



**HOUSEHOLDER
PERMITTED
DEVELOPMENT RIGHTS
CONSULTATION PAPER
RESPONSE FORM**

Once you have completed this form please
return to

Policy and Legislation Branch
3rd Floor
Millennium House
Great Victoria STREET
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by fax (marked 'Planning Householder PD
Consultation Response') to:
028 9041 6960

Or by e-mail to:
Planning.householderpd@doeni.gov.uk

All responses should be submitted to the
Department no later than 22nd January 2010



Department of the
Environment
www.doeni.gov.uk



INVESTORS IN PEOPLE

RESPONDENT INFORMATION

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

1. Name/Organisation

Organisation Name

Title

Please tick as appropriate

Surname

Forename

2. Postal Address

Postcode:

Phone:

Email:

3. Are you responding:

As an individual

On behalf of a group / organisation

4. Which of the following best describes the capacity in which you are responding:

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

Other Please state:

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

Householder Permitted Development Rights

Chapter 4: Impact Based Approach

Question 1

Do you agree that an impacts based approach is an appropriate means to ensure an appropriate level of protection for residential amenity and the environment?

Yes No

Impacts on the host property should be disregarded as far as possible - as there is infinite variation in the needs and enjoyments of domestic properties and environments.

Question 2

Do you agree that overlooking, overshadowing, overbearing presence and disturbance are the main concerns for householder developments that may have an impact on the immediate neighbour?

Yes No

There should be a distinction between controls in built-up "settlement" environment and open countryside situations. N. Ireland a rural rather than an urban environment and there is little need to control variations in character or appearance of non contiguous properties.

Question 3

Do you agree with restrictions on development to or in front of a principal or side elevation which faces onto a road are required in order to protect the amenity of the street scene?

Yes No

But only the elevation fronting the road no matter what its actual status in respect of the building. This emphasises the point that streets within settlements should have a different level of control vis-a-vis the non-street countryside outside the settlement where very little control is required for protection of neighbour amenity or environmental protection.

Question 4

Do you agree that development should be restricted in areas of greater sensitivity, but that some degree of flexibility should be allowed for householders?

Yes No

Blanket restrictions are difficult to justify as in many cases the effects are both disproportionate and not strictly necessary. Except in town conservation areas or in respect of listed buildings and development to houses has very little macro-impact and should be seen as normal evolution of landscape. "Overlisting" is a continuing problem.

Question 5

Do you agree that development within the curtilage of Listed Buildings should not be permitted unless Listed Building Consent has previously been granted?

Yes No

Subject to the observation that "overlisting" should be reduced so that restrictions apply only to houses of genuine unique historic or architectural interest, or group importance. Listed buildings should not be subject to bureaucracy beyond that necessary to retain main features visible publicly.

Chapter 6: Proposals for Extensions, Roof Alterations and Process

Class A – The enlargement, improvement or other alterations to a dwellinghouse

Question 6

Do you agree that a change to a dimension based criteria for enlargements, improvements or other alterations will be easier for householders to interpret?

Yes No

But - the volume based approach would enable extensions to reflect the proportion and scale of the original building and not be "silly looking on a large building"; and would also ~~also~~ respect the need to co-ordinate internal floor levels and room spacings. Perhaps a dual system could be devised.

Question 7

Do you agree that up to 50% (as in the current GDO) of the total area of the domestic curtilage (excluding the original dwellinghouse) could be covered by buildings?

Yes No

If the building is in open countryside outside the "settlement" limits, it does not matter how much of curtilage is covered if other land is in household's control. 50% is unnecessarily arbitrary in that case. In small urban sites, the loss of 50% of curtilage could impact on parking space.

Question 8

Do you agree it is acceptable to permit two storey extensions to the rear of a dwelling subject to restrictions on height within 2 metres of the boundary and overall length?

Yes No

It is difficult to see the need to restrict overall length.

Question 9

Do you agree that 4 metre long single storey extensions should be permitted development on detached houses?

Yes No

Plus also in open countryside outside "settlements" (if any restriction is felt appropriate in these situations).

Question 10

Do you agree that restrictions are required on the proximity of rear extensions to the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse?

Yes No

Question 11

Do you agree that finishes should be "similar in appearance" to the existing dwellinghouse?

Yes No

There is no need as the extensions are going to be of restricted impact either on neighbours, or on the environment since they will be minimally visible. Outside built-up settlement situation no restriction is needed. In practice approved house development often have varying finishes without there being detriment to anyone (Aesthetics are not remit of planners)

Question 12

Do you agree that the requirement for first floor windows in side elevations which are within 15 metres of the boundary of the curtilage of a neighbouring dwellinghouse to have obscure glazing and be non opening unless at least 1.7 metres above floor level, is reasonable to protect against overlooking?

Yes No

In settlements. Outside settlements the various contiguous developments have taken place in the knowledge that such situations could arise in the future.

