

THE GENERAL PERMITTED DEVELOPMENT ORDER AMENDED 2008

PERMITTED DEVELOPMENT FOR HOUSEHOLDERS

1. INTRODUCTION

1.1 The concept of permitted development has existed since 1950, in order to enable certain smaller –scale developments to be carried out without the need to apply for a formal planning permission. Under a series of Permitted Development Orders, the **Government effectively grants permission** for various Classes of development to take place. Whilst most focus is on Permitted Development for houses, there is a wide range of Permitted Development including public utilities, local authorities, and transport undertakings. The General Permitted Development Order (GPDO) is updated from time to time, for example to take account of new forms of technology such as satellite dishes and mobile phone installations, and renewable energy products such as solar panels.

1.2 Although there is no legal requirement to do so, house owners and others often seek a formal confirmation that their proposals are Permitted Development and do not require planning permission. This involves applying for a **Certificate of Lawfulness of Proposed Development** from the Council, and is based on calculation of the size of development from submitted plans. It can be useful when it comes to sell a property which has been extended, or in potential disputes with neighbours as to the legality of a shed or extension.

1.3 Following a Government review of the various classes of development which can be carried out by Households without obtaining planning permission, significant changes to the regulations have been made in the latest Order which came into force on 1 October 2008. The intention of the Government is to **reduce the number of smaller –scale household proposals** requiring formal planning permission, in order to free up the Planning System to deal more effectively with larger –scale schemes. It also seeks to respond to concerns about the effect on surface water run-off of hard surfacing of gardens.

1.4 The main emphasis is a switch from a **volume-based approach** to calculating permitted development thresholds, to an **impact-based approach**. Where previously thresholds were based on a complicated “10% of house volume/50 cubic metres” approach to controlling sizes of extensions (larger thresholds for detached houses), in the new regime the thresholds (which are no less complicated), are based on specific heights and lengths of extensions, sheds and garages, for different kinds of houses in different positions.

1.5 It is important to note that (1) as before, the new GPDO relates only to houses, **not flats**; however, the Government is reviewing as a next stage, whether flats should be given some form of permitted development.
(2) the new GPDO does **not include** new allowances for **basement conversions and extensions**. These too are the subject of a review and it is expected that there will be new classes or permitted development for basements, including limited lightwells in front of basements, introduced next year. (under the old GPDO basements came under the same volume controls as other extensions, so long as there were no works projecting in front of the house).

1.6 The remainder of this report sets out:-

The main changes.

Possible implications, both for the overall appearance of the townscape and for the department's workload.

Some of the problems arising with the new Regulations.

2. MAIN CHANGES

2.1 **Extensions** Volume replaced by impact;

Single storey rear; depth – detached house 4 metres.

-- terraced or semi 3 metres
height -- 4m. but if within 2 m. of side
boundary, only 3 m.

Two storey rear: depth – not exceeding 3 m.

must be at least 7 m. from rear boundary,
and at least 2m. from side boundary.

Roof pitch as far as practicable same as original house
(so no flat roofs for two-storey extensions).

Two storey **not in Conservation Area if beyond the rear wall of original house.**

No verandah balcony or raised platform.

(Raised platform defined as being above 300mm. therefore decking only P.D if below 300mm.)

Side extensions; not more than one storey, or more than 4m high, or having width greater than half width of original house.

Not in Conservation Areas.

Conditions imposed in the GPDO;

Materials of similar appearance.

Upper level windows in side elevation to be **obscured glass** up to 1.7 metres.

2.2 Roof Extensions

Still a **volume control** here; **40 cu.m.** for terraced; **50 cu.m.** for detached or semi. Must be at least 20 centimetres from the eaves.

Not on front slope;

Not in Conservation Area.

Not to include verandah terrace or raised platform.

2.3 Outbuildings (Class E)

A fairly complex set of rules; the main change being that if within 2 metres of a boundary, the shed or garage should not exceed 2.5 metres in height (previously apex of a pitched- roof shed could go up to 4 metres on the boundary).

2.4 Hardstandings

Where hardstandings are in front of a house, and more than 5 sq.m. in area, they must be of permeable materials or run off to porous areas.

Does not affect rear gardens.

(Flats still have no P.D. rights for front garden hardstandings).

2.5 There are no changes to P.D rights on porches or satellite dishes.

3. IMPLICATIONS

3.1 Controls in Conservation Areas still remain relatively tight; for example rear dormers in Cons Areas still require full planning permission, and two storey rear extensions are more tightly controlled.

3.2 Greater clarity and control on terraces and verandahs, means more chance to control overlooking problems; but will mean more planning applications for these items.

3.3 As it is no longer necessary to include roof extensions with rear extensions as part of an overall volume calculation, it will be possible, outside of Conservation Areas, to have both a large rear dormer and a rear extension (previously the 10%/50 cubic metres limitation would result in an either/or choice for householders; now it is a both/and). This will in time have a significant effect in enabling large and unsightly roof extensions to proliferate in suburban areas not designated as Conservation Areas. The Government failed to impose tighter controls on dormer sizes to set them in from either side party wall or set them back from the eaves (the 20 cm. setback requirement is paltry and will be barely noticeable from the ground).

3.4 Pilot studies carried out in four areas, on behalf of the Government, before the new controls came into force, suggested that the effect of the changes would be more noticed in rural and low density suburban areas with many detached houses, rather than in more densely built-up areas. This is largely because of controls to restrict the height of extensions where they are close to neighbour's boundaries, situations which naturally arise more in inner city locations.

3.5 As far as workload is concerned, the changes may make little difference in Conservation Areas; there may be more Certificate of Lawfulness Applications where people consider their extensions will now be permitted development as opposed to requiring a formal application. This could mean less fee income (as Certificate of Lawfulness Applications for Proposed works only attract half the fee of a standard application) but still the work of assessing the extensions against the new P.D. criteria. There may be an increase in applications for verandahs and balconies which previously were permitted development. There may be an increase in Planning Enforcement work for example in relation to hardstandings.

4. SOME PROBLEM AREAS.

4.1 There has been considerable professional criticism that some elements of the New Regulations are poorly worded and give rise to areas of uncertainty. For example, whilst verandahs and balconies no longer qualify as permitted development, the Regulations do not define these words so it is not clear whether a 'Juliet balcony' which is in effect a safety rail outside upper level doors would be classed as a balcony.

4.2 The regulations introduce a number of words, such as "eaves" which are not defined; they require materials to be "of a similar appearance" to the existing dwelling, and roofs to be "as far as practicable" of a similar pitch to the existing house, both of which leave a considerable margin for interpretation.

4.3 The absence of reference to basements leaves uncertainty over that aspect of development.

4.4 Finally, the above is a summary of the main features of the new regulations; it is not a definitive statement of all aspects. Further information will be made available to Members of Planning Committee at a separate discussion, and an illustrated interactive description is available on the Planning Portal; www.planningportal.gov.uk;

Background Papers;

The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

