

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

CHANGES TO HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform members of the recently announced changes to the householder permitted development rights and regulations put forward by the Secretary of State for Communities and Local Government. These changes came into force on 1 October 2008.

2. BACKGROUND INFORMATION

- 2.1 A consultation paper relating to the proposed changes to householder permitted development rights and regulations was put out for public consultation on 21 May 2007 for 12 weeks expiring on 17 August 2007. Following that, a Government response to consultation was issued on 30 November 2007 which set out how changes would be taken forward. Permitted development is development that can be undertaken without the need for a specific planning application to be submitted for determination by the local planning authority.
- 2.2 The new regulations set out the changes that are proposed to the scope of permitted development as it relates to householder type development. It is suggested by Government that the revised system will deliver a more permissive regime than before 1 October 2008 and remove the need for a planning application in many more cases.
- 2.3 Approximately 320,000 householder planning applications are submitted annually within England and this represents a doubling of the number of such applications in the last ten years. Householder applications have accounted for up to 50% of all planning applications submitted to authorities for determination. Such applications range from extensions to dwellings to outbuildings and the provision of new accesses.
- 2.4 The rationale behind the Government changes is that some developments that previously required an application for planning permission were deemed to have no significant impact. A considerable amount of staff time and resources was required by the local authority to process such applications, as well as the time taken by the applicant to prepare the paperwork. The changes, therefore, will reduce the overall number of developments that require consent by removing

those that are deemed to have no or only minimal impact from the system. This should reduce the costs in dealing with householder developments and enable planning officers to focus on much more strategically important, or contentious issues, or those that have a wider public benefit or interest.

3. ISSUES FOR CONSIDERATION

3.1 Table 1 in this report sets out the changes to the householder permitted development rights for extensions. Up until 1 October 2008 the enlargement, improvement or other alteration of a dwelling was based on the cubic content of space being created. The existing tolerance and proposed tolerance for extensions to a dwelling are as follows:

Table 1: Existing and Proposed tolerance for householder extensions

Before 1 October 2008

After 1 October 2008

Existing Tolerance	Proposed Tolerance
Cumulative volume limitation on extensions/roof extensions/ outbuildings larger than 10 cu m within 5m of the house:	<i>Depth limitation on rear extensions:</i>
70 cu m or 15% for detached/semi-detached	Single storey: 3m (attached), 5m (detached)- cannot exceed more than 4m in height
50 cu m or 10% for terraced or in conservation area	Two storey: 3m for all house types but cannot be within 7m of any rear boundary
Maximum 115 cu m for all house types	
	<i>Limitations</i>
	Where an extension is within 2m of a boundary the height of the eaves cannot exceed 3m high
	<i>Limitations for side extensions</i>
	Cannot exceed 4m in height
	Not more than 1 storey high
	Cannot exceed 50% of width of original house

3.2 The proposals came about due to the Householder Development Consent Review which was launched in January 2005 as part of the then Office of the Deputy Prime Minister's 5 year plan entitled 'Sustainable Communities: Homes For All'. This review examined ways of reducing bureaucracy for householders seeking to improve their homes whilst protecting the interests of neighbours in the wider community and environment.

3.3 It should be noted that since the previous report to the Planning Committee on 20 June 2007 some minor changes have been made to

the Government response to consultation issued on 30 November 2007. These minor changes are detailed below.

- 3.4 The first change imposes additional control over development to, or extending beyond, a principal elevation of a dwelling. For reasons of clarity a principal elevation is defined as any elevation that fronts a highway.
- 3.5 In order to minimise the risk of neighbouring properties being overlooked, any windows proposed above one storey on the side elevation of a dwelling should be obscure glazed and non-opening. The only exception for any opening windows is where they will be positioned more than 1.7m above the floor level of the room that the window is serving. This also ensures that any side facing Velux windows can also be inserted in a roof provided that they meet the height restriction. This restriction applies to both ordinary extensions and roof extensions and alterations.
- 3.6 There are also stricter controls over the size of outbuildings that can be provided within the curtilage of a dwelling. Any outbuildings that are sited more than 20m from the rear elevation of a dwelling cannot exceed 10m² in area. There are also new controls on the maximum height of any outbuildings restricting them to 2.5m high located within 2m of a party boundary.
- 3.7 The Governments 'Water Strategy' set out the intention to ensure that hard surfaces could not be installed at the front of the property if they rendered the area impermeable. The amended GDPO addresses this issue by removing permitted development rights to 'concrete over' your front garden without planning permission. Permission will not be required to hard surface side or rear gardens. The order, however, grants permitted development rights where either porous surfacing 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 a dwelling (eg garden area). The permeability condition applies where the area to be installed is more than 5m² and applies to new surfaces and the repair/replacement of an existing surface.
- 3.8 Government suggested that permitted development rights should be subject to a roof alteration projecting no more than 15cm above the original roof slope. The existing permitted development rights for roof alterations to principal and side elevations of dwellings within a conservation area remain unchanged.
- 3.9 Given that roof alterations are currently generally permitted development in conservation areas, and because of the Government's desire to encourage the take-up of microgeneration, (eg installation of photovoltaic panels and solar panels), such installations are to be permitted providing they do not project more than 150mm above the roof slope.

