

## Changes to Permitted Development for Householders

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### Background

1. The Government Commenced a “Householder Development Consents Review” (HDCR) in 2005 to examine ways of reducing bureaucracy for householders seeking to improve their homes whilst protecting the interests of neighbours, the wider community and the environment. The review has focussed on the changes which householders can (and cannot) make to their properties without the need to apply for planning permission. At present these limits are mostly based on the volume of any proposed extension, which can be quite hard to calculate, and are generally quite complex. The Government is also concerned that some quite damaging extensions can be made to houses within the current permitted development rules, whereas some quite innocuous alterations sometimes fall outside the limits of permitted development and therefore require a planning application. Following wide consultation and study the proposals outlined below have now been put forward for consultation.
2. The principles which underpin the proposals are:
  - clear and robust arrangements must be in place so that the interests of neighbours and the wider community and the environment are sufficiently protected
  - changes to current permitted development rules should be based on evidence and be fully tested
  - there should be full consultation on detailed proposals for taking forward and recommendations..
3. There are two current consultations on householder permitted development: one relating solely to “Microgeneration” development, e.g. the installation of small wind turbines and/or solar panels on domestic property, and one relating to house extensions and related works. The commentary below covers both consultations.
4. The Government is seeking to adopt an “Impact Based” approach to this work. It is important to appreciate the four levels of impact which have informed this work.

They are:

- Impact level One: development which affects only the house being extended (this might, for example, be a small conservatory which has no effect on any other property and should be permitted development)
- Impact level Two: development which affects the house being extended and its immediate neighbours (this could, for example be a rear extension with some potential to affect the immediate neighbours and, if so, may need to be subject to some control)
- Impact level Three: development which impacts on the public domain in some way such as a large side extension clearly visible in the street scene and for which there would be a public interest in having some control
- Impact level Four: development which impacts on some wider public interest such as the character of a conservation area or the landscape in an AONB

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5. The proposed changes are themselves quite complex and will need to be illustrated through a presentation of diagrams at Committee. There is a two page summary of the existing and proposed changes in an appendix to this report.
6. Overall the main concept behind the changes is that, in future, permitted development limits should be expressed in simple distance measurements such as the distance to the boundary instead of being based on calculations of the volume of all extensions to the house. It follows that the new proposed limits will be much easier for householders to follow and to understand.
7. With regard to the permitted development changes for Microgeneration the principle changes would be to allow for solar panels to cover a whole roof and wall of a house up to a depth of 150 mm (6 inches) thick, and to allow for wind turbines up to 3 metres high (including the propeller blades) to be installed on houses, or windmills up to 11 metres high (including the propeller blades) to be installed as free standing structures in back gardens.
8. The specific consultation questions and the officers' suggested responses are:

<b>Question 1</b>	<b>Do you agree with the principle of an impact approach for permitted development?</b>
Suggested response	Yes.
<b>Question 2</b>	<b>Do you agree with a restriction on development facing onto and visible from a highway in designated areas?</b>
Suggested response	Yes, this is a very important additional control and should be applied to Conservation Areas and AONBs.
<b>Question 3</b>	<b>Should the restriction apply in the same way to all types of designated area?</b>
Suggested response	Yes
<b>Question 4</b>	<b>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?</b>
Suggested response	Yes. This arises from the fact that some types of development which are currently permitted would cease to be permitted if the proposed changes come into effect. It is normal, when revoking a permission for the body responsible to be liable for compensation. Limiting such liability to one year seems to be a sensible compromise.
<b>Question 5</b>	<b>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?</b>
Suggested response	Yes. The nature of Article Four directions (which take a way permitted development rights typically for a specific type of development in a specific locality) is that they are concerned with detailed local issues. They should not need referring to the Secretary of State.
<b>Question 6</b>	<b>Do you consider that, subject to safeguards to protect householders from abortive costs, the existing right to</b>

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	<b>compensation as a result of the making of an article 4 direction should be reviewed?</b>
Suggested response	Yes. The question of compensation is a very strong disincentive to the use of Article Four Directions as a means of restricting potentially damaging types of development.
<b>Question 7</b>	<b>Should there be a requirement for planning authorities to review article 4 directions at least every five years?</b>
Suggested response	No, it would be an unnecessary constraint to review Article Four Directions simply due to the passage of time. They should be reviewed when there has been a significant change of circumstances and local planning authorities can be trusted to know when such a review is needed and to build it into their normal programmes of work accordingly.
<b>Question 8</b>	<b>Would there be benefit in making certain types of permitted development subject to a prior approval mechanism?</b>
Suggested response	No. The Prior Approval System is very convoluted and should be avoided wherever possible. Indeed, instead of extending its use the Government should be reducing its use, for example by bringing telecommunications masts under normal planning controls instead of relying on Prior Approval.
<b>Question 9</b>	<b>If so, what types of permitted development should be subject to prior approval and what aspects of the development should be subject to approval?</b>
Suggested response	See above – the Prior Approval system should be restricted not expanded.
<b>Question 10</b>	<b>Would there be benefit in having a separate development order containing just permitted development rights for householders?</b>
Suggested response	Yes – it would be helpful
<b>Question 11</b>	<b>Do you have any comments on the proposed definitions?</b>
Suggested response	The proposed changes are generally welcomed – but must be accompanied by clear definitions of where measurements should be taken from, especially in the case of sloping sites where the measurement of height can be quite critical.
<b>Question 12</b>	<b>Do you agree with the proposed limits for extensions?</b>
Suggested response	Yes – subject to clear definitions of the limits
<b>Question 13</b>	<b>Do you agree with the proposed limits for roof extensions?</b>
Suggested response	Yes
<b>Question 14</b>	<b>Do you agree with the proposed limits for roof alterations?</b>
Suggested response	Yes
<b>Question 15</b>	<b>Do you agree with the proposed limits for curtilage developments?</b>
Suggested response	Yes
<b>Question 16</b>	<b>Do you agree that there should be no national restriction on hard surfaces?</b>
Suggested	Yes – trying to control the detail of how householders choose to lay

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response	out their front gardens would be very time consuming and out of proportion to the public benefit likely to arise from such control.
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9. With regard to the Consultation on Microgeneration it is suggested the proposal to allow householders to cover whole walls and roofs of houses with solar panels up to 150 mm thick is excessive – and should certainly not be permitted in Conservation Areas and AONBs. Some limitation is necessary to retain the character and appearance of those areas. With regard to wind turbines there is some considerable doubt that in urban areas small turbines on roofs are effective due to the unreliability of wind speeds so close to roof tops. It remains to be seen whether there is much demand for this type of development. Wind turbines up to 11 metres high in rear gardens could create quite significant impacts on the local landscape and it is suggested that planning controls should continue to apply to them.