

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:-

Agenda Item No:-

Public	Policy	Delegated: Yes
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Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	No	No
Personnel Comments:	No	No

Title:-	Changes To Permitted Development Rights For Householders
Report of:-	Director of Development Services
Report reference:-	DS.132/08

Summary:- The Government has announced significant changes to the existing 'Permitted Development Rights' which householders possess under Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order. The changes are being brought into effect on 1st October 2008.

Recommendation:- That Members note the amendments that are proposed to the 'Permitted Development Rights' for householders that come into force on 1st October 2008.

Catherine Elliot
Director of Development Services

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1.0 Background

- 1.1 Householders can currently make certain types of minor changes to their homes without the need to apply for planning permission (these are called 'Permitted Development Rights'). From 1 October 2008, the range of changes that householders can make to their homes without the need to apply for planning permission is being extended. The following report gives a summary of the main changes, whilst the appended report contains more detail on the proposed changes.
- 1.2 The new regime will replace the existing system of using volumes and percentages to calculate allowances for domestic extensions with specific dimensions. Under the current rules one of the criteria against which proposals to extend a dwelling is assessed, is whether the volume of the 'original' house would be increased by more than 10% or 50 cubic metres for a terrace house or by more than 15% or 70 cubic metres for any other kind of house. Outbuildings, which lie within 5 metres of the extension or buildings of more than 10 cubic metres in volume which are within 5 metres of the house, are treated as extensions. The new system removes these volume limits.
- 1.3 Under the new regime an **extension** would be 'permitted development' subject to satisfying the following:
- No extension forward of the principal elevation or side elevation of the original house which faces a highway;
 - Maximum depth of single-storey rear extension of 3 metres for an attached house and 4 metres for a detached house (maximum height of 4 metres);
 - Maximum depth of rear extension of more than one-storey of 3 metres and no closer than 7 metres to rear boundary;
 - Side extensions to be single-storey with maximum height of 4 metres and width no more than half of that of the original house;
 - Maximum eaves height of extension of 3 metres within 2 metres of the boundary;
 - Maximum eaves and ridge height of extension no higher than original house;
 - Maximum coverage of garden by buildings of 50%;
 - No balconies, verandas or raised terraces.

- 1.4 The new regime also introduces some conditions which developments will also need to comply with if they are to be classed as 'permitted development'. For example, for extensions: the materials used in any exterior work need to match the existing dwelling; any upper floor windows in side elevations must be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed); and if the extension has more than one-storey, the roof pitch of the extension shall be the same as that of the original dwelling.
- 1.5 In Conservation Areas, Areas of Outstanding Natural Beauty, National Parks and World Heritage Sites there is no 'permitted development' for side extensions or rear extensions of more than one-storey.
- 1.6 The current volume-based approach for **loft conversions** is retained in the new regime. This permits a loft extension of 40 cubic metres for terraced properties and 50 cubic metres in all other cases, provided that it would not be on a roof slope which forms the principal elevation of the dwelling and fronts a highway. There are also a number of other requirements and conditions that loft conversions need to comply with in order to be 'permitted development'. Loft conversions are not 'permitted development' within Conservation Areas, Areas of Outstanding Natural Beauty and World Heritage Sites.
- 1.7 **Porches** will continue to be classed as 'permitted development' provided that they do not exceed 3 square metres in floor area and 3 metres in height and provided that the porch would be at-least 2 metres away from the edge of the highway.
- 1.8 The current General Permitted Development Order (GPDO) does not permit **alterations to the roof** of a dwelling if the development would result in a material alteration to the shape of the dwelling. The amendments will, however, allow alterations such as fitting rooflights and solar panels on both the front and rear roofslopes provided that they would not project more than 150 millimetres from the existing roof plane and they would not be higher than the ridge of the dwelling.

