



Householder Permitted Development Rights

Consultation Paper

October 2009



Department of the
Environment
www.doeni.gov.uk



INVESTORS IN PEOPLE

CONTENTS	PAGE
1.0 Introduction	5
2.0 Rationale for Proposed Changes	9
3.0 Overview of the Planning (General Development) Order (NI) 1993.	14
4.0 Impact Based Approach	16
5.0 Options for Change	20
6.0 Proposals for Extensions, Roof Alterations and Extensions and Porches	21
7.0 Proposals for Buildings in Curtilage	32
8.0 Other Issues within Part 1 of the GDO	37
9.0 Issues in Part 2 of the GDO – Minor Operations	46
10.0 Conclusions	50

Appendices

1. Partial Regulatory Impact Assessment	53
2. Screening for Equality Impact Assessment	68
3. Screening for Rural Proofing	80
4. Consolidated Proposals	94
5. Illustrations	106
6. Summary of Proposed Changes	120
7. Relevant Definitions	136
8. Freedom of information Act 2000 – confidentiality of consultations	141
9. List of Consultees	142

1.0 INTRODUCTION

- 1.1 This consultation paper follows on from a report to Planning Service by WYG Planning. The purpose of the WYG report was to identify the impacts arising from householder development; consider the scope for the extension of householder permitted development rights; and include proposals for simplifying and improving the processing of householder developments. This report can be found on the Planning Service website at www.planningni.gov.uk. The purpose of this document is to obtain the comments and views of the public and all interested parties on proposed revisions to Parts 1 and 2 (excluding Part G) of the Planning (General Development) Order (Northern Ireland) 1993 (the GDO) ¹. The GDO allows certain, often minor or non-contentious types of development to proceed without the need for a planning application, since planning permission for them is deemed to be granted. Such permitted development rights ('PD' rights) help reduce the number of planning applications and the regulatory burden on the planning system.
- 1.2 It should be noted at the outset that Part 1 of the GDO relates only to dwellinghouses, which by legislative definition do not include purpose built blocks of flats or tenements, bedsits and caravans or other mobile or temporary structures. The scope of the review does not therefore extend to flats, other than where the Part 2 provisions (minor operations) apply to all development, and not just householders.

Background

- 1.3 This consultation paper sets out the changes to the planning system proposed in the WYG report in relation to permitted development rights for householders. Permitted development is development that can be undertaken without having to make an application for permission as it is already permitted under the GDO. These developments are normally small in scale, minor in nature and usually have little or no impact on neighbouring properties or the wider street scene.
- 1.4 A review of the GDO and how householder developments are managed in the planning system has been carried out by WYG Planning, and this paper sets out the rationale for the proposed changes. The review has been undertaken as part of the government's aim to deliver an improved, more effective and efficient planning system. This paper contains a brief analysis of the GDO, explains the approach taken, and sets out the proposed changes with an explanation of why these are expected to benefit not only the Planning Service but more particularly householders.

(1) Statutory Rule 1993 No. 278

Approach Taken

- 1.5 This paper sets out the criteria that are recommended to be applied to the various types of householder developments and provides a summary of the issues for each of these criteria to demonstrate why the proposals have been brought forward. For each part of the criteria there is a question which we would encourage you to answer as a means of obtaining your views in a structured manner. For ease of reference we have included a list of definitions at Appendix 7. If you have any other relevant points or suggestions to make we would of course welcome these also.
- 1.6 Following receipt of responses to this consultation the Department will prepare a revised General Permitted Development Order, which, following approval by the NI Assembly, will become legislation.

Impact Assessments

- 1.7 Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.
- 1.8 Partial Regulatory Impact Assessment, Equality Impact Assessment Screening and Rural Proofing Screening have been undertaken and are set out at Appendices 1, 2 and 3 to this consultation paper.
- 1.9 The Department considers that the proposals laid out in the consultation document are fully compliant with the Human Rights Act 1998.
- 1.10 The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

How to Respond

All responses should be made in writing and submitted to the Department no later than **22nd January 2010** in one of the following ways:

1. By post to:

Planning Householder Permitted Development Consultation
Planning Service
3rd Floor
Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN

The '**Response Form**' can be used for this purpose, if desired.

2. By e-mail to: planning.householderpd@doeni.gov.uk

The 'Response Form', can be downloaded from the Planning Service website www.planningni.gov.uk .

3. By fax (marked 'Planning Householder Permitted Development Consultation Response') to: 028 9041 6960

Please Note that the 'Respondent Information page' must also be completed and 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 publicly 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.

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Planning Service website at www.planningni.gov.uk or requested via the postal address, e-mail or fax numbers above, or by telephone on 028 9025 6509, or by Textphone on 028 9054 0642. This document is available in alternative formats; please contact us to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

2.0 RATIONALE FOR PROPOSED CHANGES

“Modernising Planning Processes”

- 2.1 In 2003 the Department published a paper entitled: “Modernising Planning Processes”² and this indicated that the scope of permitted development rights should be critically examined on the basis that if these could be extended it would enable the Planning Service to make better use of its limited resources and help to speed up the processing of householder applications.

Lichfield Review

- 2.2 Following this Nathaniel Lichfield undertook a review of the GDO in 2003 and reported on research undertaken to identify issues and problems.³ They assessed the scope for change and deregulation.
- 2.3 One of the fundamental findings of this research was that although the GDO was considered to be about right in terms of its provisions it was complex and cumbersome and generally difficult to use. Anomalies and inconsistencies were also identified and the overall conclusion was that there was a need to make the GDO a more positive tool and promote development or environmental outcomes in tune with government policy.

Research in Scotland and England

- 2.4 There have also been recent reviews of the planning regimes for householder developments elsewhere in the UK. These were primarily aimed at deregulation and focused on producing new legislation to provide more clarity, simplicity and consistency while ensuring that planning applications were kept to a minimum.
- 2.5 The English review⁴ adopted an impacts-based approach to householder development, with four levels of impacts identified as follows:

- Level 1- development which would affect only the host property and the living conditions of its occupants;
- Level 2- development which would affect the living conditions of people occupying adjoining properties;

(2) Modernising Planning Processes – Implementation Plan – February 2003

(3) Review of Permitted Development Rights – September 2003

(4) DCLG – Householder Development Consents Review by WYG Planning – January 2007

Level 3 – development which would affect the character and appearance of the immediate street scene; and

Level 4 – development which would affect interests of importance over a wider area than the immediate street scene.