Question 13

Do you agree that restrictions should be imposed within conservation areas, world heritage sites, AONBs and national parks?

Yes No

But: these would be blanket restrictions as there are sections of very varying sensitivity within such areas. Perhaps the area plans could identify areas of genuine need for restriction - this would then be open to challenge during the adoption procedure.

Class B –The enlargement, improvement or other alteration of dwellinghouse consisting of an addition or alteration to its roof

Question 14

Do you agree that a change to a dimension based criteria for roof extensions and alterations will be easier for householders to interpret?

Yes No

Question 15

Do you agree that the 0.5 metre set backs from ridge, eaves and verge are sufficient to control adverse impacts?

Yes No

Question 16

Do you agree that where an alteration to the roof extends more than 15 centimetres beyond the plane of the roof that forms either the principal or side elevation of the dwellinghouse, that faces a road, it should require planning permission?

Yes No

Question 17

Do you agree that roof extensions or alterations should not be permitted in conservation areas?

Yes No

If there is a building or group that forms a coherent architectural rhythm, that requires the restriction it could be included in the draft area plan so that it could be subject to specific consideration.

Question 18

Do you agree that the requirement for first floor windows in side elevations of the roof alteration which are within 15 metres of the boundary of the curtilage of a neighbouring dwellinghouse to have obscure glazing and be non opening unless at least 1.7 metres above floor level, is reasonable to protect against overlooking?

Yes No

Some comments as in Q 12

Class C –The erection or construction of a porch outside any external door of a dwellinghouse

Question 19

Do you agree that the floor area of porches should be increased from 2 square metres to 3 square metres without adverse impact?

Yes No

It is difficult to understand even a 3 sqm restriction as the appearance of a new porch is viewed in the overall context of the original building. Perhaps a volume %age restriction could be an alternative. Porches are not just "air locks" in many cases.

Question 20

Do you agree that porches with a pitched roof should be allowed to be higher than those with a flat or mono pitched roof?

Yes No

Question 21

Do you agree that a minimum 2 metre set back from the road (as in the current GDO) should be retained?

Yes No

It doesn't seem necessary.

Question 22

Do you agree that additional controls on porches should not be introduced in conservation areas or other designated areas?

Yes No

Chapter 7: Proposals for Buildings in Curtilage

Class D – The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration to such a building or enclosure

Question 23

Do you agree that a change to a dimension based criteria for buildings within curtilages will be easier for householders to interpret?

Yes No

But - its volume and size should be seen in the context of the principal house and its scale and may be more reasonable. Again there is the difference between "settlement" conditions and open areas.

Question 24

Do you agree that the current 5 metre link between dwellinghouses and outbuildings does not serve any useful planning purpose?

Yes No

Question 25

Do you agree that a maximum height of 4 metres should minimise the impact of outbuildings upon neighbouring amenity and the streetscene?

Yes No

Question 26

Do you agree that an eaves height of 2.5 metres within 2 metres of the boundary is reasonable?

Yes No

Question 27

Do you agree that outbuildings in areas designated for their landscape character should not exceed 10m^2 when situated more than 20 metres from the dwelling?

Yes No

This is no necessity to bunch building together especially in the likely context of vegetation and general maturity. If eq. exposed areas exist, they could be identified in the draft plans for special treatment.

Question 28

Do you agree that restrictions are required on the proximity of outbuildings to the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse?

Yes No

The outbuilding have a limited height and scale and no overlooking problems.

Question 29

Do you agree that pigeon lofts should remain subject to planning control?

Yes No

They really annoy people.

Chapter 8: Other Issues within Part 1 of the GDO

Class E – The Provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse; or the replacement in whole or in part of such a surface

Question 30

Do you agree that hardstanding around a dwelling should normally be permitted (as in the current GDO)?

Yes No

Question 31

Do you agree there should be a requirement for all hard surfaces over 5m² located between a wall forming the principal elevation of the dwellinghouse and a road to be constructed in porous or permeable materials?

Yes No

Many older properties have limited water resistance and damp courses. These would benefit from having a non porous adjacent area.

Question 32

Do you agree that new controls on hardstanding should not be introduced in conservation areas?

Yes No

Essentially hard standing is not at eye level and do not affect the integrity of the buildings.

Class F – The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil or liquid petroleum gas for domestic purposes

Question 33

Do you agree that the capacity for both oil and liquid petroleum gas containers should now be 3,500 litres?

Yes No

Question 34

Do you agree that the maximum height for both oil and liquid petroleum containers should now be 3 metres above ground level?

Yes No

But – some developments are on sloping ground.

Question 35

Do you agree that restrictions are required on the proximity of containers to the boundary of the curtilage of the dwelling with a road opposite the rear wall of the dwelling?

Yes No

Class H – The installation, alteration or replacement of a chimney, flue, soil and vent pipe on a dwellinghouse

Question 36

Do you agree with the introduction of a new permitted development class for chimneys, flue's or soil and vent pipes on a dwelling house?

