

PLANNING LEGISLATIVE UPDATE SEPTEMBER 2008

Householder Permitted Development Rights

Revised 'Permitted Development' rights for householders will come into effect (in England) on 1st October 2008.

Some recent press reports suggest that anyone seeking to extend or improve their home may no longer need to submit an application for Planning Permission, owing to a relaxation of the Permitted Development rights for householders. This may not, however, necessarily be the case!

Those seeking to extend or improve their properties, or those acting on behalf of such persons, are strongly advised to check with their Local Planning Authority in order to ascertain whether an application will require submission. The changes are extensive and, include:

- The removal of the need for a cubic content calculation for extensions and the replacement of this with an assessment of height, depth and width measurements and the development's location within the curtilage of the dwelling house
- The erection of two-storey extensions but only in some cases
- Remove some of the Permitted Development rights currently enjoyed by dwelling houses situated on Article 1(5) Land¹
- A reduction in the size of a roof extension for terraced houses
- The need to ensure that rooflights (should they be Permitted Development) do not protrude more than 150mm beyond the plane of the slope of the original roof (other measurement conditions also apply)
- An amendment to the height of ancillary/incidental domestic buildings
- The requirement of an area of replaced or proposed hard surfacing between a wall forming the principle elevation of a dwelling house and a highway which exceeds 5m² to be made of porous materials or with provision for direct water run-off

Many other amendments have been made and new conditions added, such as a condition that any side extension which contains a window (and benefits from Permitted Development rights) is fitted with obscure glazing and is non-opening to a measurement of 1.7m above finished floor level.

Every case will be different, and it is reiterated that those proposing householder developments should check with their Local Planning Authority prior to commencing work.

For those wishing to carry out their own assessment of whether a householder's development requires the submission of a Planning Application, please click the link to Statutory Instrument 2008 No 2362 (<http://www.lee-evans-planning.co.uk/PDF/20080917-gpdo.pdf>) hosted at Lee Evans Planning.

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¹ Article 1(5) Land is land within:

- A National Park
- An Area of Outstanding Natural Beauty
- A Conservation Area
- The Norfolk Broads
- A World Heritage Site
- An area specified by the Secretary of State and the Minister of Agriculture, Fisheries and Food for the purposes of Section 41 (3) of the Wildlife and Countryside Act 1981 (Enhancement and Protection of the Natural Beauty and Amenity of the Countryside)