

Amendments to General Permitted Development Order to allow upward extensions, demolition of buildings and replacement with dwellings.

Briefing Note

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Introduction

On 22nd July 2020, the Government published two key amendment orders to the Town and Country Planning (General Permitted Development) (England) Order 2015. These set out various changes to Permitted Development Rights allowing homeowners to extend properties upwards, as well as allowing the demolition of buildings and replacement with homes without planning permission.

Permitted Development Right to Extend Existing Homes

Article 3 of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 provides a permanent permitted development right in Part of Schedule 2 of the GPDO to allow existing detached, semi-detached or terrace houses to be extended upwards, however this will only apply to houses built since July 1948.

The right will allow the construction of 2 additional storeys on the highest storey of a detached house of 2 storeys or more, or 1 additional storey on a detached house of 1 storey, above ground level. This also applies to semi-detached and terrace housing. It is clarified that existing accommodation in the roof space of the house (including loft extensions) will not be considered as a storey.

The extension will be limited to a height of 18m and, where the house is in a terrace, its height cannot exceed more than 3.5m above the next tallest house in the terrace.

To respect privacy, windows will not be allowed to be installed in a wall or roof slope of a side elevation.

The right is subject to obtaining prior approval from the local planning authority which will take into account the:

- impact on the amenity of neighbouring premises, including overlooking, privacy and loss of light;
- external appearance of the extension, including the design and architectural features of the principal elevation of the house, and of any side elevation that fronts a highway;
- Impacts a taller building may have on air traffic and defence assets and on protected vistas in London.

The right will not apply in conservation areas, national parks, the Norfolk Broads, areas of outstanding natural beauty, or sites of special scientific interest.

It is the Government's intention that this regulation will provide more space for families or elderly relatives preventing the need to move to a new house to facilitate this.

Demolition of Buildings and Construction of Replacement Dwellinghouses

Article 4 (2) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 amends Part 20 Schedule 2 of the GPDO through the creation of a new class ZA.

This will apply to vacant and redundant free-standing buildings that fall within the B1(a), B1(b), B1(c) and free-standing purpose-built residential blocks of flats (C3). The buildings must have been constructed before 1st January 1990 and have been completely vacant for a minimum of six months prior to the date of a prior approval application.

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The right will allow for the demolition of the existing building and the construction of a replacement dwelling and includes the removal/installation of plant and services, engineering operations for foundations and the digging of a basement. However, it does not allow for the demolition of the existing building without the subsequent construction of a dwelling. The right is subject to limitations:

- The dwellinghouse must be within the footprint of the demolished building with a footprint of up to 1,000sq.m and with a maximum height of 18m.
- It does not apply to part of a building, nor the demolition of more than one building within its curtilage and the incorporation of any additional footprint.

Provision has been made to make effective use of airspace above existing buildings. New residential buildings can be up to 7m higher than the original building to accommodate up to two additional storeys to provide additional housing, within a final maximum height of 18m. The internal height of the floor to ceiling cannot be more than 3m.

The right also allows for the consideration of specific planning matters through prior approval, such as:

- Transport and highways impact;
- Contamination and flood risk;
- Noise;
- Design;
- Natural light;
- Privacy and light; and
- Landscaping.

The right will not apply in conservation areas, national parks, the Broads, areas of outstanding natural beauty, sites of special scientific interest, listed buildings or scheduled monuments.

It is the intention that the regulation will support regeneration to boost housing delivery and housing density and reduce the need to develop greenfield sites.

The regulations will come into effect on 31st August 2020.

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