2.6 WYG Planning was commissioned by Planning Service in May 2008 to consider the previous reports in Northern Ireland, and to examine the position elsewhere in the UK and Ireland. The report considers the impacts based approach in detail and makes a number of recommendations for change.

2.7 The main aims of the householder permitted development review have been to devise a new set of criteria for householder development which will:

- reduce the number of householder applications in Northern Ireland;
- ensure that householder 'permitted developments' do not give rise to adverse environmental impacts; and
- be easily understood and interpreted by householders, agents and planning professionals.

2.8 The methodology has been to review previous studies, obtain comments from practitioners and assess the strengths and weaknesses of the current GDO. Consideration has been given to the key impacts arising from householder development, involving detailed research into approved and refused applications in NI. For the main elements of the GDO – extensions, roof alterations and buildings in curtilage, various options for change were 'tested'. The scope for change was also considered through questionnaires to a range of key interests.

2.9 From the research and analysis carried out by WYG it is estimated that the proposed changes to the criteria could result in a 17% saving in the number of applications for extensions; a 20% saving in roof alterations; and a potential 28% saving for buildings in curtilage. Taken overall, it is estimated that there will be a reduction of around 20%, equating to 1,668 fewer applications (based on 2007/08 figures). With the relatively small sample numbers these reductions should be regarded as a general indication only, but it is likely that householders will 'tailor' their proposals to avoid the need for applications where possible, and that, overall numbers will reduce.

- 2.10 Significantly, none of the recent refusals examined by the consultants would become permitted development under the criteria suggested. This confirms that significant adverse impacts are unlikely to occur as a result of the proposed changes.
- 2.11 A major benefit identified by the consultants was that dimension based criteria were much quicker and simpler to apply to proposals, indicating savings in time and money for applicants, agents and the planning authority.
- 2.12 The incorporation of minor changes and clarification of definitions should assist in the application and interpretation of a revised GDO. The suggested revisions should be readily capable of operation by local authorities, following the review of public administration. Guidance and advice may be published in the format of a revised 'householders guide', which could also be available on line.
- 2.13 Draft legislation for householder permitted development rights was issued for consultation in Scotland in December 2008⁵ and the revised General Permitted Development (Amendment) Order 2008 has been enacted in England from 1st October 2008⁶.
- 2.14 The work already carried out in GB and NI provides a sound basis to critically assess the current GDO in practice, to identify the areas for change, and to recommend how it should be revised.

Householder Developments in the Planning System

- 2.15 As detailed in the WYG report, householder planning applications account for a large proportion of planning applications that go through the formal planning process. The Planning Service's Development Management Statistics produced for the period April 2007 to March 2008 show that "domestic alterations and extensions" accounted for 8,343 planning applications within this period. This represented 30% of the total number of applications.
- 2.16 Another type of application submitted in respect of householder developments are applications for Certificates of Lawful Use or Development (CLUD). CLUDs are submitted to identify if the development is permitted in accordance with the GDO or if it requires a planning application. They can either be submitted for a proposed development or submitted when the development is complete. It is a means of obtaining written confirmation from the planning authority that the development is lawful and provides assurance to the householder. This is of particular relevance if

(5) Householder Permitted Development Rights – Consultation Paper 2008 – The Scottish Government

(6) The Town and Country Planning (General Permitted Development) Amendment (No 2) (England) Order 2008 S.I. 2008 No. 2362

the householder is considering selling their property. In the period 2006/07 749 CLUDs were submitted for householder developments and in 2007/08 706 were submitted.

- 2.17 Research conducted as part of this review also showed that householder developments can represent a significant proportion of complaints made to the enforcement teams throughout Northern Ireland. Many of these can be easily resolved either because they are permitted or a retrospective application is submitted and subsequently approved. However they still take up time for an officer to investigate and resolve. It is anticipated that the revised provisions for householders will be easier to understand and interpret, and so should reduce the level of complaints and the number of formal CLUDs. This diverts attention away from applications for developments that are more socially, economically and environmentally important.
- 2.18 The research also shows that 98% of householder applications in the period 2007/08 were approved with only 2% refused. This demonstrates that most proposed householder developments do not give rise to impacts which are of sufficient concern to justify a refusal. Indeed the Scottish research also showed that householder applications hardly ever need additional information or amendments and that the majority of representations made are from immediate neighbours. The objections raised often do not refer to material planning considerations hence planning permission is granted.
- 2.19 Based upon the above it is clear that there is scope to remove a significant number of householder developments from the planning system whilst ensuring protection of residential and visual amenity and the wider environment.

Objective of the Review

- 2.20 The objective of the review therefore is to bring forward proposals for extending and clarifying planning permitted development rights for householders, and by doing so to reduce the number of planning applications required to be submitted. The review also arises from a wish, in line with the Better Regulation Initiative, to reduce the bureaucracy facing users of the planning system in relation to minor development and to free up resources that can be redirected to more strategic and complex planning proposals of greater social and economic importance.

- 2.21 The Department wishes to bring forward a system of control over householder development which:
- i) is easy to understand;
 - ii) is proportionate to the anticipated impacts of such development;
 - iii) is simple and economic to operate for both developers and the planning authority; and
 - iv) controls impacts upon local amenity and environmental interests, including the built heritage.
- 2.22 The scope of the review carried out by WYG Planning on the Department's behalf included:
- the identification of impact criteria with reference to which proposals are to be made for extending householder permitted development rights;
 - proposals to simplify and improve the processing of householder planning applications;
 - sufficient detail to enable revised proposals to be drafted; and
 - recommendations as to the means by which permitted development rights may be made more accessible and easier understood.
- 2.23 The review therefore covered several different aspects in relation to the planning regime for householder developments, both those that are permitted and those which require permission through the planning process.

