boundary

8. The roof pitch of extensions higher than 1 storey (4m) to match that of the existing house

9. Any side-facing windows on extensions higher than 1 storey to be obscure-glazed and non-opening

10. Materials to match those of the existing dwellinghouse

11. No raised terraces, verandahs or balconies, including railings, walls or balustrades to be added to the dwellinghouse

12. Maximum 50% coverage (including outbuildings) of the private garden area
• in conservation areas, side extensions should require planning permission

• in conservation areas, all forms of cladding should require planning permission

Class B (roof extensions)

1. No roof extension to come forward of any roof plane of the principal elevation of a dwellinghouse or any side elevation (where the principal or side elevations is stepped, the rearmost part of that elevation is taken to be the principal or side elevation)

2. Roof extensions 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 the roof of a dwellinghouse is hipped, a roof
extension may be a minimum of 0.5m from the hipped roof. Where a terraced property has a two storey rear outrigger, the roof extension may intersect with the roof of the outrigger.

3. Materials to match those of the existing dwellinghouse

4. No raised terraces, verandahs or balconies, including railings, walls or balustrades added to the dwellinghouse

5. Any side-facing windows to be obscure-glazed and non-opening
   - in conservation areas, all roof extensions should require planning permission

Class C (roof alterations) (taken from Entec study)

1. Maximum upstand of 150mm

2. Maximum 60% roof coverage
   - in sensitive areas, the maximum upstand to be 120mm
   - in sensitive areas, the maximum roof coverage to be 50%

Class D (porches) – no change
Class E (outbuildings/garages/storage containers/swimming pools)

1. No outbuilding, garage or swimming pool to come forward of the principal elevation of a dwellinghouse or a side elevation facing a highway (where the principal elevation is stepped, the rearmost part of that elevation is taken to be the principal elevation)

2. Outbuildings and garages and outbuildings to be single storey only

3. The maximum eaves height of outbuildings and garages to be 2.5m, and the maximum overall height to be 4m with a dual pitched roof, or 3m with a monopitched roof

4. Within 2m of a boundary the maximum overall height to be 2.5m

5. The maximum combined ground coverage of all garages and outbuildings to be 30 sq m if the private garden area exceeds 100 sq m, or 20 sq m if the private garden area is less than 100 sq m

6. No raised terraces, verandahs or balconies, including railings, walls or balustrades added to the dwellinghouse

7. Maximum 50% coverage (including extensions) of the private garden area

8. Maximum height of decking to be 0.3m

- in national parks and areas of outstanding natural beauty, the maximum area to be covered by outbuildings, garages and swimming pools located more than 20 metres from the host dwellinghouse to be limited to 10 sq m

- in conservation areas, outbuildings at the side of properties should require to planning permission

- within the curtilage of listed buildings, any outbuilding greater than 3 sq m should require planning permission

**Figure 62** Examples of outbuildings which would be permitted under an HPDO
Class F (hard surfaces)

1. Maximum of 50% of the ground area in front of the principal elevation or a side elevation facing a highway to be hard surfaced

2. Porous materials to be used

Class G (oil storage containers) – subsumed into Class E (LPG tanks added)

Class H (microwave antennae) – no change

PART 2

Class A (means of enclosure) – no change

Class B (means of access) – no change, but delete the requirement that domestic accesses must be required in connection with another class of development

Class C (painting exterior of a building) – no change
A Better Approach to Householder Development

8.5 The tolerances which could form the basis of an HPDO have been through a thorough process of analysis, testing and refinement. They are an attempt to rebalance the GPDO to bring it into line with the planning principles adopted by many local authorities in their residential design guides. Based on the approach found in many design guides, limitations are proposed governing the depth of rear extensions, the height and width of side extensions, hip-to-gable conversions, overlarge box dormers and overlarge outbuildings. None of these limitations is found in the current GPDO. One benefit of applying an impacts-based approach to extensions is that local planning authorities are less likely to take away “permitted development” on high density housing layouts, as future residents will be better protected from adverse impacts, leading to a reduction in the number of applications submitted (with no fee) to vary such conditions.

