



Permitted Development Rights for Householders

Government response to consultation replies



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Introduction

1. The Planning White Paper – *Planning for a Sustainable Future* – was published on 21 May 2007. At the same time the Government published a consultation paper entitled *Changes to Permitted Development Consultation Paper 2: Permitted Development Rights for Householders*. The consultation period ended on 17 August.
2. The objectives for the proposals were to make the regime clearer by replacing percentage and volume allowances for additions to an existing building with clear dimensions, and to provide extra freedom for permitted development so long as it had little or no impact beyond the host property. As a consequence minor planning applications would be removed from the system.
3. Both the White Paper and the consultation paper made reference to possible changes to the procedures, known as Article 4 Directions, whereby local planning authorities can restrict permitted development rights. These were to remove the requirement for approval of certain Article 4 Directions to be approved by the Secretary of State; and to amend the current provision for compensation both when Directions are made and when changes are made to the secondary legislation, the Town and Country Planning (General Permitted Development) Order (GPDO) 1995.

Consultation responses

4. 459 responses were received. Detailed analysis of these replies is set out in the accompanying report by Arup. In general, our proposals were widely welcomed.
5. In addition to the consultation replies, we have taken into account other comments received on householder permitted development rights, including the findings of the work of Planning Aid. Their consultation identified the same issues as those raised in the overall consultation. Planning Aid's report is available alongside the Government response to the Planning White Paper.
6. Views were polarised between those arguing for greater restriction to protect neighbourhoods and townscape, and those who argued for a more permissive regime. There was also a view that this should be a matter for local determination rather than a national regime.

Government Response

- 7.** We want to give householders as much freedom as we can to extend their homes, particularly given current pressures in the housing market. The Government has decided on a new national approach as a baseline from which local authorities can tighten up or relax controls in particular areas, according to local circumstances. Local authorities will be able to introduce local variations by using Local Development Orders to provide greater freedom for development and Article 4 Directions to provide further restrictions on development.
- 8.** We propose to implement our proposals for permitted development, with three key modifications as set out in the following paragraphs.
- 9.** We will be seeking a power under the Planning Bill to strengthen the ability of local authorities to restrict permitted development rights by using Article 4 Directions where they see a need to protect specific neighbourhoods. If local authorities give 12 months notice of an Article 4 Direction, they will no longer be liable for compensation for the withdrawal of permitted development rights. This change will also apply to changes to the GPDO as a whole. We will also, as proposed, withdraw the requirement for the Secretary of State's approval of Article 4 Directions.
- 10.** In response to concerns that the proposals for loft conversions were too restrictive we will be allowing a more permissive regime than originally proposed. We will continue with the current rules for loft extensions based on volume (40 cubic metres for a terraced house and 50 cubic metres for other houses). We propose to introduce one small change to the rules, to require building to be set back from the eaves by 20 centimetres. This is to maintain the visual appearance of a roof line. The onus will be on local authorities to determine what is right for their areas, using Article 4 Directions as they consider necessary to tighten controls.
- 11.** In response to concerns that the depths of rear extensions proposed in the consultation paper were too great we have decided on a more restrictive approach. The depth of rear extensions allowed as permitted development will be as follows:

 - For single-storey extensions three metres for attached houses and four metres for detached houses
 - For extensions of two or more storeys three metres, including for the ground floor
 - In designated areas, including conservation areas, specific planning permission will be required for extensions of two or more storeys for all houses
- 12.** The consultation questions, a brief summary of the responses and the Government response are set out below.

- 13.** The Government estimates that as a result of the decisions announced here the number of applications that will be removed from the system could be 85,000 or possibly more given that loft extensions will not be restricted to the extent originally proposed and more loft extensions are likely to be permitted development.
- 14.** We will bring forward secondary legislation in respect of householder development in 2008.

Question 1

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

Consultation response

Respondents generally agreed with the proposed impact approach that would specify precise maximum dimensions for permitted development.

Government response

In general the Government intends to adopt the impact approach.

Question 2

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

Consultation response

There was general agreement with the proposal for a restriction on development facing onto and visible from a highway in designated areas. Designated areas include National Parks, the Broads, Areas of Outstanding Natural Beauty, conservation areas and, in the future as announced in the White Paper *Heritage Protection For The 21st Century*, will include World Heritage Sites

Government response

The Government intends to follow this general approach.

Question 3

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

Consultation response

A large majority thought that restrictions on development should apply to all types of designated areas.

Government response

As a general approach the Government will restrict development facing onto and visible from a highway in all types of designated area.

Question 4

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

Consultation response

A majority agreed that the existing right to compensation for 12 months after any change to the GPDO should be reviewed.

Government response

We will be seeking a power under the Planning Bill to remove the existing right to compensation from changes to the GPDO if 12 months notice of changes is given.

Question 5

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

Consultation response

A large majority thought that local planning authorities should be able to make an Article 4 Direction to withdraw permitted development rights without the approval of the Secretary of State.

Government response

We will remove the requirement for the Secretary of State's approval of Article 4 Directions. Before local planning authorities resolve to impose such directions they will need to justify why they are necessary.

Question 6

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

Consultation response

A majority agreed that the existing right to compensation as a result of making an Article 4 Direction should be reviewed.

Government response

We will be seeking a power under the Planning Bill to strengthen the ability of local authorities to restrict permitted development rights where they can justify a need. If local authorities give 12 months notice of an Article 4 Direction, they will no longer be liable for compensation for the withdrawal of permitted development rights.

Question 7

Should there be a requirement for planning authorities to review Article 4 Directions at least every five years?