3.0 OVERVIEW OF THE GDO

- 3.1 To understand fully the scope for change it is essential to assess the existing GDO (Parts 1 and 2) and highlight areas which have been identified in the various previous studies or recent research as giving some cause for concern. This has been considered in detail in the main WYG Report. However a brief summary is below.
- 3.2 Part 1 of the GDO relates to “development within the curtilage of a dwelling house”. It includes extensions to dwellings, alteration to a roof, porches, buildings in gardens, hard surfacing and oil/LPG storage.
- 3.3 Part 2 of the GDO relates to “minor operations”. It relates to all development, and not just householders. It includes gates and fences, access to roads and painting of the exterior of any building.

Part 1 of the GDO

- 3.4 The main issues arising from Part 1 include:
- what does finishes “in conformity” mean?
 - is the extent of the “original dwellinghouse” clear?
 - are the volume calculations unnecessarily complicated?
 - are the size limitations too restrictive, particularly for larger houses?
 - are flues etc prevented if they go above ridge height?
 - is the definition of a ‘road’ clear?
 - where should height be measured from on sloping sites?
 - is the 50% of curtilage permitted for new buildings (excluding the original dwellinghouse) too extensive?
 - are the controls in ‘designated’ areas appropriate and necessary?
 - are the controls in respect of listed buildings clear?
 - does the 5 metre distance between a dwellinghouse and an outbuilding (referred to in Note A2) serve a useful planning purpose?
 - why are pigeon lofts excluded from the definition of outbuildings in Northern Ireland but not elsewhere in the UK?

- are volume based restrictions on roof extensions impact based?
- should conversion of hipped roofs to gables remain permitted?
- are the restrictions on porches too tight?
- do the restrictions on outbuildings within conservation areas, areas of outstanding natural beauty etc require clarification and revision?
- is the provision to construct a hard surface within the curtilage too permissive, particularly in areas of attractive townscape, or in areas subject to flood risk?
- should the size and height limits on oil tanks and LPG storage be rationalised?
- are the controls on decking sufficiently clear?

Part 2 of the GDO

3.5 The main issues arising from Part 2 include:

- should the constraints on fences adjacent to a road be made clearer?
- why are archaeological sites referred to in B1, but not other protected areas?
- should painting be controlled, particularly in conservation areas or on Listed Buildings?
- should the provisions of Part 2 also be detailed into a single part which addresses all householder development for ease of reference?

3.6 These issues formed the basis of the review and are addressed in the proposed revisions.

4.0 IMPACT BASED APPROACH

Introduction

- 4.1 A key issue which emerges from analysis of the current GDO is that, whilst the various restrictions are designed to achieve a reasonable level of planning control, the criteria are not necessarily related to the impacts which may arise from development proposals. An important element in this review is to ensure that any revised criteria are impacts based.
- 4.2 The principles underpinning an impacts-based approach to householder development were considered in the English review of householder development. This concluded that there are 4 broad levels of impact. Their analysis provides a useful framework for understanding precisely the types of impact that a householder GDO needs to control and how these can be measured and quantified. Each of the 4 levels of impact is set out below.

Level 1 Impacts – Host Property

- 4.3 Level 1 impacts are the lowest level of impacts and affect only the host property. Such impacts can include changes to the appearance of the host property and changes to the living conditions of the occupiers of the host property. Such impacts do not impinge on the public interest and as a point of principle a view needs to be taken as to whether such impacts should properly be controlled by a GDO. The view which states that such matters are best left to Building Regulations and to the householders themselves is favoured.

Q1. 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?

Level 2 Impacts – Adjoining Neighbours

- 4.4 Level 2 impacts are critical to a GDO since they relate to the living conditions of the occupiers of adjoining properties. An analysis of BRE's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (published in 1991), ⁷ the Essex Design Guide (published in 2005) ⁸ and householder design guides in England and Wales carried out by WYG in England shows that there are four component elements to level 2 impacts. These are: overlooking; overshadowing; overbearing

(7) BRE – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, 1991

(8) Essex Design Guide, Essex County Council 2005

presence; and disturbance. These are the most commonly noted objections in relation to householder planning applications. There is extensive guidance to assess these matters with PPS7 Addendum⁹ being particularly relevant in Northern Ireland. By applying the relevant criteria (as explained in full in Section 4 of the main report by WYG Planning) it is considered possible to amend the GDO to ensure that the development can normally be permitted without a detrimental impact on neighbouring properties.

Q2. 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?

Level 3 Impacts – Street Scene

- 4.5 In defining impact on the character and appearance of a street scene, greater importance is attached to elevations which front a public area as opposed to those which face away from it. The Essex Design Guide explains that “most public spaces should be faced by the fronts of buildings and their entrances, not by a predominance of flank elevations or side or rear boundaries”. In simple terms dwellings normally present their best elevation to the public domain, i.e. normally a road. Side extensions, front roof extensions, porches and hardstandings are the most common type of development that may have an impact on the street scene. Limitations on such developments offer the best protection to the street scene.

Q3. 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?

(9) Planning Policy Statement 7 – Residential Extensions and Alterations – Addendum, DOENI, 2008

- 4.6 Level 4 impacts are those impacts beyond Level 3 where harm might be caused because the property lies in a particularly sensitive area, or specific planning policies applying to the area might be breached, or because the development could, in combination with other similar developments, give rise to environmental problems.
- 4.7 Most common are those developments which could affect the character of a conservation area or Listed Building. For example an accumulation of hardstandings to the front of houses could lead to loss of townscape character. In considering the best means of regulating householder developments in such areas consideration should be given to the restriction of permitted development rights, or the importance of conditions on development, for example in relation to materials, scale or positioning of development. However the imposition of 'blanket' restrictions must be weighed against the Department's ability (under Article 4 of the GDO) to remove certain permitted development rights in areas which may be particularly sensitive to change.

Q4. Do you agree that development should be restricted in areas of greater sensitivity, but that some degree of flexibility should be allowed for householders?

Q5 Do you agree that development within the curtilage of Listed Buildings should not be permitted unless Listed Building Consent has previously been granted?

Research into Impacts Arising from Householder Development in Northern Ireland

4.8 Research undertaken as part of the consultant’s review included an assessment of the impacts arising from householder planning applications in Northern Ireland. A random sample of 265 approvals and refusals were taken, and the key impacts arising in each case were noted. This research concluded that most of the approvals only had Level 1 impacts confirming there was little or no impact on neighbours or the wider environment. In contrast, all of the refusals were identified as having impacts on neighbours, the streetscene or the wider area.

