

Changes to the permitted development rights for householder development

1 The enlargement, improvement or other alteration to homes.

Q.1 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on detached homes should be increased from 4 metres to 5 metres?

- **No**

Reasons:

The objective should be to ensure minimum detrimental effects to the amenity of adjacent occupiers, from reduced daylight/sunlight or physical overbearance.

The 45°-degree projection line from the 'Centre' of the nearest adjacent dwelling ground floor window (Horizontally or vertically) should **NOT** intersect the proposed rear building. If it does, the proposal should **NOT** be permitted or allowed under full planning applications.

Any proposed extension should be such that a 45° projection from the centre of the adjacent (toward the proposed dwelling) nearest ground floor window, clears any proposed rear extension of a proposed development.

The nearer the proposed extension is to the boundary with the adjacent neighbour and dwelling, the greater the loss of amenity to the neighbour and the more likely the 45° Degree projection would be intersected.

Any differential in ground level between adjacent dwelling and proposal can also affect the 45° Degree Projection vertical either higher or lower, which the current Policy fails to accommodate.

The policy should be based upon the effects of such an extension on the amenities of the immediate neighbours, to ensure the proposed extension does not have unreasonable impact on the amenity of any neighbouring homes in relation to daylight, sunlight and privacy or overbearance; not whether it is an acceptable limit to the developer,.

Evidence: Policy London Plan Small Site Design Codes LPG para 4.5:

London Plan Small Site Design Codes LPG Section 4.5

4.5 Rear building line projection

- 4.5.1 When setting design codes for buildings or extensions that extend beyond a rear building line, parameters should be set to ensure that there is no unreasonable impact on the amenity of neighbouring homes in relation to daylight, sunlight, and privacy.



- 4.5.2 A good rule of thumb is to follow the 45-degree rule illustrated below. This rule specifies that the **height and depth** of a new development or extension should not breach a 45-degree line drawn from the centre of the window of the lowest, and closest, habitable room ¹ on the neighbouring property.
- 4.5.3 Design codes can also use rear projection lines to set parameters on the height of new developments or extensions. These can ensure that new development is not overly dominant; and access to daylight and sunlight of the habitable rooms of neighbouring homes is maintained.

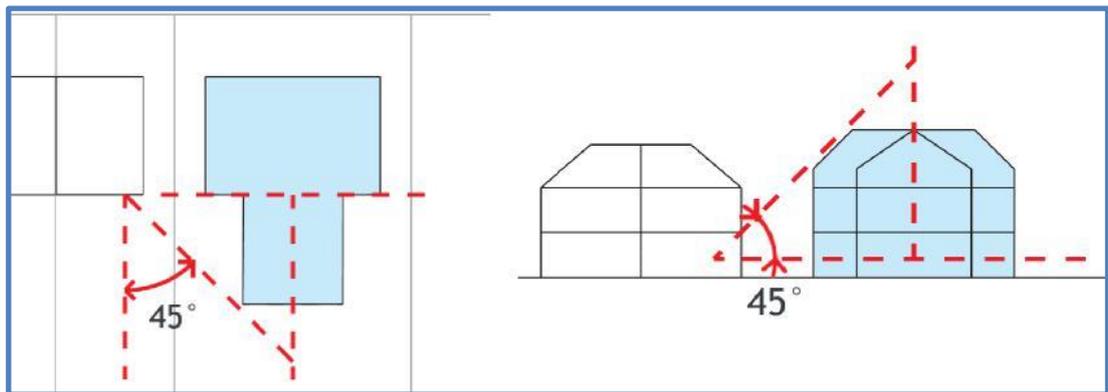


Figure 4.6 Example code for rear building line projection of dwellings in a semi-detached character type.

Q.2 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on all other homes that are not detached should be increased from 3 metres to 4 metres?

- **No**

Reasons.

As set out in response to Question 1 above:

If the **45° projection (Horizontally or Vertically)** from the **centre of the nearest adjacent dwelling ground floor window intersects** the proposed extension **rear building line**, the extension into the rear garden is excessive and is detrimental to the **neighbour's amenity** and should **NOT** therefore be allowed. The 45°-degree rule, (both vertical and horizontal) should apply for single storey or higher.