Yes No

Question 37

Do you agree that chimneys, flues etc should be permitted to extend 1 metre above the height of the roof?

Yes No

Question 38

Do you agree that additional restrictions are required within conservation areas, world heritage sites, AONBs and national parks?

Yes No

*But - not as restrictive as proposed.
Ultimately ~~as~~ all such areas evolve - and are living in. Restrictions should not be "blanket" but imposed in respect of assessment of each area eg. in the draft area plan, and should always be proportionate and strictly necessary.*

Class I – The erection, construction or alteration of a deck, balcony, veranda or other raised platform within the curtilage of a dwellinghouse

Question 39

Do you agree with the introduction of a new permitted development class for decks, veranda's or balconies within the curtilage of a dwellinghouse?

Yes No

Question 40

Do you agree that a restriction of 0.3 metres in height above ground level should be imposed on any part of the deck, veranda, or balcony?

Yes No

At 0.3m one is on the ground.

Question 41

Do you agree that additional restrictions should be imposed within conservation areas?

Yes No

Not blanket. Each area should be assessed. If it has not been there should be the usual permitted development.

Basement extensions

Question 42

Do you agree that permitted development rights for basement extensions should not be included in a revised GDO?

Yes No

Environmental Assessment

Question 43

Do you agree that the criteria under Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 1999 do not require amendment in response to the proposed changes to householder PD rights?

Yes No

Chapter 9 – Part 2: Means of enclosure, access and painting

Class A – The erection, construction, maintenance, improvement or alteration or a gate, wall or other means of enclosure

Class B - The formation, laying out and construction or alteration of a means of access to a road which is not a special, trunk or classified road, where that access is required in connection with development permitted by any class in this Schedule (other than by Class A of this Part).

Question A

Do you agree that it is necessary to retain conditions in respect of accesses in sites of archaeological interest, and to impose similar controls in areas of special scientific interest?

Yes No

Providing that these areas are easily identifiable and do not extend unnecessarily.

Class C -- The painting of the exterior of any building or work

Question 45

Do you think the provisions of Part 2 should also be detailed into a Part A which will then address all householder developments for ease of reference??

Yes No

But: It is difficult to see how painting is development. If it is it ~~should~~ should be permitted. Listed buildings should not be excluded from P.D. otherwise every painting event would require permission. E.g. the National Trust paint Lushenden Village each year - and would appear to require planning permission each time under the proposals. Or painting a door?

Chapter 10 – Conclusions

Question 46

Do you agree that a User Guide on the GDO would be useful for householders and professionals?

Yes No

Perhaps it could be written in a more positive style. The proposal that unauthorised development be criminalised is a potential worry to people who might inadvertently break the limits and so be liable for prosecution. It is also proposed that there be fixed penalties – could enforcement officers become like parking attendants?

Question 47

Do you agree that the impacts based approach provides a good basis on which to revise the GDO?

Yes No

Providing a means of found to identify genuine impacts of negative impact and that to alleviate them the restrictions are proportionate and strictly necessary.

Question 48

Do you agree that the proposed revisions should facilitate a GDO which:

- is easy to understand;
- is proportionate to the anticipated impacts of such development;
- is simple and economic to operate for both developers and the planning authority; and controls impacts upon local amenity and environmental interests, including the built heritage?

Yes No

It is still far too restrictive and includes some blanket restrictions. Householders are still potentially subject to petty nit picking and complaints both from neighbours and observant planning officers and enforcement personnel.

Question 49

Do you have any comments on the proposed definitions?

Yes No

Principal elevation, side wall, rear wall: householders may well consider the wall facing the road to be the principal elevation whether or not it has a front, or any other door. The street wall seems to be one that matters.

PLEASE FEEL FREE TO COMMENT ON ANY OTHER MATTER RELEVANT TO THIS REVIEW AND THE PROPOSED REVISIONS.

THANK YOU FOR TAKING TIME TO COMPLETE THIS QUESTIONNAIRE

Comments:

- (1) Making unauthorised development a criminal offence adds urgency to have wider margins of permitted development and its ease of interpretation.
- (2) CLUDs may still be driven by the needs of grant or funding bodies.
- (3) For some reason district councils were not considered "Stakeholders" in this process. Also the present list of consultees does not include Councils or Councils other than through the blanket NLLGA heading. NLLGA is not a local government authority and any response by it is not necessarily representative of many of the district councils.
- (4) When a proposal is not permitted development a planning application is required. If refused an appeal can follow. For many household matters this is not a real option because of the long delays and costs of the proceedings in relation to what is really quite a minor matter in overall environmental terms. This delay forms a considerable barrier to the applicant's ability to vindicate his aspirations; - so much so as to amount to a breach of his Art 6 ECHR right to a resolution of his appeal before an independent authority. For that reason P.D. rights should be as generous as possible so as to avoid overwork and delay in the planning service and the appeal procedure.