4.9 The following table summarises the impacts by approved and refused applications.

Applications	Total	Main Impact Level			
		1: Host building	2: Neighbours	3: Streetscene	4: Wider area
Approved	169	135 (79%)	21 (12%)	10 (6%)	7 (4%)
Refused	96	0 (0%)	44 (46%)	27 (28%)	30 (31%)

Note: The percentages add up to more than 100% because some proposals had more than one main impact.

4.10 More detailed analysis of the applications refused showed that works to detached properties are more likely to give rise to level 3 and level 4 impacts compared to semi-detached and terraced properties which are more likely to have level 2 impacts.

4.11 It can be concluded from the analysis that Planning Service’s development control process for consideration of householder applications is generally robust. Proposals which have only level 1 impacts appear to be permitted in most if not all cases. Extensions which have significant neighbour impacts are properly identified, and refused where the impact will be unacceptable. Similarly, impacts upon streetscape and the wider area are considered and addressed. This information is particularly helpful in developing criteria to address the different impacts arising from the varying types of householder development.

4.12 Further details of the research findings are contained within the WYG Report.

5.0 OPTIONS FOR CHANGE

5.1 In considering how to revise the GDO different approaches could have been taken. Various options were tested by the consultants to consider how application numbers might be affected, what impacts might result and how “useable” each option might be. These ranged from restrictive options, whereby only limited rights would be permitted, through to a much more permissive regime, where greater ‘risk’ could be taken in the interests of reducing bureaucracy. Following this questionnaires were issued to some key stakeholders. The results of the options appraisal, combined with the questionnaires, have been taken into account in formulating the preferred options.

5.2 The main areas considered for change are as follows:

PART 1: EXTENSIONS AND ALTERATIONS TO DWELLINGS

Class A Extensions	Completely revise
Class B Roof Alterations and Extensions	Completely revise
Class C Porches	Minor Revisions
Class D Buildings in Curtilage	Completely revise
Class E Hard Surfaces	Revise
Class F Oil and Gas	Minor Revisions
Class G Microwave Antenna	Note this is already in place and relates to the installation etc of microwave antenna. It is outside the scope of this consultation.
Class H Chimneys, flues etc	Introduce new class
Class I Decking etc	Introduce New class

PART 2: MINOR OPERATIONS

Class A Means of Enclosure	Minor Revisions
Class B Access to a Road	Minor Revisions
Class C Painting	Minor Revisions

6.0 PROPOSALS FOR EXTENSIONS, ROOF ALTERATIONS AND PORCHES

Extensions

- 6.1 Developments that fall within Class A (extensions) of the GDO (ie. including structures within 5 metres of the house) form the large majority of householder proposals either as permitted development or as planning applications. Reform of this class represents the greatest opportunity to produce a revised GDO which is user friendly and does not generate unnecessary planning applications, whilst at the same time ensuring that developments which can give rise to adverse Level 2, Level 3 and Level 4 impacts are properly controlled.
- 6.2 One of the fundamental concerns with the extensions class at present is the volume based approach. Both Lichfield and the work in England concluded that trying to determine a proposal on the basis of a cubic calculation is difficult and cumbersome, especially for householders. The GPDO in England now uses a dimension based approach for extensions. In Scotland a development 'footprint' approach has been adopted. Retention of volume criteria is not considered compatible with the objective of simplifying the GDO.
- 6.3 The research carried out shows that Level 2 impacts (on neighbours) can generally be regulated by controls on the length and height of extensions. A 3.5 metre length for single storey extensions is referred to as generally appropriate in PPS7 Addendum, so extensions around this length are unlikely to give rise to significant impacts. The current GDO specifies a maximum height of 4 metres within 3 metres of a boundary and it is considered that controls on height adjacent to boundaries remain appropriate to prevent overbearing or overshadowing impacts. For two storey extensions a minimum distance between the extension and the rear boundary may be appropriate to minimise overlooking of nearby properties. A further consideration is to ensure that extensions have some separation from roads; in order to ensure that road safety is not compromised, for example through the obstruction of visibility. Some separation will also help to protect townscape and ensure some level of amenity space is retained.
- 6.4 In order to restrict the overall scale of permitted extensions it is proposed to retain the current limit of 50% of curtilage covered (excluding the original dwellinghouse). This is the same as the English

GPDO, and is considered to represent a reasonable balance between flexibility for householders and control of the possible impacts.

- 6.5 Level 3 (streetscene) impacts are generally limited where extensions are to the rear of dwellings. However extensions to the side (which are permitted under the current GDO) can potentially impact adversely on the streetscene. It is considered that side extensions should not be prohibited, but that limits should be placed upon their breadth and height.
- 6.6 The current GDO is inconsistent in respect of its treatment of sensitive areas. For example Class A2 restricts development in conservation areas, but not in areas of outstanding natural beauty etc. For extensions to dwellings it is clear that there are particular sensitivities over design, proportions and detailing within areas designated for their historic, landscape or environmental quality. Side extensions are likely to be particularly sensitive, as they may be easily visible from the public domain. It is suggested that within conservation areas, world heritage sites, areas of outstanding natural beauty and national parks, development should not be permitted if it involves cladding, a height or over 4m, or an extension beyond a side wall, these conditions will be considered in addition to all other relevant conditions and limitations. This should minimise any adverse impacts upon the public domain.
- 6.7 In relation to buildings of special architectural or historic interest it is relevant to note that these can be listed under Article 42 of the 1991 Order. Listing relates to any object or structure within the curtilage of the building and fixed to it, and any object or structure which, although not fixed to the building, forms part of the land and has done so since before 1st October 1973.
- 6.8 Once a building is listed, Article 44 of the 1991 Order provides that consent is required for its demolition and any works or alteration in any manner which would affect its character as a building of special interest. This is referred to as "listed building consent" and planning permission is also required if the works involve development. Planning permission could be given either by permitted development rights in the GDO or by way of a planning application.
- 6.9 Listed building consent is concerned with works or alterations which would affect the character of listed buildings. It is not concerned with the impacts identified and discussed in Chapter 4 of the WYG Report. There is a risk that uncontrolled permitted development could adversely affect the setting of listed buildings, and it is considered that permitted development rights should be

withdrawn unless listed building consent has previously been granted. This safety net will ensure that the impact of development upon a listed building or its setting will always be consciously considered and addressed.