¹ habitable rooms include **any room where individuals will sit or lie down and require a reasonably quiet environment in which to concentrate or rest**. Such rooms are bedrooms, living rooms, dining rooms, studies as well as kitchen-dining and kitchen-living rooms (open-plan). (1 Jun 2021)



Q.3 Do you agree that the maximum depth permitted for two-storey rear extensions should be increased from 3 metres to 4 metres?

- **No**

Reasons.

As set out for Question 1 & 2 above: If the **45° horizontal projection (Horizontally or Vertically)** from the **centre of the nearest adjacent dwelling ground floor window intersects** the proposed extension **rear building line**, the extension into the rear garden is excessive and is detrimental to the **neighbour's amenity** and should **NOT** be allowed.

The higher the proposed development, the greater the overbearing and loss of amenity to the adjacent dwelling and occupants. The 45°-degree rule, (both vertical and horizontal) should apply for single storey extension or higher. The 45-degree rule should apply for any number of storey's extension.

If the 45° Degree projection intersects the proposed rear building then the proposal should not be allowed

Q.4 Do you agree that the existing limitation requiring that extensions must be at least 7 metres from the rear boundary of the home should be amended so that it only applies if the adjacent use is residential?

- **No - should apply irrespective use of adjacent area.**

Reasons.

Any nearer than the 7metres allows invasion of privacy and overlooking irrespective of the type of building, or the adjacent building depth from boundary, or even if there is no building.

Q.5 Are there are any circumstances where it would not be appropriate to allow extensions up to the rear boundary where the adjacent use is non-residential?

- **Yes**

Reasons.

a) Only if the if the rear wall has no windows. Any dwelling with windows in a rear wall, especially if a bungalow should not be built up to the rear boundary.

b) If the roof of the proposed extension requires eaves and guttering overhang which encroaches over the rear boundary if the external was built up to the boundary, or a downpipe to drainage or soakaway, these must all be within the site area within the boundary of the proposed development above ground level, and foundations and footings below ground level.

c) If a roof discharges rainwater without collection (guttering) the Discharge and management of rainwater that falls on or within the perimeter of a development area should be managed completely within that development proposals boundary, both above and below ground level.

Q.6 Do you agree that the existing limitation that the permitted development right does not apply if, as a result of the works, the total area of ground covered by buildings within the curtilage of the house (other than the original house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original house) should be removed?

- **Yes – Does NOT APPLY therefore is NOT permitted development.**

Reasons.

The question is slightly ambiguous.

- a) The ratio of Footprint of structure/Site Area (Plot Area Ratio) should reflect the **Area Type** of the locality. (See: **National Model Design Codes & Guidance (DLUHC) 2021**).
- b) Any increase in the building **Plot Area Ratio (PAR)** i.e., footprint/Site Area or the **Floor Area Ratio (FAR)** i.e., Gross Internal Area/Site Area for the **Area Type** as defined by the **Nation Model Design Code & Guidance (2021)** should respect the **Area Type** Guidance. See NPPF (2023) para 134. (where the **Area Type** analysis is defined as the area of the **Post Code** of the locality under assessment).
- c) It is assumed that any deviation from the **Area Type Design Code** would irrespectively require Planning Permission and therefore would/should not be within the terms of '**Permitted Development**'.

Q.7 Should the permitted development right be amended so that where a two-storey rear extension is not visible from the street, the highest part of the alternation can be as high as the highest part of the existing roof (excluding any chimney)?

- **No**

Reasons.

The view from the street is not the critical factor. The critical factor is the loss of neighbour amenity which is define by the 45° Rule, both **Vertically** and **Horizontally** from the centre of the nearest adjacent dwelling ground floor window. Especially at the rear of the properties.

Non-compliance with the 45° Vertical elevation from the centre of the adjacent dwelling nearest ground floor window should preclude Permitted Development and should require Planning Permission.