8.6 In other key areas, current arbitrary GPDO restrictions which generate large numbers of applications with no adverse impacts, and which are commonly permitted with no amendment and minimal conditions, would be relaxed. The tolerances proposed would allow, in particular, more rear extensions to proceed, thereby significantly reducing the number of unnecessary applications currently generated. Testing has been undertaken which indicates that the risk of adverse impacts occurring as a result of the proposed relaxation is low.

8.7 The study has examined those areas where development pressures have occurred which were not envisaged when the original GPDO was drafted. In particular, the proliferation of front hard surfaces has been examined and tighter tolerances proposed; and the trend for basement extensions has been explored, which will lead in due course to a supplementary report examining how permitted development rights could be extended in this area.

Implications for Householder Planning Application Numbers

8.8 A key aim of the assignment has been to reduce householder application numbers where this is achievable without giving rise to adverse impacts. The aggregated data for the predicted change in application numbers based on the caseload survey data is as follows:
8.9 Several key points emerge from this aggregated data:

- the savings to be made purely from a reduction in planning application numbers (the first column) averages out at between 25% and 30%

- there is a predicted increase in applications ‘captured’ from building regulations i.e. developments which currently don’t require permission under the GPDO but which would under an HPDO. A comparison with Figures 25 and 40 indicates that the reduction in savings shown is largely the result of the tighter tolerances proposed for roof extensions

- there is a significant regional variation in predicted savings, with urban areas having less potential to save applications than more rural districts

- the figures do not include any potential increase in applications as a result of the proposed tighter restrictions on hard surfaces

8.10 In order to understand the national implications of these figures it is necessary to extrapolate the data for the whole of England and Wales. The 2001 census showed the combined population of England and Wales to be 53 million. Of this figure, some 81%, or 43 million, lived in urban areas, defined as settlements with a population in excess of 10,000. Of this 43 million, 20.5 million lived in conurbations and cities with a population greater than 250,000, and 22.5 million inhabited cities and towns smaller than 250,000. The remaining 10 million lived in settlements smaller than 10,000 people.

8.11 A basic subdivision of the population of England and Wales can be made as follows:

<table>
<thead>
<tr>
<th>Urban/rural split in the population of England and Wales</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cities larger than 250,000</td>
</tr>
<tr>
<td>Towns and cities between 10,000 and 250,000</td>
</tr>
<tr>
<td>Settlements smaller than 10,000</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>
8.12 In Harrow and Leeds, the entire population is urban. Both are situated within conurbations exceeding 0.5 million people (Greater London with a population of 8.3 million and the West Yorkshire urban area containing 1.5 million people). The caseload results from Harrow and Leeds are representative of the 38.5% of the population living in larger cities and conurbations.

8.13 West Berkshire is split almost equally between urban and rural dwellers, with urban dwellers living in Newbury/Thatcham and the outer suburbs of Reading. West Berkshire shares some of the characteristics of the 42.5% of the national population living in towns and cities up to 250,000, but because of its significant rural population cannot be taken as wholly representative of this category. To arrive at a figure for predicted savings in towns and cities smaller than 250,000, a weighted average of the figures for West Berkshire and Leeds/Harrow has been used.

8.14 Monmouthshire is largely rural with more than half of its population living outside urban areas, and those who live in urban areas living in small settlements. Monmouthshire is representative of the 19% of the national population living in rural areas.

8.15 The table below extrapolates the figures for the four tested authorities to produce national figures for future householder application numbers. Four possible scenarios have been modelled:

**Scenario 1** uses the savings shown in Figure 64 and assumes that none of the applications ‘captured’ from building regulations would in future be amended by householders to bring them into line with an HPDO.

**Scenario 2** uses the savings shown in Figure 64 but with the assumption that 50% of householders whose building regulations applications would be ‘captured’ by a new HPDO would adjust their schemes so as to still be exempt from planning permission. This is a realistic scenario given that the caseload study showed that many extensions would need to be reduced in depth by only between 0.5m and 1m, or in height adjacent to a boundary by only between 0.25m and 0.5m, to be exempt under an HPDO. For box dormers, householders would need to bring them in from the edge of the roof by between 0.5m and 0.75m on average to be exempt under an HPDO.