- 6.10 It should also be noted that, in areas which may be particularly sensitive to change, the Department has powers to remove permitted development rights under Article 4 of the GDO.
- 6.11 The current GDO requires materials used to be “in conformity” with the existing dwelling. It is proposed to amend this (in line with the amendment to England GPDO) to require materials to be “similar in appearance” to the existing dwelling. This is considered to be clearer and easier to interpret.
- 6.12 It is also proposed to permit side windows in extensions at ground floor level, on the basis that these will readily be screened by hedges, fences etc. At first floor level side windows will be permitted, but if they are within 15 metres of the boundary of the curtilage of a neighbouring dwellinghouse they will require obscure glazing and restrictions on opening to minimise any overlooking impacts.
- 6.13 A restriction on basements is considered appropriate to protect the streetscene from inappropriate developments and to ensure control is retained in areas which may be liable to flood risk.
- 6.14 The proposed Class A is set out below.

Permitted Development

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

A1 Development is not permitted by Class A if:

- a) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- b) the part of the building enlarged, improved or altered, exceeds the height of the highest part of the roof of the existing dwellinghouse;
- c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceeds the height of the eaves of the existing dwellinghouse;
- d) the enlarged part of the dwellinghouse extends beyond a wall which –

- i) faces onto a road; and
 - ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- e) the enlarged part of the dwellinghouse has a single storey and -
 - i) extends beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - ii) exceeds 4 metres in height, or
 - iii) is within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse;
- f) the enlarged part of the dwellinghouse would have more than one storey and –
 - i) extends beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - ii) is within 7 metres of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
- g) within 2 metres of any boundary of the curtilage of the dwellinghouse, the eaves height of an extension exceeds 3 metres;
- h) the enlarged part of the dwellinghouse extends beyond a wall forming a side elevation of the original dwellinghouse, and –
 - i) exceeds 4 metres in height; or
 - ii) have a breadth greater than half the breadth of the original dwellinghouse;
- i) it consists of or includes an alteration to any part of the roof of the dwellinghouse;
- j) it consists of or includes the provision of a deck, balcony, veranda or other raised platform;
- k) it consists of or includes the provision of a basement;
- l) it consists of or includes the installation, alteration or replacement of a chimney, flue or soil and vent pipe;
- m) it consists of or includes the installation, alteration or replacement of a microwave antenna; or
- n) the dwellinghouse is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

A2 In the case of a dwellinghouse which is within a conservation area, world heritage site, area of outstanding natural beauty or national park, development is not permitted by Class A if:

- a) it consists of or includes the cladding of any part of the exterior of a dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles;
- b) the enlarged part of the dwellinghouse is more than one storey (or exceeds 4 metres in height); or
- c) the enlarged part of the dwellinghouse extends beyond a wall forming a principal or side elevation of the original dwellinghouse.

Conditions

- A3** Development is permitted by Class A subject to the following conditions –
- a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
 - b) any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be –
 - i) obscure glazed, and
 - ii) non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; or
 - c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, as far as practicable, be similar to the roof pitch of the original dwellinghouse.

6.15 Illustrations showing development permitted under Class A are at Appendix 5.

- Q6. *Do you agree that a change to a dimension based criteria for enlargements, improvements or other alterations will be easier for householders to interpret?***
- Q7. *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?***

- Q8. 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?***
- Q9. Do you agree that 4 metre long single storey extensions should be permitted development on detached houses?***
- Q10. 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?***
- Q11. Do you agree that finishes should be "similar in appearance" to the existing dwellinghouse?***
- Q12. 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?***
- Q13. Do you agree that additional restrictions should be imposed within conservation areas, world heritage sites, AONBs and national parks?***

Roof Alterations and Roofspace Extensions

- 6.16 Roof extensions are treated separately from other extensions in the GDO and it is proposed this should continue because of the different tolerances needed and the different impacts. Of the 265 applications sampled by WYG Planning about 10% related to roof alterations or extensions. The main impacts identified were level 3 (streetscene) and level 4 (wider area). Adverse impacts on neighbours accounted for only 18% of the refusals for roof alterations.
- 6.17 As with the 'extensions' class, there is an opportunity to introduce a set of tolerances which are not reliant on volume calculations. At present, large rear dormers are permitted development and it is necessary to consider whether further relaxation would be appropriate. Consideration should also be given to whether modest dormers might be acceptable on front elevations.
- 6.18 At Level 2, the potential impact of a roof extension is largely restricted to overlooking. In broad terms, overlooking is unlikely to be a significant problem provided new windows face in the same direction as the main windows in the house. However, the extra height involved may make existing boundary fences or vegetation less effective as a privacy screen. Side facing dormers have greater potential to create problems of overlooking. The perception of overlooking can be increased if overly large dormers are involved.
- 6.19 Over large box dormers on terraced houses in particular can have adverse level 3 impacts, especially at the front. Hip to gable extensions often face the public road and can have significant street scene impacts, especially when one half of a pair of semis is extended. Side dormers can have similarly harmful effects.
- 6.20 As with extensions the volume based calculation causes problems in working out whether or not the proposed development requires permission and can be even more difficult to calculate because of the need for accuracy in measuring the pitch of the roof. A dimensions based criteria was therefore devised for testing.
- 6.21 There are different options about how restrictive the criteria should be, with the most restrictive being to permit small traditional dormers only. However this would represent a step backwards in terms of deregulating the system and has been discounted for this reason.