Q.8 Is the existing requirement for the materials used in any exterior work to be of a similar appearance to the existing exterior of the dwellinghouse fit for purpose?

- **Yes**

Reasons.

The proposed structure should reflect the local character.

Any deviation from local character should require planning permission and therefore should not be considered permitted development

Q.9 Do you agree that permitted development rights should enable the construction of single-storey wrap around L-shaped extensions to homes?

- **No**

Reasons.

L-shaped wrap around (side & rear) could be up to the boundary with adjacent dwellings and therefore could breach the **45° Rule** as mentioned above.

In addition, the rainwater falling onto the roof of a proposed development requires management and any method of rainwater management or guttering should not encroach or trespass over a boundary with an adjacent property and therefore should not be permitted development.

Q.10 Are there any limitations that should apply to a permitted development right for wrap around L-shaped extensions to limit potential impacts?

- **Yes**

Reasons.

An L-shaped development should not extend beyond the front Building-Line of the existing dwelling.

An L-shaped wrap round should not be built up to the boundary of the adjacent dwelling, such that the footings or Guttering encroach or trespass over the boundary. Rainwater guttering should not overhang boundary line above or the footings and foundations below ground level.

The 45° Projection from the centre of the nearest adjacent ground floor window should not intersect the Rear Building Line of the Wrap around either vertically or horizontally.



Q.11 Do you have any views on the other existing limitations which apply to the permitted development right under Class A of Part 1 which could be amended to further support householders to undertake extensions and alterations?

- **Don't know**

Reasons.

None

2 Additions to the roof (including roof extensions)

Q.12 Do you agree that the existing limitation that any additional roof space created cannot exceed 40 cubic metres (in the case of a terrace house) and 50 cubic metres (in all other cases) should be removed?

- **Yes - But replaced by a percentage limit of the original volume**

Reasons.

The existing regulation states:

“Development not permitted

B.1 Development is not permitted by Class B if—

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;”

The current definition is unrelated to the existing building roof space, proportionate volume or clear height dimensions. The ruling should be replaced and be expressed as a percentage of the original roof space volume or minimum clear space headroom and not a specific value unrelated to the existing building whether terraced or other cases.

A suggested requirement would be:

A minimum ceiling height of 2.5m for at least 75% of the roof space with a floor area of no less than 7.5 sq.m. for a single bedroom or 11.5 sq.m. for a double bedroom.

Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area of the dwelling unless used solely for storage.

Ref: London Plan Policy D6 Housing quality and standards.



Q.13 Do you agree that the existing limitation requiring that any enlargement must be set back at least 20 centimetres from the original eaves is amended to only apply where visible from the street, so that enlargements that are not visible from the street can extend up to the original eaves?

- **No**
- **Reasons.**

To extend the extension up to the Original Eaves would be detrimental to the feature of a roof. Any enlargement without the 20cm set back would have a detrimental effect on the Building and would look odd from the rear elevation. The eaves line throughout the rear elevation should be maintained.

This policy ensures the character of the area is maintained and that the roof levels do not look out of place within the locality, especially if the dwelling is semi-detached. Also, if an adjacent semi-detached dwelling has and the adjacent dwelling has been extended to meet the 20cm, any addition to the other half of the roof would need to follow the existing policy otherwise it would look extremely unbalanced and unattractive from the rear elevation.

Therefore, B.2 (i) (aa) & (bb) should be retained.

Q.14 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be replaced by a limitation that allows the ridge height of the roof to increase by up to 30 centimetres?

- **No**
- Reasons.**

Development not permitted

A.1 Development is not permitted by Class A if—

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

This policy ensures the character of the area is maintained and that the roof levels do not look out of place within the locality, especially if the dwelling is semi-detached.



Q.15 Do you agree that the permitted development right, Class B of Part 1, should apply to flats?

- **No**

Reasons.

Permitted development would have implications to existing Leaseholders.

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development is not permitted by Class B.1 if — ...

(a) to (h) should apply to all dwellings including Flats.

Should therefore remain.