- 1.9 **Buildings and other structures on land around dwellings** (including oil storage containers) will be 'permitted development' if they satisfy the following criteria:
- No building forward of principal elevation of the original house
 - Single-storey, with maximum eaves height of 2.5 metres and maximum overall height of 4 metres with a dual pitched roof or 3 metres in any other case
 - Maximum height of 2.5 metres within 2 metres of the boundary
 - Maximum 50% coverage of garden
 - No veranda, balcony or raised platform (height greater than 300 millimetres)
 - Maximum capacity of a container is 3,500 litres
- 1.10 Within Conservation Areas, outbuildings at the side of properties will require planning permission, whilst all outbuildings within the boundaries of Listed Buildings will require permission. Extra controls also apply within Areas of Outstanding Natural Beauty and World Heritage Sites.
- 1.11 The current GPDO permits householders to provide a **hard surface** on land within their curtilage. From 1 October 2008, hard surfacing of over 5 square metres of a front garden will only be 'permitted development' if the hard surface is made of a porous material or run-off is directed from the hard surface to a permeable or porous surface, within the curtilage of the dwelling.
- 1.12 The new regime introduces a new section which makes the installation, alteration or replacement of a **chimney, flue or soil and vent pipe** 'permitted development', provided their height would not exceed the highest part of the roof by 1 metre or more. Within Conservation Areas, chimneys etc will not be 'permitted development' if they are sited on a wall or roof slope which fronts the highway and forms the principal or side elevation of the dwelling.
- 1.13 The rules on **microwave antenna** have been relaxed in the new regime. Householders can now have up to 2 antennas on a dwelling, one measuring up to 100 centimetres in length and one up to 60 centimetres in length. Restrictions do apply as to where they can be sited, with additional restrictions applying in Conservation Areas.

**To the Chairman and Members of the
Development Control Committee**

DS.132/08

2.0 Recommendation

- 2.1 That Members note the amendments that are proposed to the Permitted Development Rights for householders that come into force on 1st October 2008.

Catherine Elliot

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CHANGES TO PERMITTED DEVELOPMENT FOR HOUSEHOLDERS

The Government has announced a significant change to the existing Permitted Development rights, which householders possess under Part 1 of the Town and Country Planning General Permitted Development Order (GPDO). The new changes are being brought into effect on 1st October.

In essence, the previous “volume” based approach whereby a dwelling could be extended up to certain limits without planning permission, i.e. 70 m³ or 50m³ if a terrace house or within an AONB, a National Park or a Conservation Area is being scrapped. The provisions being introduced adopt a new approach whereby the extent of alteration that is “permitted development” will be dependent largely in relation to its dimensions and whether it affects a principal, side or rear elevation.

The revised Part 1 also includes new controls over the paving over of front gardens, including replacement of existing paved areas, such as paths and driveways, to minimise the extent of run-off to sewers and reduce the risk of flooding in the catchment. The “key” components of the new system are:

Class A: The Enlargement, Improvement or Other Alteration to a Dwellinghouse

Planning Permission is not required to enlarge, improve or alter a dwelling provided that the following tests are met:

- As a result of any extensions, the total area of ground covered by buildings within the curtilage of a dwelling (other than the original dwelling) must not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling)
- The height of any enlarged, improved or altered part of the dwelling does not exceed the highest part of the roof of the existing dwelling
- The height of the eaves of the part of the dwelling, that is enlarged, improved or altered, does not exceed the height of the eaves of the existing dwelling
- The enlarged part of the dwelling does not extend beyond a wall of the original dwelling that fronts a highway and is a wall that forms either the principal elevation or a side elevation of the original dwelling
- Where the extension is single storey in height it must not, in the case of a detached property, project rearwards from the original rear wall of the dwelling by more than 4 metres in length or in the case of other properties, such as a semi-detached or terraced property, by not more than 3 metres and in all cases the height must not exceed 4 metres

- Where the extension is more than one storey in height it must not extend by more than 3 metres from the rear wall of the original dwelling **or** be within 7 metres of any boundary of the curtilage of the dwelling opposite the rear wall of the dwelling
- The enlarged part of the dwelling must not have an eaves height in excess of 3 metres if it is within 2 metres of the boundary of the curtilage
- Where the enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original dwelling it must not exceed 4 metres in height, have more than one storey or have a width greater than half of the width of the original dwelling
- It must not consist of the construction of a veranda, balcony or raised platform; **or** the installation, alteration or replacement of a microwave antenna; the installation, alteration or replacement of a chimney, flue or soil and vent pipe; **or** any alteration to any part of the roof of the dwelling.