- 3.10 The order inserts a new class into the General Permitted Development Order to make the installation, alteration or replacement of chimneys, flues, soil and vent pipes permitted development subject to them being less than 1m above the highest part of the roof. Additionally they will not be permitted development on a principal or side elevation in a conservation area.
- 3.11 An example of how permitted development rights for householders changed on 1 October 2008 is provided within Annex 1 attached to this report. Annex 1 provides an illustrative example of householder extensions that are permitted under the previous regulations (Plan A) and the type and depth of extensions permitted under the new legislation (Plan B). Members are advised that the new permitted development rights for householder extensions are no longer dependent upon the cubic content of the extension being created.

4. CONCLUSIONS

- 4.1 These changes (as introduced on 1 October 2008) will result in a radical change in the way that applications for householder development are assessed as to whether planning permission is required or not. Many developments that previously required planning permission will now be exempt. The net effect of this is that in the short-term there could be confusion amongst householders where they have been given advice that they required planning permission for their development in the past, whereas the self same development that is now proposed would not, or indeed vice versa. Therefore considerable publicity about these changes is required.
- 4.2 There will also be a loss of fee income to the council from a reduction in the number of planning applications for householder development. During 2006/2007 the council received some 769 householder type applications and it is likely that this number would be reduced by perhaps 30%, which would lead to a net loss in income of approximately £34,000.
- 4.3 A reduction in workload for planning officers from these changes would help relieve pressure on staff resources within the Development Control team. Planning case officers would, at the same time, be able to devote more time to the determination of the more significant, or controversial applications, which it is considered have a far greater impact on the local and national economy and local environment. At the present time, dealing with householder applications is very time-consuming and the amount of staff time devoted to resolving what is often seen as a neighbour dispute is disproportionate to the overall impact on the local environment.
- 4.4 These changes will significantly alter the nature and content of advice that is given to potential applicants and will require short-term training of officers within the Authority to get used to the new regime, which is

based on impact of the development, rather than a simple volume calculation.

5. RESOURCE AND OTHER IMPLICATIONS

- 5.1 **Financial** – There will be a significant reduction in income received by the Development Control service from the reduction in the number of householder planning applications. It is estimated, based on past figures, that a reduction of some 30% of planning applications would result in a net reduction of at least £34,000 in fees income. Hopefully this reduction in fees income will be offset by the increase in fees for planning applications for other developments in April 2008.
- 5.2 **Staffing** – There will be a reduction in pressure on existing case officers dealing with the determination of planning applications through any reduction in the number of householder development proposals. Such a reduction will enable professional staff to devote more time to dealing with significant and controversial impacts on the local built environment.
- 5.3 **Statutory** – The introduction of these changes have necessitated changes to the Town and Country Planning (General Permitted Development) Order 1995.
- 5.4 **Environmental and Other** – As this report is concerned with information related to administration and procedural matters, there are no direct environmental implications.

6. RECOMMENDATIONS

- 6.1 That the contents of this report be noted.

HEAD OF PLANNING

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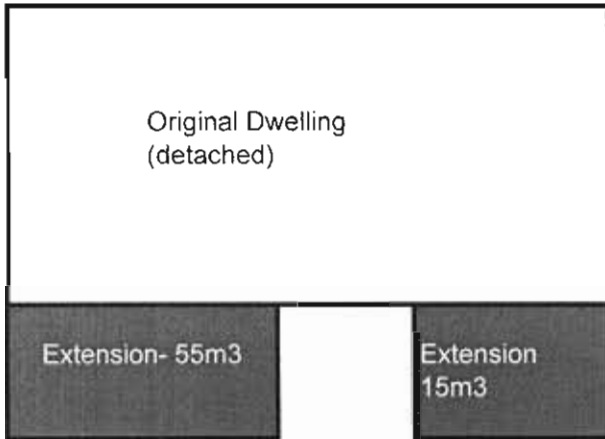
Background Papers used in the preparation of this report

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

Department for Communities and Local Government: Amendments to the Permitted Development Regime for Householders – 10 September 2008

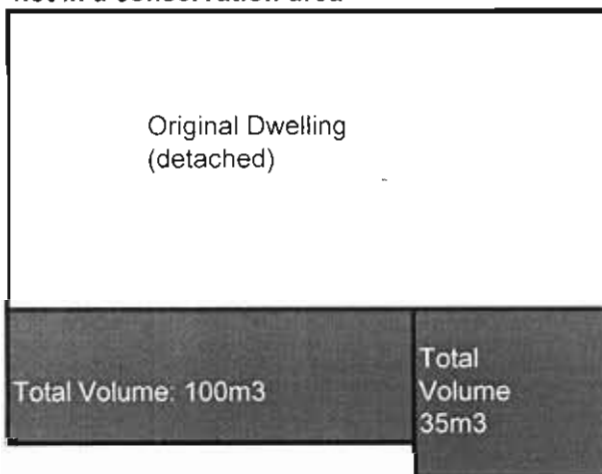
Annex 1- Example of Existing and Proposed Tolerance for residential extensions

A
Plan view of existing tolerance for residential extension to detached dwelling not in a conservation area



Total cubic content of extensions: 70m3
(Both single storey)

B
Plan view of proposed tolerance for residential extension to detached dwelling not in a conservation area



2 storey extension
Dimensions:
6m wide x 3m depth
x 4m height

Single storey extension
Dimensions:
2m wide x 4m depth
x 4m high

SUMMARY

EXAMPLE B WHICH IS PERMITTED DEVELOPMENT UNDER THE NEW REGULATIONS IS NOT DEPENDENT UPON THE OVERALL CUBIC CONTENT OF THE EXTENSION BEING CREATED