3 Other alterations to the roof (including roof windows)

Q.16 Should the permitted development right be amended so that where an alteration takes place on a roof slope that does not front a highway, it should be able to extend more than 0.15 metres beyond the plane of the roof and if so, what would be a suitable size limit?

- **No**

Reasons.

Class C: other alterations to the roof.

Do not see any reason why it is necessary to change the existing rules.

The limit should only relate to roof windows when closed and not include a restriction when the window is open.

Q.17 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney)?

- **No**

Reasons.

Do not see any reason why it is necessary to change the existing rules.

This limit should be retained to ensure local character for the Area Type is maintained especially for semi-detached dwellings.

4 Class E - Buildings incidental to the enjoyment of a dwellinghouse

Q.18 Do you agree that bin and bike stores should be permitted in front gardens?

- **No**

Reasons.

Only allowed for existing dwellings that have no alternative storage for Refuse & Recycling Bins.

Any new proposal or alteration to existing should not provide bike storage or Refuse/Recycling Bins in the front forecourt or garden.

Unightly and detrimental to the streetscene.

Q.19 Do you agree that bin and bike stores should be permitted in front gardens in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites)?

- **No**

Reasons.

Inappropriate within conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites

Do not see any reason why it is necessary to change the existing rules.

Q.20 Do you agree that bin and bike stores in front gardens can be no more than 2 metres in width, 1 metre in depth and up to 1.5 metres in height?

- **Yes**

Reasons.

Only allowed for existing dwellings that have no alternative storage for Refuse & Recycling Bins.

Any new proposal or alteration to existing should not provide bike storage or Refuse/Recycling Bins in the front forecourt or garden.

Unightly and detrimental to the streetscene.

Q.21 Are there any other planning matters that should be considered if bin and bike stores were permitted in front gardens?

- **Yes**

Allocate space new frontage to be available for bins on collection days

If existing dwelling these items to be hidden by vegetation, if possible, see Q18 & Q20.

Reasons.

Only allowed for existing dwellings that have no alternative storage for Refuse & Recycling Bins.

Any new proposal or alteration to existing should not provide bike storage or Refuse/Recycling Bins in the front forecourt or garden.

Unightly and detrimental to the streetscene.

Q.22 Should the existing limitation that in Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites development situated more than 20 metres from any wall of the dwellinghouse is not permitted if the total area of ground covered by development would exceed 10 square metres be removed?

- **No**

Reasons.

Inappropriate within conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites

Do not see any reason why it is necessary to change the existing rules.

If the limitation cannot easily be met it should require planning permission.

Q.23 Should the permitted development right be amended so that it does not apply where the dwellinghouse or land within its curtilage is designated as a scheduled monument?

- **No**

Reasons.

Inappropriate within conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites.

Do not see any reason why it is necessary to change the existing rules.

5 Impact assessment

Q.24 Do you think that any of the proposed changes in relation to the Class A, B C and E of Part 1 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- **No**

Reasons.

If any of these are affected, the applicant has the opportunity to Apply for Planning Permission. There is no need for any changes to permitted development rights to accommodate the existing requirements for any impacts on the listed activities.

3. Changes to the permitted development rights for building upwards

6 The upward extension of buildings

Q.25 Do you agree that the limitation restricting upwards extensions on buildings built before 1 July 1948 should be removed entirely or amended to an alternative date (e.g. 1930)?

- **No**

Reasons.

Unless there were substantial supporting evidence that the building, prior to that date, had retained structurally adequate foundations and footings to support the additional weight and distribute the structural soundness of any upward development.

That the proposed upward development met all requirement of the existing Area Type parameters as defined by the local Design Codes.

Q.26 Do you think that the prior approvals for the building upwards permitted development rights could be streamlined or simplified?

- **Don't know**

Reasons.

Do not see any reason why it is necessary to change the existing rules.



7 Construction of new dwellinghouses on a freestanding block of flats

Q.27 Do you have any views on the operation of the permitted development right that allows for the construction of new dwellinghouses on a freestanding block of flats (Class A of Part 20)?