**Scenario 3** assumes that 75% of householders whose proposals would be ‘captured’ would amend them to bring them in line with an HPDO.

**Scenario 4** assumes that 100% of householders whose proposals would be ‘captured’ would amend them to bring them into line with an HPDO.
8.16 There is no way of being certain which of the modelled scenarios is closest to reality. There is reason to believe that Scenario 1 does not present a true picture of the likely savings from an HPDO, because the evidence, especially anecdotal evidence from the Sounding Board, is that householders presently design their schemes so as to comply with the current GPDO in order to avoid the cost, time and uncertainty associated with applying for planning permission. The point is that householders design their proposals as they do simply because the current GPDO allows them to; but if an HPDO forced them to make their schemes lower or less deep but potentially larger overall, there is a strong chance they will be persuaded to do so. Further, if local planning authorities take a strong line in refusing such proposals, householders are less likely to apply for schemes which may fail.

8.17 The true level of savings may lie somewhere between Scenario 2 and Scenario 4, and is likely in time to be close to Scenario 3. A national saving of 26% of householder planning applications would be achievable. There are three provisos to this forecast:

- for a “settling in” period, perhaps of up to a year, householders and their agents will be adjusting to the new regulations and learning to plan their developments to comply with the tolerances of an HPDO. Initially therefore householder application numbers are unlikely to fall by the amount predicted

- against a background of rising numbers of householder planning application driven by increasing house prices, any reduction in householder applications is likely to be eroded by a continuing upward trend in householder application numbers.

- the scenarios modelled do not take account of potential increase in applications for hard surfaces simply because of the difficulty of making predictions with any accuracy. Urban areas are likely to be more at risk from an increase in such applications than rural areas. The expectation is that for the reasons set out at paragraph 6.32, any rise in applications for hard surfaces will not be of a scale to undermine the savings predicted above.
Protecting Neighbours

8.18 The proposed tolerances for an HPDO have been designed to offer sufficient protection to neighbours from possible adverse Level 2 impacts such as overlooking and overshadowing. Current GPDO allowances in respect of overlarge box dormers and overlarge outbuildings would be tightened, to prevent the type of cases currently generating repeated complaints to the Local Government Ombudsman. The height of extensions has been brought under closer control to the benefit of neighbouring properties. A limitation has been placed on the maximum depth of extensions – unlike the current GPDO – which will act to prevent overshadowing of neighbours. The proposed tolerances have been tested at four local planning authorities and at the Planning Inspectorate, and a high correlation has been found between the limitations proposed for an HPDO and the type of applications commonly found not to have adverse Levels 3 impacts.

Improving the Street Scene

8.19 An HPDO can act to protect street scenes from harmful developments, and improve the design of development which does ahead. First, it can control the types of development which local authority design guides suggest ought to be the subject of planning applications, such as two storey side extensions, hip-to-gable conversions and oversized box dormers. All of these can proceed under the current GPDO. Second, an HPDO can exert greater control over the detail of extensions, for instance by requiring matching materials to be used, requiring the roof pitch of two storey extensions to match the existing house, and setting out the acceptable size of box dormers. Third, it can place control over one of the most visually damaging aspects of householder development, uncontrolled hard surfaces at the front of dwellinghouses.

Protecting Sensitive Areas

8.20 In sensitive areas an HPDO can help to ensure that householder developments do not harm the essence of the locality. In conservation areas, for instance, it is proposed that side extensions and outbuildings be brought under planning control, and that as at present under the GPDO all roof extensions should require planning permission. Additionally, it is recommended that all forms of cladding be brought within planning control. In nationals parks and areas of outstanding natural beauty, the problem of overlarge outbuildings and swimming pools in large remote gardens can be addressed through tighter controls.

