



**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
Belfast
BT2 7BN

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

RSPB Northern Ireland

Title

Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

[REDACTED]

Forename

[REDACTED]

2. Postal Address

[REDACTED]

Postcode:

[REDACTED]

Phone:

[REDACTED]

Email:

[REDACTED]

3. Are you responding:

As an individual

On behalf of a group / organisation

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

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

No comment (n/c)

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

N/c

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

Paragraph 4.6. of the consultation document refers to 'sensitive' areas, and areas where other 'environmental problems' could occur. Specifics may be discussed in other questions, but we believe Areas of Special Scientific Interest (ASSIs) and other wildlife site designations should counted as 'sensitive', and 'environmental problems' should include potential for flooding, pollution (to water, air or ground), and damage to biodiversity, especially priority habitats and species. This is in line with other government policies and strategies on these issues.

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

N/c

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

While we do not comment on dimension criteria, we believe there should be consideration of the likely impact of works on buildings in terms of the impact on birds. A number of bird species including house

martins, swifts, sparrows and starlings use roof spaces and eaves as nesting habitat. All of these species are seeing significant declines and one reason thought to be a cause of this is loss of traditional nesting sites from renovations and use of modern building materials and designs. The swift in particular depends entirely on roof cavities for nesting and is particularly susceptible to the loss of traditional nests sites which they use year after year.

All wild birds, their nests and eggs are protected by law under the Wildlife (NI) Order 1985 (as amended). Should the proposals for revised PD rights for householders go forward, we request that guidance be produced for both householders and contractors to advise them in terms of wildlife issues so they do not inadvertently break the law by disturbing nesting birds. We think the guidance should ensure people are aware of the need to consider whether nesting birds might be present and, if so, that roofing work is carried out prior to the beginning of March and after the end of August to avoid the main part of the bird-breeding season. In the case of swifts, these should be protected wherever possible and once work outside the breeding season has been carried out, access to their nests should remain intact.

Note that the Wildlife Order is currently under review and may provide additional protection to nests that are used repeatedly, such as by swifts.

Where birds are found to be present, householders and contractors should also be encouraged to provide some form of mitigation within the new structure to provide birds with replacement habitat specifically targeted to the species that is displaced by the works.

**Further information and guidance relating to this is available from:
<http://www.rspb.org.uk/advice/helpingbirds/roofs/>**

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

N/c

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

N/c

Question 9

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

Yes No

N/c

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

N/c

Question 11

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

Yes No

N/c

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

N/c

Question 13

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

Yes No

N/c

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

See Q6 re: effects on nesting birds from roof works.

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

N/c

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

N/c

Question 17

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

Yes No

N/c

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

N/c

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

N/c

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

N/c

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

N/c

Question 22

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

Yes No

N/c

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

N/c

Question 24

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

Yes No

N/c

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

N/c

Question 26

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

Yes No

N/c

Question 27

Do you agree that outbuildings in areas designated for their landscape character should not exceed 10m² when situated more than 20 metres from the dwelling?

Yes No

N/c

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

N/c

Question 29

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

Yes No

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

Subject to the requirement for porous materials, below.

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

This is compatible with other government policies on flood prevention and sustainable urban drainage systems.

Question 32

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

Yes No

N/c

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

N/c

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

N/c

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

N/c

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

See comments on roof works affecting nesting birds, Q6.

Question 37

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

Yes No

N/c

Question 38

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

Yes No

N/c

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

N/c

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

N/c

Question 41

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

Yes No

N/c

Basement extensions

Question 42

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

Yes No

N/c

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

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

N/c

Chapter 10 – Conclusions

Question 46

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

Yes No

In order for changes to permitted development rights for householders to reduce the number of planning applications planning authorities have to deal with, it is vital that the changes are transparent and easy to understand. Therefore, it is important that the guidance thoroughly explains the changes and offers guidance on a range of subject areas that are relevant to the householder. The impact of development on garden biodiversity is key to this and, as discussed in our response, we recommend that the guidance includes advice on roof alterations, hard standing and how to limit the impact of permitted development impact on urban biodiversity.

It would be helpful if this guidance, especially for professionals and contractors, was similar to guidance available in the rest of the UK and that common standards apply.

RSPB Northern Ireland is happy to offer advice on the formation of this guidance and relevant information can also be found on our website:
<http://www.rspb.org.uk/advice/gardening/>
<http://www.rspb.org.uk/advice/helpingbirds/roofs/>

Question 47

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

Yes No

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

Question 49

Do you have any comments on the proposed definitions?

Yes No

N/c

**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