- **Yes**

Reasons.

Class A - 'New dwellinghouses on an existing detached block of flats.'

This permits the addition of up to two additional storeys of new residential flats above an existing, purpose-built detached block of flats. The new dwellings created under this PDR must fall within the C3 use and cannot be converted to HMOs.

This should remain as allowing HMOs would have effect on the existing leaseholders and also the value of the existing leaseholds in the block.

See also Q25 & Q26

Q.28 Do you agree that the existing limitations associated with the permitted development right for building upwards on a freestanding block of flats (Class A of Part 20) incorporates sufficient mitigation to limit impacts on leaseholders?

- **Don't know**

Reasons.

Do not know the implications so would suggest existing limitations should remain or be enhanced to mitigate any issues on existing Leaseholders, as any change would have impacts on those existing leaseholders.

Q.29 Do you think that any of the proposed changes in relation to the Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- **No**

Reasons.

If any of these are affected, the applicant has the opportunity to Apply for Planning Permission. There is no need for any changes to permitted development rights to accommodate the existing requirements for any impacts on the listed activities.

4. Changes to the permitted development right for demolition and rebuild

Q.30 Do you agree that the limitation restricting the permitted development right to buildings built on or before 31 December 1989 should be removed?

- **No**

Reasons.

I see no reason for changes to this permitted development requirement.

Any new build should meet the latest adopted Planning Policies. It should not be permitted development.

Q.31 If the permitted development right is amended to allow newer buildings to be demolished, are there are any other matters that should be considered?

- **Yes**

Reasons.

This should not be Permitted Development. Any new build should not be allowed without Full Planning Permission to ensure the proposed building meets all latest adopted Planning Policies unless it is to rebuild a registered National Heritage building. (*such as the wonky Pub*).

We see no logical reason to allow demolition and rebuild without planning permission as any new build should meet the latest adopted Planning Policies.

Q.32 Do you agree that the permitted development right should be amended to introduce a limit on the maximum age of the original building that can be demolished?

- **No**

Reasons.

Any proposal to demolish for re-build or for other purposes should require Planning Permission against the current adopted Planning Policies. It should NOT be considered **Permitted Development**.



Q.33 Do you agree that the Class ZA rebuild footprint for buildings that were originally in use as offices, research and development and industrial processes should be allowed to benefit from the Class A, Part 7 permitted development right at the time of redevelopment only?

(Class ZA - Demolition of buildings and construction of new dwellinghouses in their place)

- **Don't know**

Reasons.

Could NOT find **Class A, Part 7 in Permitted Development Legislation.**

Q.34 Do you think that prior approvals for the demolition and rebuild permitted development right could be streamlined or simplified?

- **Don't know**

Reasons.

Class ZA seems pretty comprehensive so not sure what could be changed.

8 Impact assessment

Q.35 Do you think that any of the proposed changes in relation to the Class ZA of Part 20 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- **Don't know**

Reasons.

Class ZA seems pretty comprehensive so not sure what could be changed.

5. Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles

Q.36 Do you agree that the limitation that wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

- **No, – should be retained.**

Reasons.

The question needs further explanation:

It is presumed these EV Charging Points are for private accessibility.

If for private use, there should be no cabling between the EV Charging Point and a vehicle parked on the highway, being charged which could interfere with pedestrian or disabled/wheelchair, children's pushchairs etc traffic along the footpath adjacent to the highway.

The solution to prevent these problems is to install a 'ChargeArm' which should meet the limits defined by Q.36. The EV Charging point should be $\geq 2\text{m}$ from a highway to prevent public usage.

Q.37 Do you agree that the limitation that electrical upstands for EV charging cannot be within 2 metres of a highway should be removed?

- **No, should be retained.**

Reasons.

As defined in answer to Q.36 and to prevent confusion with publicly available access to a private EV Charging Point.

Q.38 Do you agree that the maximum height of electric upstands for EV recharging should be increased from 2.3 metres to 2.7 metres where they would be installed in cases not within the curtilage of a dwellinghouse or a block of flats?