Clear and Simple Guidelines

8.21 A fundamental aim has been revise those elements of the current GPDO which are most confusing to lay people and on occasions to planning officers themselves. The current reliance on volume calculations for extensions, roof extensions and outbuildings would be replaced by a system based on length,
breadth and height. By basing the tolerances around the concepts of length, breadth and height, there is no simpler way of allowing householders to judge whether they need planning permission for their proposed extensions. Such calculations not only relate better to common measures of impact but will give householders the ability in most cases to decide for themselves if their proposals will need planning permission. This in turn will reduce householders’ reliance on professional expertise, and free up staff time at local authorities from adjudicating on such matters.

Wider Public Consultation on the HPDO

8.22 The next stage in the Householder Development Consents Review is a period of consultation across England and Wales on the proposals for a new HPDO. The national response to the proposals will be crucial in determining whether a consensus exists in favour of the widespread changes proposed. There may be an element of inertia, a preference for the “devil you know”, amongst elements of the planning profession. Nevertheless it is abundantly clear to the authors of this report that the case for change is a strong one, based on the ever-rising numbers of householder planning applications, the poor quality of some schemes which slip past the current GPDO, and the difficulty many householders have in interpreting the current guidelines. An impact-based HPDO can bring the GPDO up to date, make it fit for purpose and create a better tool for managing householder developments. If at the same time it can save significant resources currently directed towards dealing with large numbers of uncontroversial householder developments, then an HPDO would unquestionably be worth supporting.
APPENDIX 1

Draft HPDO Tolerances (First Round of Testing)

PART 1: CLASS A EXTENSIONS

Option 1a: Derestricted single storey extensions
Limitations:

1) Maximum eaves height of 2.5m and maximum ridge height of 5m.

2) Within 2m of a boundary no part of an extension to exceed 4m in height.

3) Maximum depth of extension behind the original main rear wall of the house:
   a) For houses which are attached to another house i.e. terraced/semi-detached (but not link detached), a maximum depth of 3m.
   b) For detached houses, a maximum depth of 4m.

4) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

5) Extensions not to come forward of the principal elevation(s) of the dwellinghouse.

Option 1b: Derestricted single storey extensions/small two storey extensions
Limitations:

1) Eaves height to be no higher than eaves of the existing dwellinghouse and ridge height to be a minimum of 1m lower that the ridge height of the existing dwelling.

2) For two storey extensions, no part of the extension to be within 2m of the boundary

3) For two storey extensions, no part of the extension shall extend beyond the flank wall of the house i.e. no two storey side extensions.

4) For single storey extensions within 2m of a boundary, a maximum eaves height of 2.5m and a maximum ridge height of 4m.
5) Maximum depth of extension behind the original main rear wall of the dwellinghouse:
   a) For single storey extensions to houses which are attached to another house i.e. terraced/semi-detached (but not link detached), a maximum depth of 3m.
   b) For single storey extensions to detached houses, a maximum depth of 4m.
   c) For two storey extensions, a maximum depth of 3m.

6) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

7) No side facing windows other than on the ground floor.

8) Extensions not to come forward of the principal elevation(s) of the dwellinghouse.

**Option 1c: Derestricted single storey extensions/large two storey extensions**

Limitations:

1) Eaves height to be no higher than eaves of the existing dwellinghouse and ridge height to be no higher than the ridge height of the existing dwelling.

2) For two storey extensions, no part of the extension to be within 1m of the boundary.

3) For two storey side extensions, the maximum width of extension shall not exceed half the width of the original dwellinghouse.

4) For single storey extensions within 1m of a boundary, a maximum eaves height of 2.5m and a maximum ridge height of 4m.

5) Maximum depth of extension behind the original main rear wall of the dwellinghouse:
   a) For single storey extensions to houses which are attached to another house i.e. terraced/semi-detached (but not link detached), a maximum depth of 4m.
   b) For two storey extensions to houses which are attached to another house i.e. terraced/semi-detached (but not link detached), a maximum depth of 3m.
   c) For all extensions to detached houses, a maximum depth of 5m.

6) No raised terraces or balconies. Decking to be no more than 0.5m above natural ground level.
7) No side facing windows other than on the ground floor.

8) Extensions not to come forward of the principal elevation(s) of the dwellinghouse.