- 6.22 Permitting dormers to the front of dwellings could give rise to issues of quality of design and whilst it is possible to carry out such works sympathetically the potential for unregulated dormers to adversely impact on street scenes and rural areas is considered to outweigh the benefits of deregulation which might accrue. It is therefore recommended that dormers should not be permitted to the front but that reasonable flexibility should be provided to the rear. In this respect it is considered that, provided dormers are not permitted to involve the entirety of the roof plane, they should generally be acceptable. Set backs from ridges, eaves and verges are recommended to ensure that dormers remain secondary to the roof plain.
- 6.23 The current GDO does not permit enlargements, alterations etc to the roof of a dwellinghouse where it is within a conservation area. However, it does not impose any restrictions on listed buildings, areas of outstanding natural beauty etc.
- 6.24 Modest dormers located to the rear of dwellings are unlikely to have significant impacts on townscape, and if permitted development rights are restricted on elevations which face onto public roads then most townscape impacts should be mitigated. However given the statutory duty to preserve or enhance conservation areas (Article 50 of Planning (NI) Order 1991) it is considered that on balance, permitted development rights should be restricted in these areas.
- 6.25 Any Listed buildings are subject to control under Article 44 of the 1991 Order. In the light of paragraphs 6.7 to 6.9 of this consultation document, the rationale when considering whether permitted development rights should be withdrawn within the curtilage of a listed building is that, where the development is within the curtilage of a listed building, permitted development rights should be removed unless listed building consent for the development has previously been granted.
- 6.26 In AONBs, national parks (if designated) and world heritage sites the issues normally relate to wider landscape impacts and in this context it is difficult to see how modest rear dormers on existing houses (with no increase in ridge height etc) could have any significant adverse impact. As an objective is to reduce regulatory controls it is considered that additional limitations in areas such as this should not be imposed.
- 6.27 The proposals for roof alterations and extensions are set out below:

Permitted Development

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

B1 Development is not permitted by Class B if:

- a) any part of the dwellinghouse, as a result of the works, exceeds the height of the highest part of the existing roof;
- b) any part of the dwellinghouse, as a result of the works, extends more than 15 centimetres beyond the plane of any existing roof slope which:
 - i) faces a road; and
 - ii) forms either the principal or side elevation of the dwellinghouse;
- c) the rear roof extension is closer than 0.5 metres to the ridge, closer than 0.5 metres to the eaves (measured along the plane of the roof), or closer than 0.5 metres to any party wall or verge;
- d) it consists of or includes:
 - i) the construction or provision of a deck, balcony, veranda or other raised platform,
 - ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - iii) the installation, erection or replacement of a microwave antenna;
- e) the dwellinghouse is within a conservation area, or
- f) the dwellinghouse is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Conditions

B2 Development is permitted by Class B subject to the following conditions;

- a) the materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- b) any window inserted on a wall or roof slope forming a side elevation of the roof alteration, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be –
 - i) obscure glazed, and
 - ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

6.28 Illustrations of permitted roof alterations are at Appendix 5.

Q14. Do you agree that a change to a dimension based criteria for roof extensions and alterations will be easier for householders to interpret?

Q15. Do you agree that the 0.5 metre set backs from ridge, eaves and verge are sufficient to control adverse impacts?

Q16. 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?

Q17. Do you agree that roof extensions or alterations should not be permitted in conservation areas?

Q18. 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?

Porches

6.29 At present porches are only permitted if they are less than 3 metres in height and have a floor area of less than 2 square metres. This is extremely restrictive and only allows for a very small porch. It is considered that a modest increase in floor area and height (where the porch has a dual pitched roof) should be acceptable. The current GDO requires a minimum 2 metre set back from a road. It is considered that this should be retained as it will help to protect townscape and minimise loss of boundary hedges etc. The current GDO does not restrict porches in conservation areas, and it is not proposed to introduce restrictions as part of this review.

6.30 The proposed Class C for porches is therefore:

Permitted Development

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

Development Not Permitted

C1 Development is not permitted by Class C if –

- a) the ground area (measured externally) exceeds 3 square metres;
- b) any part of the structure is more than 3 metres above ground level with a flat or mono pitched roof, or 3.5 metres with a dual pitched roof;
- c) any part of the structure is within 2 metres of any boundary of the curtilage of the dwellinghouse with a road;
- d) the materials are not similar in appearance to the existing dwellinghouse; or
- e) the dwellinghouse is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Q19. Do you agree that the floor area of porches should be increased from 2 square metres to 3 square metres without adverse impact?

Q20. Do you agree that porches with a pitched roof should be allowed to be higher than those with a flat or mono pitched roof?

Q21. Do you agree that a minimum 2 metre set back from the road (as in the current GDO) should be retained?

Q22. Do you agree that additional controls on porches should not be introduced in conservation areas or other designated areas?

7.0 PROPOSALS FOR BUILDINGS IN CURTILAGE

Introduction

- 7.1 Developments within a curtilage includes all free standing structures or works within the boundaries of a property, including outbuildings, garages and swimming pools. At present outbuildings within 5 metres of the original dwellinghouse are considered as extensions and limitations are volume based. Garages which are attached to the dwellinghouse are treated as extensions under Class A, whereas detached garages (more than 5 metres away) fall under Class D. There is an opportunity to correct such irregularities, move away from these volume based calculations and devise a set of tolerances which are more impact related.
- 7.2 The main impacts in relation to outbuildings relate to overbearing presence and possible overshadowing of amenity areas. Overlooking is not normally an issue because they are not buildings which provide living accommodation. They can also result in Level 3 impacts where overly large or poorly located buildings are visible in the street scene. Large rural outbuildings may also have Level 4 impacts, especially where they are in an area designated for its amenity value.
- 7.3 Outbuildings generally receive little attention in terms of planning and design considerations although the Addendum to Planning Policy Statement 7: Quality Residential Environments does note that they require as much care in siting and design as works to the existing dwelling. Most importantly they should be *“subordinate in scale and similar in style to the existing property.”* Garages and other outbuildings in front of the main building line will generally be resisted.
- 7.4 Criteria based on height, coverage of the site and proximity to the boundary are considered to be the most appropriate way to control buildings within the curtilage.
- 7.5 There has been some debate about whether permitting up to 50% of the curtilage to be built on is too great, however, what must be considered is that if a new building takes up a significant proportion of garden space then the main impact will be on the householder and not on neighbours or the environment. Furthermore, the current GDO and the English GPDO both refer to 50% of the curtilage.