- **Don't know**

Reasons.

The reason for the question and the increase from 2.3m to 2.7m has not been given so unreasonable to ask the question, without clarification.

Q.39 Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

- **Don't know**

Reasons.

The reason for the question has not been given so unreasonable to ask the question, without clarification.

Q.40 Do you agree that the permitted development right should allow one unit of equipment housing in a non-domestic car park?

- **Don't know**

Reasons.

The reason for the question has not been explained so unreasonable to ask the question, without clarification.

Q.41 Do you agree with the other proposed limitations set out at paragraph 60 for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres?

- **Don't know**

Reasons.

The reason for the question has not been explained so unreasonable to ask the question, without clarification.

Q.42 Do you have any feedback on how permitted development rights can further support the installation of EV charging infrastructure?

- **Don't know**

Reasons.

None.

9 Impact assessment

Q.43 Do you think that any of the proposed changes in relation to the Class D and E of Part 2 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- **Don't know**

Reasons.

None.

6. Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings

Q.44 Do you agree that the limitation that an air source heat pump must be at least 1 metre from the property boundary should be removed?

- **Yes**

Reasons.

If this question is related to noise levels distance transmission then the true requirement should be the Noise limit level required of the heat pump. (As measured in Db Audio at 1metre distance from the periphery of the heat pump).

The Noise limit of heat pumps should be a design requirement of the Heat Pump manufacturer, not a Planning Permission requirement.

The specification appropriate for position and environmental parameters of a heat pump should be the responsibility of the Heat pump design and manufacturer to improve competition in the design and development of heat pumps.

Q.45 Do you agree that the current volume limit of 0.6 cubic metres for an air source heat pump should be increased?

- **Probably**

Reasons.

This is not a Planning responsibility. The design and installation requirements for a fully functioning Heat Pump is the responsibility of the Design and development of the Heat Pump manufacturer.

The installation requirements should be specified by the manufacturer of the Heat Pump which provides market driven competition in the design parameters and aids further improved development on the pump manufacturers.



Q.46 Are there any other matters that should be considered if the size threshold is increased?

- **Don't know**

Reasons.

There should be a defined relationship between the accommodation capacity to be heated and the heating capacity of the heat pump. This is a manufacturers design and development responsibility to enhance competition and development of heat pumps.

Q.47 Do you agree that detached dwellinghouses should be permitted to install a maximum of two air source heat pumps?

- **Yes**

Reasons.

If the heat generation from a single heat pump cannot meet the required heating capacity of a dwelling an additional heat pump might be required.

Q.48 Do you agree that stand-alone blocks of flats should be permitted to install more than one air source heat pump?

- **Yes**

Reasons.

If the heat generation from a single heat pump cannot meet the required heating capacity of a block of flats then additional heat pumps need to be required.

Each would need to meet the individual specifications and DbA noise emissions limits as measured from the source of noise generated.

There could be an overall noise limit threshold for the site.

Q.49 Do you agree that the permitted development right should be amended so that, where the development would result in more than one air source heat pump on or within the curtilage of a block flats, it is subject to a prior approval with regard to siting?

- **Yes**

Reasons.

The prior approval would need to consider the cumulative noise levels generated overall and whether it would be acceptable for neighbouring occupants.

Q.50 Are there any safeguards or specific matters that should be considered if the installation of more than one air source heat pump on or within the curtilage of a block of flats was supported through permitted development rights?

- **Yes**

Reasons.

The cumulative noise levels generated overall and whether it would be acceptable for neighbouring occupants **see Q.49.**

Q.51 Do you have any views on the other existing limitations which apply to this permitted development right that could be amended to further support the deployment of air source heat pumps?

- **Don't Know**

Reasons.

None

7. Public Sector Equality Duty

Q.53 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Marriage or Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

- **No**

Reasons.

Irrelevant question and unrelated to any of the above Permitted Development or Planning issues.

Kind Regards



Derek C. Ritson I. Eng. M I E T.

Monks Orchard Residents' Association – Planning
Planning@mo-ra.co