Option 2: The ‘Developable envelope’

Limitations:

1) Maximum depth of extension behind the original main rear wall of the house:
   a. For houses which are attached to another house i.e. terraced/semi-detached (but not link detached), a maximum depth of 3m.
   b. For detached houses, a maximum depth of 4m.

2) The eaves of the extension to be no higher than the existing eaves of the house, and the ridge to be no higher than the highest part of the existing roof.

3) For two storey extensions, the roof plane shall match that of the main house.

4) No first floor windows to face towards side boundaries except obscure-glazed non-opening bathroom/WC windows.

5) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

6) Extensions not to come forward of the principal elevation(s) of the dwellinghouse.

Option 3: 45/25 degree codes

Limitations:

1) Maximum depth of extension behind the original main rear wall of the house:
   a) For houses which are attached to another house i.e. terraced/semi-detached (but not link detached), a maximum depth of 4m.
   b) For detached houses, a maximum depth of 5m.
2) The eaves of extensions to be no higher than the existing eaves of the house, and the ridge to be no higher than the highest part of the existing roof.

3) For two storey extensions, the roof plane shall match that of the main house.

4) No first floor windows to face towards side boundaries except obscure-glazed non-opening bathroom/WC windows.

5) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

6) Extensions not to come forward of the principal elevation(s) of the dwelling house.

7) Extensions alongside principal elevations(s) shall come no closer than 2m to the boundary with adjoining properties where the adjacent property comes within 2m of that boundary.

PART 1: CLASS B ROOF EXTENSIONS

Option 1: traditional dormers to non-principal elevations

Limitations:

1) Minimum 1m above eaves, measured along the roofplane

2) Minimum 1m below ridge, measured along the roofplane

3) Minimum 1m in from the verge (except on party walls)

4) Minimum 1m between dormers

5) Maximum dormer width of 1.5m

Option 2: large dormers to non-principal elevations

Limitations:

1) Minimum 1m above eaves, measured along the roofplane

2) Minimum 1m below ridge, measured along the roofplane

3) Minimum 1m in from the verge (except on party walls)

Option 3: large dormers to non-principal elevations, traditional dormers to principal elevations

Limitations:

1) Minimum 1m above eaves, measured along the roofplane

2) Minimum 1m below ridge, measured along the roofplane
3) Minimum 1m in from the verge (except on party walls)

4) Facing principal elevations, minimum 1m between dormers

5) Facing principal elevations, maximum dormer width of 1.5m

PART 1: CLASS E OUTBUILDINGS

Option 1: Derestricted outbuildings/swimming pools
Limitations:

1) Maximum eaves height of 2.5m and maximum ridge height of 4m.

2) Within 2m of a boundary no part of an outbuilding to exceed 2.5m in height.

3) Maximum combined floor area of all outbuildings/swimming pools of 30 sq m.

4) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

5) Outbuildings/swimming pools not to come forward of the principal elevation(s) of the dwellinghouse.

Option 2: ‘Developable envelope’
Limitations:

1) Maximum eaves height of 2.5m and maximum ridge height of 4m.

2) Maximum combined floor area of all outbuildings/swimming pools of 30 sq m.

3) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

4) Outbuildings/swimming pools not to come forward of the principal elevation(s) of the dwellinghouse.

Option 3: Taking account of neighbouring outbuildings
Limitations:

1) Maximum eaves height of 2.5m and maximum ridge height of 4m.

2) Within 2m of a boundary no part of an outbuilding to exceed 2.5m in height. However, if there is an existing building on the adjoining land within 2m of the boundary, an outbuilding no deeper than this may be constructed to a maximum eaves height of 2.5m and a maximum ridge height of 4m.

3) Maximum combined floor area of all outbuildings/swimming pools of 30 sq m.
4) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

5) Outbuildings/swimming pools not to come forward of the principal elevation(s) of the dwellinghouse.

PART 1: CLASS F HARDSTANDINGS

**Option 1: No hardstanding in front of principal elevations**

Limitations:

1) Hardstanding not to come forward of the principal elevation(s) of the dwellinghouse.