Provisos:

The foregoing Permitted Development rights to extend a dwelling without prior attainment of planning permission are subject to the following conditions:

- The materials used in any exterior work (other than those used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the original dwelling;
- Any upper floor window incorporated in a wall or roof slope forming a side elevation of the dwelling shall be obscure-glazed and non-opening **unless** the part of the window which can be opened is more than 1.7m above the floor of the room in which the window is installed; **and**
- Where the enlarged part of the dwelling exceeds one storey in height, the roof pitch of the enlarged part shall (so far as is practicable) be the same pitch as the roof of the original dwelling.

Exclusions:

Where a property is situated within land designated either as a National Park, an Area of Outstanding Natural Beauty, a Conservation Area or a World Heritage Site none of the Permitted Development rights bestowed by Class A is applicable if:

- It would consist of or include the cladding of any part of the exterior of the dwelling with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- The enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original dwelling **or**

- The enlarged part of the dwelling would have more than one storey and extend beyond the rear wall of the original dwelling

Class B: The Enlargement of a Dwellinghouse Consisting of an Addition or Alteration to its Roof

The enlargement of a dwelling consisting of an addition or alteration to its roof may be undertaken under Class B provided that:

- No part of the dwelling would, as a result of the work, exceed the height of the highest part of the existing roof;
- No part of the dwelling would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation and fronts a highway;
- The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 40 m³ in the case of a terraced house or 50 m³ in any other case;
- It does not consist of or include the construction of a veranda, balcony or raised platform; **or** consist of or include the installation, alteration or replacement of a chimney, flue, or soil and vent pipe;
- The dwelling is not located on land within a National Park, an Area of Outstanding Natural Beauty, a Conservation Area or a World Heritage Site.

Provisos:

- The materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the original dwelling;
- Other than in the case of a hip roof to gable roof enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as is practicable, must be not less than 20 centimetres from the eaves of the original roof; and
- Any window incorporated in a wall or roof slope forming a side elevation of the dwelling shall be obscure-glazed and be non-opening **unless** the part of the window which can be opened is more than 1.7 metres above the floor of the room in which the window is installed

Definition:

For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

Class C: Any Other Alteration to the Roof of a Dwellinghouse

Class C permits any other alteration to a roof subject to the following restrictions being met:

- The alteration does not protrude more than 150mm beyond the plane of the slope of the original roof, when measured from the perpendicular with the external surface of the original roof
- The highest part of the alteration must not be higher than the highest part of the original roof
- It does not consist of or include the installation, alteration or replacement of a chimney, flue, or soil and vent pipe or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment

Provisos:

- Any window which is located on a roof slope forming part of a side elevation of a dwelling must be obscure-glazed and non-opening **unless** the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

Class D: The Erection or Construction of a Porch Outside Any External Door of a Dwellinghouse

Class D is unchanged from the existing provisions whereby a porch can be added to any external door provided that:

- The external ground area of the porch is not greater than 3 square metres
- No part of the structure is more than 3 metres above ground level
- No part of the structure would be within 2 metres of any boundary the property has with a highway

Class E: The Provision Within the Curtilage of a Dwellinghouse of:

The principal change is the addition of b), as set out below, to this Class instead of being dealt with as a separate Class (G) in the GPDO of 1995. Class E now allows for the erection/siting within a domestic curtilage of:

- a) **Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- b) **A container used for domestic heating purposes for the storage of oil**

or liquid petroleum gas.

