

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 22nd October 2008

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PART I

FOR DECISION

UPDATE ON THE NEW PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLD DEVELOPMENT

1.0 Purpose of Report

1.1 To update Members on changes to householder permitted development rights following The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, which came into force on 1st October 2008.

2.0 Recommendation

The Committee is requested to note the contents of the report.

3.0 Community Strategy Priorities

- **Being Safe, Feeling Safe**
- **A Cleaner, Greener place to live, Work and Play**
- **Prosperity for All**

The new permitted development regime is aimed at making small scale development to residential properties easier in terms of not requiring planning permission. In this sense the changes should help satisfy the Sustainable Community Strategy Priorities identified above.

4.0 Other Implications

(a) Financial

The Consultation Review documents circulated prior to the introduction of the permitted development amendments forecast a potential reduction in small scale extension applications of 15%. It is not clear how this forecast was made but it is anticipated that there may be some loss of application fees given the amendments. This will be, to some extent off set by fees in

association with the Certificates of Lawful Development that should be submitted in respect of the permitted development.

In terms of staffing the reduction in workload from any drop in planning applications at the lower level will be more than compensated by the officer time spent dealing with enquires on what are complex amendments to the permitted development regime. In addition it is anticipated that the changes will lead to an increase in enforcement workload.

(b) Human Rights Act and Other Legal Implications

There are no specific issues arising as a result of this report

(c) Workforce

As specified in relation to (a)

5.0 **Supporting Information**

5.1 Permitted development is development that can be undertaken without the need for a planning application to be submitted to the local planning authority. The Government wishes to give as much freedom as possible for people to extend their homes, such as building extensions and loft conversions, particularly given current pressures in the housing market.

5.2 The Government has a number of objectives for the changes to the permitted development rights. These are presented below with comments.

- to make the need for specific planning permission proportionate to the impact of the development
- To provide clarity, simplicity and consistency
- to keep the number of planning applications to a minimum
- to ensure the legislation is and can remain relevant to new technologies and changing lifestyles.

5.3 While the overall aim is to relax the planning regime, the review proposals would also introduce a need for planning applications for householder developments with potential adverse impacts, which are currently allowed.

5.4 **An impacts-based approach**

The new regime replaces the existing complex system of using percentages and volumes to calculate allowances for domestic extensions to the **original property**, with rules relying on dimensions.

The changes generally provide extra freedom for permitted development so long as developments have little or no impact beyond the host property.

The impacts of domestic developments on adjoining properties which the new regime takes into account include:

- overlooking – loss of privacy
- overshadowing – loss of daylight

In most cases these impacts are measured quantitatively and the permitted development regime is expressed in terms of heights, distances and other clear measurements and limits.

Wider impacts are those which affect the character and appearance of the immediate street scene. These impacts are measured qualitatively rather than quantitatively and are therefore more subjective than those listed above.

Another broader set of possible impacts which the proposed regime takes into account are:

- harm to designated areas such as conservation areas or Areas of Outstanding Natural Beauty
- harm to listed buildings
- harm through the cumulative impact of a number of small developments – e.g. water drainage capacity in an area being adversely affected by the building of a large number of concrete hard surfaces

As detailed above the changes are quite widespread and complex in relation to householder development.

Attached as Appendix 1 are the Planning Portals summary of the implications for the main types of development covered by the General Permitted Development Order.

Appendix 2 presents the Order itself.

It should be noted that the Permitted Development Rights will not apply in some circumstance where Conditions attached to planning permission on a property restrict or remove Permitted Development Rights.

5.5 Enforcement matters

Any householder who has already received a Certificate of Lawfulness for Proposed Development but has not commenced works by 01 October 2008 will need to examine whether the proposals constitute permitted development under the new regulations.

Where development has been carried out prior to 01 October 2008 that fails to meet the permitted development limits in force at that time, but they meet the new permitted development limits, it is unlikely to be considered expedient to take enforcement action. However as a Certificate of Lawfulness of Existing Development cannot be issued for those works at this time as they would not have been permitted development when development commenced, any householder requiring documentation for those works will need to make a retrospective planning application or wait for four years until the development is immune from enforcement action and make an application for a Certificate of Lawfulness of Existing Development at that time.

6.0 **Comments of Other Committees**

6.0 None

7.0 **Conclusion**

7.1 It is anticipated that Slough Borough Council will continue to meet and exceed its performance standards on NI 157 during the forthcoming audit year 2008/09

8.0 **Appendices Attached**

8.1 Appendix 1 Summary of main provisions of the new Permitted Development Regime

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

9.0 **Background Papers**

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

Summary of main provisions of the new Permitted Development Regime

Extensions

The Government has introduced 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. 'Principal elevation' will in almost all cases be the front of the house. **(note: this is not defined within the legislation and is likely to be a significant point of contention for professional planners and member of the public)**
- Maximum depth of a single-storey rear extension is three metres for an attached house (ie Semi or terrace) or four metres for a detached house.
- Maximum depth of a rear extension of more than one storey is three metres, including ground floor.
- In designated areas (ie conservation 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
- Roof pitch of extensions higher than one storey to match existing house.
- Side-facing windows and (roof lights in roofs) above one storey to be obscure-glazed; top opening allowed.
- Materials to match existing house.
- No raised terraces, verandas or balconies.
- Maximum 50 per cent coverage of curtilage of building to be developed.
- In designated areas side extensions and cladding will require planning permission.

Loft conversions - proposed regime

The Government keeps the current volume-based approach which it believes to be most suitable to allow the creation of adequate living space in lofts. These are the limits:

- 40 cubic metres loft extension for terraced houses.
- 50 cubic metres loft extension for semi-detached or detached houses.
- Extensions must start a minimum of 0.2 metres from the eaves to maintain the visual appearance of a roof line.
- No extension beyond the plane of the existing roof slope fronting the highway (ie no side or front dormers on houses next to a 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 (ie conservation areas)
- Alterations should not project more than 150 millimetres from the existing roof plane.(ie roof lights)

Curtilage developments (Slough Stores)

- 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 mono-pitched roof
- Maximum height 2.5 metres within two metres of a boundary
- Within Designated areas the maximum coverage of garages and outbuildings 30 square metres if the garden covers more than 100 square metres or 20 square metres if the garden is less than 100 square metres.
- No raised terraces, verandas or balconies to be added to the house.
- Maximum 50 per cent coverage of garden.
- In designated areas, outbuildings at the side of properties will require planning permission.

Paving over front garden

Where the hard surface is on land between a principal elevation and the highway, and is more than 5 square meters:

- The hard surface should be made of porous materials or
- Provision should 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 house .