- 7.6 Outbuildings within 2 metres of a boundary need to be carefully controlled and an eaves height of 2.5 metres in such circumstances would be considered appropriate. More than 2 metres from the boundary a height of 4 metres (in common with the height limitation on single storey extensions) should be appropriate, with 4 metres also representing an appropriate maximum height. No part of the building should be forward of the principal and side wall of the dwellinghouse if facing a road. As with extensions it is considered that a separation of at least 3.5 metres from any road to the rear would be appropriate, primarily for safety reasons.
- 7.7 The current GDO limits the size of outbuildings within conservation areas, AONBs and on land within the curtilage of listed buildings. In such areas only 10m³ is permitted. Outbuildings may have some impact on the character of these areas although if the buildings are located away from the road and restricted in height then the impact is likely to be modest. In AONBs and other areas designated for their landscape quality the issue is more likely to be the potential for large freestanding buildings within extensive curtilages to be visible from considerable distances. For this reason a restriction requiring buildings to be positioned close to the host dwelling is considered necessary. Similarly, it is considered that in designated areas outbuildings should not be permitted to the side of dwellings (as with the restriction on extensions in such areas).
- 7.8 As with extensions, roof alterations and porches it is considered that permitted development rights should not extend to Listed Buildings unless Listed Building Consent has previously been granted.

Use of Domestic Buildings

- 7.9 The existing GDO permits the keeping of animals and livestock for domestic needs, but excludes pigeon lofts. The Lichfield Report recommended that the keeping of pigs, poultry and pigeons should not be permitted development. For purposes of comparison the GPDO in England permits the keeping of poultry, bees, pet animals, birds or other livestock and does not exclude pigeons. The proposed HPDO in Scotland has the same definition as England.
- 7.10 The erection of pigeon lofts and the keeping of pigeons requires consideration in a review of the GDO. Between 2001 and 2008 there were 78 planning applications for pigeon lofts in Northern Ireland and these were determined as follows:
- | | |
|------------|----|
| Refused: | 16 |
| Approved: | 51 |
| Withdrawn: | 4 |
| Pending: | 7 |

- 7.11 Four of the refusals went to appeal and all were dismissed ie. refused by the Planning Appeals Commission. In two cases the reporting Commissioners recommended approval but did not have their recommendations accepted by the Commission. Amenity of adjoining neighbours was the key concern in all cases. Given the relatively small number of planning applications the question is whether planning control should continue to be exercised, or if any adverse environmental effects could reasonably be controlled through restrictions on size, distance from dwellings etc.
- 7.12 In 1992 the Belfast Divisional Planning Office produced Development Guidance Note 6 – Pigeon Lofts. This recommended a number of criteria which would help to reduce any adverse visual or environmental impacts. If these were worked into permitted development rights then the impact of pigeon lofts might reasonably be controlled. However this may not allow the planning process to properly adjudicate on issues of significant concern, particularly to neighbours. On balance, it is considered that pigeon lofts should continue to require permission.
- 7.13 The use of outbuildings can potentially give rise to adverse impacts such as overlooking of neighbouring properties, and for this reason a condition is recommended to prevent use for living accommodation.
- 7.14 The proposed approach is as follows:

Permitted Development

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 of such a building or enclosure.

D1 Development is not permitted by Class D if –

- a) the total area of ground covered by buildings or enclosures to be constructed or erected within the curtilage (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- b) any part of the building, enclosure or pool to be constructed or provided would be situated on land forward of a wall which
 - i) faces onto a road; and

- ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- c) the height of the building or enclosure to be constructed exceeds 4 metres in height;
- d) within 2 metres of the boundary of the curtilage of the dwellinghouse the eaves height exceeds 2.5 metres;
- e) any part of the building or enclosure is within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse;
- f) it consists of or includes the construction or provision of a deck, balcony, veranda or other raised platform;
- g) it involves the installation, alteration or replacement of a microwave antenna;
- h) it involves development for use as a dwellinghouse; or
- i) it is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

D2 In the case of any land which is within the curtilage of the dwellinghouse which is within:

- a) a world heritage site;
- b) a national park; or
- c) an area of outstanding natural beauty;

development is not permitted by Class D if the total area of ground covered by buildings, enclosures, and pools situated more than 20 metres from any wall of the dwelling would exceed 10m².

D3 In the case of any land within the curtilage of a dwelling house which is within a conservation area, world heritage site, national park, or area of outstanding natural beauty, development is not permitted by Class D if any part of the building, enclosure or pool is situated on land between a wall forming either a principal or side elevation of the dwelling and the boundary of the curtilage of the dwellinghouse.

Q23. Do you agree that a change to a dimension based criteria for buildings within curtilages will be easier for householders to interpret?

Q24. Do you agree that the current 5 metre link between dwellinghouses and outbuildings does not serve any useful planning purpose?

Q25. Do you agree that a maximum height of 4 metres should minimise the impact of outbuildings upon neighbouring amenity and the streetscene?

Q26. Do you agree that an eaves height of 2.5 metres within 2 metres of the boundary is reasonable?

Q27. 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?

Q28. 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?

Q29. Do you agree that pigeon lofts should remain subject to planning control?

8.0 OTHER ISSUES WITHIN PART 1 OF THE GDO

8.1 This section addresses a number of important issues within Part 1 of the GDO that do not fall readily within the category of extensions, roof alterations or outbuildings. It considers:

- Hard surfacing;
- LPG and oil storage;
- Flues etc;
- Decking;
- Basement extensions;
- Permitted development rights for flats; and
- Environmental assessment thresholds.

Hard surfacing

8.2 The current GDO permits hard surfacing for any purpose incidental to the enjoyment of a dwelling. Frequently, this is utilised to provide car parking spaces to the front and side of dwellings. At present there are no controls upon the extent of hardsurfacing or the materials used in provision of such surfaces.

8.3 In considering how to progress this issue in Northern Ireland two considerations are important. The first is to minimise the risk of additional hard surfacing contributing to significant additional run off during storm periods. Even though a site is not within a flood plain its run off could contribute to flooding elsewhere. The second is the need to maintain townscape quality, and avoid (as far as possible) the extensive removal of garden areas to provide car parking. Both of these considerations must be balanced against the need to avoid unnecessary or excessive regulation.

8.4 The amendment to the England GPDO restricts hardstanding to the front of dwellings, and requires the use of porous materials. Porous surfacing is a surface that infiltrates water across the entire surface. Permeable surfacing is formed by material that is itself impermeable to water, but by virtue of voids formed throughout the surface, allows infiltration through the pattern of voids. Scotland does not propose to introduce this requirement. Overall, it is considered that there is

merit in following the England approach, as this is consistent with environmental objectives to minimise risks of flooding. It should be noted that hardstanding to the rear of dwellings (patios etc) would not be subject to this restriction.