**Option 2: Limited hardstanding in front of principal elevations**

Limitations:

1) Maximum of 50% of the ground area in front of the principal elevation(s) to be hardstanding.

BASEMENT LIGHTWELLS

**Option 1: Basement lightwells to non-principal elevations**

Limitations:

1) No closer than 1m to any boundary.

2) Maximum 3 sq m in ground area.

3) Maximum 1m projection from the outside wall of the house.

**Option 2: Basement lightwells to all elevations**

Limitations:

1) No closer than 1m to any boundary.

2) Maximum 3 sq m in ground area.

3) Maximum 1m projection from the outside wall of the house.

4) Minimum distance of 6m between the principal elevation and the highway, waterway or open space it faces.

5) Maximum height of guard railing to be 1.1m.
FLATS

Type 1: ground floor flats
Extensions allowed subject to the following limitations:

1) Maximum height of 2.5m or the height of the party wall with the flat above, whichever is the lower.

2) Maximum depth of extension behind the original main rear wall of the flat of 4m.

3) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

4) Extensions not to come forward of the principal elevation(s) of the flat.

Porches allowed subject to the following limitations [the same as Part 1, Class D of the GPDO]:

1) Maximum ground area (measured externally) of 3 sq m.

2) Maximum height of 3m.

3) No closer than 2m to a highway.

Outbuildings/swimming pools/oil storage containers allowed subject to the following criteria:

1) Maximum eaves height of 2.5m and maximum ridge height of 4m.

2) Within 2m of a boundary no part of an outbuilding to exceed 2.5m in height.

3) Maximum combined floor area of all outbuildings/swimming pools of 15 sq m.

4) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level.

5) Outbuildings/swimming pools not to come forward of the principal elevation(s) of the dwellinghouse.

Hardstandings allowed subject to the following alternative criteria:

EITHER

1) Hardstanding not to come forward of the principal elevation(s) of the dwellinghouse.

OR

2) Maximum of 50% of the ground area in front of the principal elevation(s) to be hardstanding.
Basement lightwells allowed subject to the following alternative criteria:

EITHER

1) No closer than 1m to any boundary.
2) Maximum 3 sq m in ground area.
3) Maximum 1m projection from the outside wall of the house.

OR

1) No closer than 1m to any boundary.
2) Maximum 3 sq m in ground area.
3) Maximum 1m projection from the outside wall of the house.
4) Minimum distance of 6m between the principal elevation and the highway, waterway or open space it faces.
5) Maximum height of guard railing of 1.1m.

**Type 2: top floor flats**

Roof extensions to non-principal elevations allowed subject to the following limitations:

1) Minimum 1m above eaves, measured along the roofplane
2) Minimum 1m below ridge, measured along the roofplane
3) Minimum 1m in from the verge (except on party walls)
4) Minimum 1m between dormers
5) Maximum dormer width of 1.5m

Roof alterations allowed subject to the following limitations [the same as Part 1, Class C of the GPDO]:

1) No material alteration to the shape of the dwellinghouse
APPENDIX 2
Draft HPDO Tolerances
(Second Round of Testing)

PART 1: CLASS A EXTENSIONS

Option 1b: Derestricted single storey/two storey extensions
Limitations:

1) Maximum eaves height to be no higher than eaves of the existing
dwellinghouse

2) Maximum ridge height to be either:
   a) A minimum of 1m lower that the ridge height of the existing dwelling
      measured along the plane of the roof; or
   b) No higher than the ridge height of the existing dwelling
      [Test both options]

3) For the two storey element of an extension, no part of the extension to be
   within 2m of any boundary

4) For the two storey element of an extension, no part of the extension to be
   beyond the flank wall of the house i.e. no two storey side extensions

5) Within 2m of a boundary, maximum eaves height (whether flat or pitched
   roof) to be either:
   a) 3m; or
   b) 3.5m
      [Test both options]

6) Within 2m of a boundary, maximum ridge height (with a pitched roof) to be
   4m

7) Maximum depth of the single storey element of an extension behind the
   original main rear wall of the dwellinghouse to be either:
   a) 4m if attached or 5m if detached; or
b) 3m if attached or 4m if detached
[Test both options]