Provisos:

- The total ground area covered by buildings, enclosures and containers within the curtilage (but excluding the ground area of the original dwelling) must not exceed 50% of the total area of the curtilage (again, minus the area of the original dwelling)
- No part of the building, enclosure, pool or container must be situated on land forward of a wall that forms the principal elevation of the original dwelling
- The building must be single storey
- The height of the building, enclosure or container cannot exceed
 - i) 4 metres in the case of a building with a dual-pitched roof
 - ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the property boundary or
 - iii) 3 metres in any other case
- The height of the eaves of the building must not exceed 2.5 metres
- The building, enclosure or container is not sited within the curtilage of a Listed Building
- It does not include the construction of a veranda, balcony or raised platform
- It does not relate to a microwave antenna
- The capacity of a container must not exceed 3,500 litres

Exclusions:

Where a property is situated within land designated either as a World Heritage Site, a National Park, or an Area of Outstanding Natural Beauty, none of the Permitted Development rights bestowed by Class E is applicable if:

- The total ground area covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling would exceed 10 square metres

Where a property is situated within land designated either as a World Heritage Site, a National Park, an Area of Outstanding Natural Beauty, **or a Conservation Area** none of the Permitted Development rights bestowed by Class E is applicable if:

- Any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation or the dwelling and the boundary of the curtilage of the dwelling

Definition:

For the purposes of Class E, “purposes incidental to the enjoyment of a dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling.

Class F: Development Consisting of:

- a) **The provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or**
- b) **the replacement in whole or in part of such a surface**

Previously, householders were permitted to provide or replace a hard surface to any or all of their curtilage as long as it was “incidental to the enjoyment of the dwelling”. The new provisions curtail the extent to which that may now be undertaken on the **front** of their property without planning permission.

Provisos:

- Where the hard surface would be situated on land between a wall forming the principal elevation of the dwelling and a highway, and
- The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres

either the hard surface must be made of porous materials, or provision must be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling i.e. a flower bed or other garden border.

Class G: The Installation, Alteration or Replacement of a Chimney, Flue or Soil and Vent Pipe on a Dwellinghouse

This is a new Class allowing the installation, alteration or replacement of chimneys, flues and soil and vent pipes on a dwelling without planning consent subject to the following caveats:

- The height of the chimney, flue or soil and vent pipe must not exceed the highest part of the roof by 1 metre or more

- Where the dwelling is situated within a National Park, Area of Outstanding Natural Beauty, World Heritage Site or Conservation Area, no chimney, flue, or soil and vent pipe can be installed on a wall or roof slope which fronts a highway and forms the principal or side elevation of a dwelling.

Class H: The Installation, Alteration or Replacement of a Microwave Antenna on a Dwellinghouse or Within the Curtilage of A Dwellinghouse

Provisos:

- Not more than 2 antennas may be erected on the building or within its curtilage but these have size restrictions
- Any single antenna must not exceed 100 centimetres in length
- Any antenna installed on a chimney cannot have a length of antenna which exceeds 60 centimetres
- No antenna installed on a chimney must protrude above the height of the chimney
- No antenna must have a cubic capacity in excess of 35 litres
- If antenna are installed on a roof without a chimney it must not protrude above the highest part of the roof
- If installed on a roof which has a chimney (but not actually affixed to it) the highest part of the antenna cannot be above the highest part of the chimney or higher than 60 centimetres above the highest part of the ridge tiles of the roof (whichever is the lower)
- Where the dwelling is situated within a National Park, Area of Outstanding Natural Beauty, World Heritage Site or Conservation Area, no antenna can be installed on a chimney, wall or roof slope which faces onto, or can be installed on a building which exceeds 15 metres in height.

The entitlement to erect antenna under this Class (without needing planning permission) is subject to the following additional conditions:

- Antenna installed on a building shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building; and
- An antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.

Definitions:

The relevant size criteria for the purposes of bullet point 1 overleaf are:

- Only one of the antennas may exceed 60 centimetres in length; and
- Any antenna which does exceed 60 centimetres in length must not have a maximum length of 100 centimetres

NB The length of the antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

Clarification of Terms Used under Part 1 of the GPDP (As Amended)

“raised” in relation to a platform means a platform with a height greater than 300 millimetres;

“terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellinghouses where:

- a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or
- b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of (a) above.