Consultation response

There was a mixed response to the proposal that planning authorities be required to review Article 4 Directions at least every five years.

Government response

In view of the mixed response we will not pursue the proposal for planning authorities to review Article 4 Directions every five years.

Question 8

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

Question 9

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

Consultation response

There was no particular support for making certain types of permitted development subject to a prior approval mechanism.

Government response

We will not extend the application of prior approval to householder permitted development.

Question 10

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

Consultation response

There was support for a separate development order containing permitted development rights for householders.

Government response

We will consider how best to incorporate amended householder permitted rights in legislation.

Question 11

Do you have any comments on the proposed definitions?

Consultation response

There was a general consensus that the proposed definitions (for original dwellinghouse, original rear wall, principal elevation and side wall) provide greater clarity than the current definitions.

Government response

We will clarify the definitions when we amend the secondary legislation.

Question 12

Do you agree with the proposed limits for extensions?

Consultation response

There was a varied response on the proposed limits for extensions.

Government response

After balancing all the views expressed, the Government intends to introduce the following limits for extensions that will be allowed without the need for specific planning permission:

- No extension forward of the principal elevation or side elevation facing onto and visible from a highway
- Maximum depth of a single storey rear extension of three metres for an attached house and four metres for a detached house.
- Maximum depth of a rear extension of more than one storey of three metres including ground floor.
- In designated areas no permitted development for rear extensions of more than one storey.
- Maximum eaves height of extension three metres within two metres of boundary
- Maximum eaves and ridge height of extension no higher than existing house
- Side extensions to be single storey with maximum height of four metres and width no more than half that of the original house.
- Two storey extensions no closer than seven metres to rear boundary or existing rear wall if closer than seven metres to boundary
- Roof pitch of extensions higher than one storey to match existing house

- Side facing windows above one storey to be obscure-glazed; top opening allowed
- Materials to match existing house
- No raised terraces, verandas or balconies
- Maximum 50% coverage of garden
- In designated areas side extensions and cladding will require planning permission

Question 13

Do you agree with the proposed limits for roof extensions?

Consultation response

There were generally positive responses to the proposed limits for roof extensions. However, the building industry disagreed strongly with these proposals, arguing that the limits proposed would remove from permitted development extensions with a reasonable amount of living space and adequate sized staircases, thus generating more planning applications. Planning interests generally supported the proposed restrictions.

Government response

The Government wants householders to be able to create additional living space in lofts so long as the extensions do not have an undue impact on neighbours and the wider street scene. The consultation proposal was for roof extensions to be a minimum of one metre above the eaves, one metre below the ridge and one metre from the side verge. The Government has decided not to pursue the approach set out in the consultation paper. It sees the priority as allowing the creation of adequate living space in lofts. The Government therefore intends to retain the current volume approach, allowing a loft extension of 40 cubic metres for terraced houses and 50 cubic metres for semi-detached and detached houses. However there will be a requirement that an extension must start a minimum of 0.2 metre above the eaves. This is to maintain the visual appearance of a roof line. Where local planning authorities foresee problems of adverse impact from application of the national rules they will be able to restrict development by using Article 4 Directions.

The other detailed limits for roof extensions that will be allowed without the need for specific planning permission are:

- No extension beyond the plane of the existing roof slope fronting the highway
- No extension to be higher than the ridge
- Materials to match the existing house

- No raised terraces, verandas or balconies
- Side facing windows to be obscure-glazed; top opening allowed
- Planning permission will be required in designated areas

Question 14

Do you agree with the proposed limits for roof alterations?

Consultation response

The Government proposed that under permitted development there should be a maximum projection of 150 millimetres from the existing roof plane to accommodate Velux windows and solar panels. It also proposed no limit to the percentage of a roof that could be covered. There was a strong positive response to these proposals.

Government response

The Government has decided that alterations should be permitted on roofs, both front and rear, subject to them projecting no more than 150 millimetres from the existing roof plane. There would be no automatic right to build above the ridge of the building.

The Government has also decided that there should be no restriction on the percentage of the roof that can be altered.

In designated areas no alteration will be allowed to the roof plane of a principal elevation facing onto and visible from a highway without specific planning permission, with the exception of solar panels in National Parks, the Broads and AONBs.

Question 15

Do you agree with the proposed limits for curtilage developments?

Consultation response

Curtilage developments include all freestanding structure or works within the boundaries of a house. They include outbuildings, garages and swimming pools. There was a positive response to the proposals to address curtilage developments by reference to height, floor area and proximity to the boundary.

Government response

The Government intends to introduce the following limits on curtilage developments that will be allowed without the need for specific planning permission:

- No outbuilding, garage or swimming pool forward of the principal elevation facing onto and visible from a highway
- Outbuildings and garages to be single storey with maximum eaves height 2.5 metres and maximum overall height of four metres with a dual pitched roof or three metres with a monopitched roof
- Maximum height 2.5 metres within two metres of a boundary
- Maximum coverage of garages and outbuildings 30 metres² if the garden covers more than 100 metres² or 20 metres² if the garden is less than 100 metres²
- No raised terraces, verandas or balconies to be added to the house
- Maximum 50% coverage of garden
- Maximum height of decking 0.3 metre from ground level
- In National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites the maximum area to be covered by outbuildings, garages and swimming pools more than 20 metres from house to be limited to 10 metres²
- In designated areas, outbuildings at the side of properties will require planning permission
- Within the curtilage of listed buildings any outbuilding will require planning permission

Question 16

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

Consultation response

There was a strongly negative response to the proposal that there should be no national restriction on hard surfaces.

Government response

The Government is still considering this issue as part of a review of flood prevention and mitigation measures.

