

10 September 2008

Dear Chief Planning Officer

## **AMENDMENTS TO THE PERMITTED DEVELOPMENT REGIME FOR HOUSEHOLDERS**

Attached is a copy of the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008. This was laid before Parliament today and will come into force on 1 October. The Order amends Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) and will put in place a new permitted development regime for householders. The Order also adds World Heritage Sites to the list of article 1(5) land thus affording them the same levels of protection from permitted development as other designated areas such as conservation areas.

**The legislation represents a significant change to the current system and we would be grateful, therefore, if you could forward this e-mail and attachment to members of your team who will need to be aware of it.**

As you may recall, the Government issued a consultation paper on proposed changes to householder permitted development rights on 21 May 2007. Following that, a Government response to consultation was issued on 30 November which set out how changes would be taken forward. In the most part the conditions for and limits to permitted development proposed then have been translated into the legislation necessary to amend the GPDO. However, there are some minor changes from the November proposals, which are explained below. The main areas of change are dealt with below.

### Restrictions on Principal and Side Elevations

The regime to be introduced imposes additional control over development to, or extending beyond, a principal elevation of a dwellinghouse. It was originally envisaged that this would apply to the elevation facing onto and being visible from a highway. However, this would lead to occasional, practical difficulties in determining whether something was visible or not, particularly where visibility changed over time. The Order, therefore, simply specifies that a principal elevation fronts a highway. A similar approach is also taken where there are restrictions in relation to side elevations.

### Restrictions on Side-facing Windows

In order to minimise the risk of neighbouring properties being overlooked, the Government response suggested a condition on permitted development that side facing windows above one storey be obscure-glazed, but that top opening would be allowed. Having considered this further, we have decided to make this restriction more precise by stating that any opening part of the window should be more than 1.7m above the level of the floor. This also ensures that side-facing Velux windows that might be inserted in a roof could be permitted development subject to meeting this restriction. This restriction would apply to both “ordinary” extensions and roof extensions and alterations.

### Restrictions on Outbuildings

The Government response indicated that to control the potential impact that large outbuildings can have on others there would be a restriction on the size of outbuildings of 20 square metres for gardens of less than 100 square metres and 30 square metres for larger gardens. However this restriction could have created a liability for compensation being payable by a local authority if they subsequently turned down, or granted subject to condition, an application for something that had previously been permitted development. Therefore, Class E of the Order no longer includes such a restriction.

### Paving of Front Gardens

The Government’s “Water Strategy”, published in February, set out the intention to ensure that hard surfaces could not be installed at the front of a property that is forward of the principal elevation under permitted development if they rendered the area impermeable. It will not apply to development to the side of properties or at the rear. The Order grants permitted development rights where either porous materials are used or provision is made to direct any run-off to a surface or area that allows the water to drain away naturally within the curtilage of the property, for example, to a garden border. The permeability condition applies where the area to be installed is more than 5 square metres. It applies both to new surfaces and to the repair and replacement of an existing surface.

### Roof Alterations

The Government response suggested that permitted development rights should be subject to a roof alteration projecting no more than 150mm above the roof slope. In addition, alterations would not be permitted development on the roof of a principal or side elevation on article 1(5) land.

However, the existing rights for roof alterations are only restricted in terms of there not being “a material alteration to the shape” of the roof. Given that we are not aware of there being any significant adverse impact of this approach (in sensitive areas) and the fact that we are seeking to create a generally more permissive regime, we now propose that roof alterations should continue to be permitted development on the principal and side elevations on article 1(5) land.

## Solar Panels

In Order to ensure consistency across different Parts of the GPDO, this Order also includes an amendment to Part 40. This removes the existing restriction on solar panels on the roof of a principal or side elevation in a conservation area or World Heritage Site. As explained above, given that roof alterations are currently generally permitted development in designated areas, such as conservation areas, we do not believe that given the Government's desire to encourage the take-up of microgeneration, that solar panels should be restricted in this way.

## Chimneys, Flues and Soil and Vent Pipes

The Order inserts a new Class into the GPDO to make the installation, alteration or replacement of chimneys, flues and soil and vent pipes permitted development subject to them being less than 1m above the highest part of the roof. In addition, they will not be permitted development on a principal or side elevation on article 1(5) land. This permission is provided for in a new, separate Class G. Given this separate, express provision for flues etc, they are specifically excluded as permitted development for ordinary extensions and roof extensions and alterations (in Classes A, B and C).

## Further Information

The commentary above gives a brief explanation of the more significant changes that have been made to the Government proposals since November last year. It is not intended to be a detailed explanation of the changes.

The Planning Portal has further detail of the specific conditions and limits provided for by the Order. This is available at [www.planningportal.gov.uk](http://www.planningportal.gov.uk) . We envisage that that the Portal's guidance will provide the initial reference point for householders wanting to know what they can do to their own homes without applying for planning permission.

The Planning Portal will also be making its Interactive House tool available to all planning authorities for hosting on their websites. It will also provide extensive links to all the new guidance available on the Portal for householder permitted development and will send authorities an information pack with instructions on how to download links and the Interactive House in the next week.

If you have specific comments on the changes, these can be sent to Geoffrey Garrett at [geoffrey.garrett@communities.gsi.gov.uk](mailto:geoffrey.garrett@communities.gsi.gov.uk). However, the department cannot give a definitive interpretation of the legislation, nor can it provide further, formal advice as to how others might interpret it.

Yours sincerely

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