8) Maximum depth of the two storey element of an extension behind the original main wall of the dwellinghouse to be either:
   a) 3m if attached or 4m if detached; or
   b) 2m if attached or 3m if detached
[Test both options]

9) Minimum distance between the extension and the rear boundary to be either:
   a) 7m; or
   b) 10m
[Test both options]

10) For the two storey element of an extension, maximum width to be either:
    a) 50% of the width of the original dwellinghouse; or
    b) The entire width of the original dwellinghouse
[Test both options]

11) For two storey extensions, the pitch of the roof to match that of the existing house

12) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level

13) No side facing windows at first floor level

14) Extensions not to come forward of the principal elevation(s) of the dwellinghouse

15) Materials to match the existing dwellinghouse

PART 1: CLASS B ROOF EXTENSIONS

Option 2: large rear dormers
Limitations:

1) Minimum distance above the eaves of the dwellinghouse, measured along the roofplane, to be either:
a) 0.5m; or
b) 1m
[Test both options]

2) Minimum distance between the eaves of the dormer and the ridge of the dwellinghouse, measured along the roofplane, to be either:
   a) 0.5m; or
   b) 1m
[Test both options]

3) Minimum 0.5m in from the verge of the dwellinghouse

4) No dormer extensions on front or side elevations

5) No raised terraces or balconies

6) No side facing windows

7) Materials to match existing

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PART 1: CLASS E OUTBUILDINGS

Option 1: Derestricted garages/outbuildings/swimming pools
Limitations:

1) Maximum eaves height of 2.5m (whether flat or pitched roof)

2) Maximum ridge height with a dual pitched roof of 4m and with a monopitched roof of 3m

3) Within 2m of a boundary, maximum height of 2.5m
4) Maximum combined ground coverage of all garages/outbuildings/swimming pools to be 30 sq m

5) No raised terraces or balconies. Decking to be no more than 0.3m above natural ground level

6) Garages/outbuildings/swimming pools not to come forward of the principal elevation(s) of the dwellinghouse

7) Garages and outbuildings to be single storey only

PART 1: CLASS F HARDSTANDINGS

Option 2: Limited hardstanding
Limitations:

1) Maximum of 50% of the ground area in front of the principal elevation(s) to be hardstanding
APPENDIX 3

Steering Group Membership

The Steering Group supervising this project comprised:

Chair
Katrine Sporle, (Chief Executive, The Planning Inspectorate)

Members
Shayne Coulson (Communities and Local Government)
Graham Davis (Communities and Local Government)
Neil Hemmington (Welsh Assembly Government)
Paul Hudson (Communities and Local Government)
Lee Searles (Local Government Association)
Robert Upton (Royal Town Planning Institute)
Susan Vaile (Local Government Ombudsman)
Ed Watson (Planning Advisory Service)
Will French (Communities and Local Government/PINS and Project Manager)
APPENDIX 4

Sounding Board Participants

The emerging proposals of the study were discussed with a wider group of interested stakeholders at two Sounding Board Meetings. These took place on 16th October 2006 and 8th January 2007. The following people participated in one or both of these meetings:

Janet Askew (UWE, and Chair of RTPI Development Management Network)
Rhian Brimble (RTPI)
Dave Chetwyn (Planning Aid)
Tim Edmundson (University of Westminster)
Christine Flittner (Planning Aid)
Vincent Haines (Bracknell Council)
Michael Hammerson (Civic Trust)
Kelvin Hinton (English Partnerships)
Julian Jackson (Enfield Council)
Emrys Jones (Consultant)
Richard Keczkes (Speechly Bircham Solicitors)
Phil Kirby (Planning Officers Society)
Alice Lester (Planning Advisory Service)
Paul Miner (CPRE)
Jan Molyneux (Terence O’Rourke)
Tony Nelson (National Association of Planning Enforcement Officers)
Kay Powell (National Planning Forum)
John Walker (Westminster Council)
Brian Waters (Association of Consultant Architects)
Les Sparks (Consultant)
David Waterhouse (Town and Country Planning Association)