8.5 The current GDO does not prohibit hard surfacing in conservation areas, and this remains the case in England. In Scotland it is proposed to restrict hard standing in conservation areas. In the interests of deregulation it is not proposed to impose additional controls on hardstanding within conservation areas. However, if necessary the Department under Article 4 of the GDO may remove certain Permitted Development rights in areas which may be particularly sensitive to change.

8.6 The proposed approach is as follows:

Permitted Development

Class E: Development Consisting of:

a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse;

or

b) the replacement in whole or in part of such a surface.

Conditions

E1 Development is permitted by Class E subject to the condition that where –

a) the hard surface is situated on land between a wall forming the principal elevation of the dwelling house and a road; and

b) the area of ground covered by the hard surface, or the hard surface to be replaced exceeds 5m²,

either the hard surface shall be made of porous or permeable materials, or provision shall be made to direct run off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse.

E2 Development is not permitted by Class E within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Q30. Do you agree that hardstanding around a dwelling should normally be permitted (as in the current GDO)?

Q31. 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?

Q32. Do you agree that new controls on hardstanding should not be introduced in conservation areas?

LPG and Oil Storage

8.7 The current permitted development tolerances allow for quite generous quantities of oil or gas to be stored, and planning applications for domestic oil or gas storage are very uncommon. However, it may be simpler to restrict all containers to 3,500 litres and a maximum height of 3m above ground level. Restrictions are considered necessary to prevent tanks in positions where they could be visible from public roads, particularly in conservation areas. In the amendment to the England GPDO a capacity of 3,500 litres is now referred to for both oil and gas and the provisions are included in the same class as outbuildings etc. It is considered that there would be more clarity if these provisions are retained in a separate class, as in the current GDO, and in the proposals for Scotland.

8.8 The proposed approach is as follows:

Permitted Development

Class F: The erection or provision, within the curtilage of a dwellinghouse, of a container for the storage of oil or liquefied petroleum gas for domestic purposes.

F1: Development is not permitted by Class F if:

- a) the capacity of the container exceeds 3,500 litres;
- b) any part of the container is above the level of the ground by more than 3 metres;
- c) any part of the container is situated on land beyond a wall which
 - i) faces onto a road; and
 - ii) forms either the principal elevation or a side elevation of the original dwelling house;
- d) any part of the container is within 2 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwelling house;
- e) in the case of a dwellinghouse which is within a conservation area, any part of the container is situated on land between a wall forming a principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse; or
- f) it is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Q33. Do you agree that the capacity for both oil and liquid petroleum gas containers should now be 3,500 litres?

Q34. Do you agree that the maximum height for both oil and liquid petroleum containers should now be 3 metres above ground level?

Q35. 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?

Microwave antenna's

- 8.9 Glass G of the GDO (antennas etc) is not the subject of this consultation, hence it remains as existing.

Flues etc

- 8.10 The amendment to the England GPDO inserts a new Class to make the installation, alteration or replacement of chimneys, flues, and soil and vent pipes permitted development subject to them being less than 1m above the highest part of the roof. This is a technical change to ensure that minor types of development do not require applications for planning permission simply because they project slightly above a ridge. It is also sensible given that it may be necessary for them to be installed in this way to comply with Building Regulations. In England they are not permitted development fronting a highway and forms either a principal or side elevations in the case of a dwellinghouse in designated areas.
- 8.11 In order to provide clarity it is proposed to provide specific permitted development rights for chimneys, flues etc.
- 8.12 The new class for chimneys etc is therefore Class H, as follows:

Permitted Development

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

H1: Development is not permitted by Class H if:

- a) the height of the chimney, flue or soil and vent pipe exceeds the highest part of the roof by 1 metre or more; or
- b) in the case of a dwellinghouse which is within a conservation area, world heritage site, area of outstanding natural beauty or national park the chimney, flue or soil and vent pipes installed on a wall or roof slope which:
 - i) faces a road, and
 - ii) is part of either the principal elevation or side elevation of the dwellinghouse; or
- c) the dwellinghouse is within the curtilage of a Listed Building, unless Listed Building consent for the development has previously been granted.

Q36. 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?

Q37. Do you agree that chimneys, flues etc should be permitted to extend 1 metre above the height of the roof?

Q38. Do you agree that additional restrictions are required within conservation areas, world heritage sites, AONBs and national parks?

Decking

- 8.13 An area of planning control which has given rise to some concerns in recent years is the provision of raised decking in gardens. The legislative provisions may not always be clear, and could involve either Part 1, Class D or Part 2 Class A development.
- 8.14 The amendment to the England GPDO makes a number of references to the provision of verandas, balconies and raised platforms, and incorporates restrictions on such developments within its provisions for enlargement of dwellings, extensions and buildings in curtilage. Raised platforms are defined as platforms with a height greater than 300 millimetres.
- 8.15 In Scotland it is proposed to introduce a specific class for the "erection, construction, maintenance, improvement or alteration of a deck or other raised platform". This is permitted except: where it is within 2 metres of a boundary; over 1 metre in height; or where it fronts a road. In conservation areas or within the curtilage of listed buildings it should not have a footprint of more than 4 square metres.
- 8.16 It is considered that the Scotland proposal has merits of clarity. However the height of 1 metre could result in overlooking, and a restriction of 0.3 metres is preferred. Decking at this height will not be easily viewed from outside the property, although restrictions to prevent decking which is

more likely to be visible to the public are required in conservation areas and within the curtilage of listed buildings.

8.17 The proposed Class I is as follows:

Permitted Development

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

I1 Development is not permitted by Class I if:

- a) any part of the deck, veranda or balcony or other raised platform exceeds 0.3 metres in height above ground level;
- b) the deck, balcony, veranda or raised platform is on land which:
 - i) faces onto a road; and
 - ii) is forward of a wall forming the principal elevation or a side elevation of the dwellinghouse;
- c) in the case of any land within a conservation area, development is not permitted by Class I if any part of the deck, veranda, balcony or raised platform is situated on land between a wall forming either the principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse; or
- d) in the case of any land within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Q39 Do you agree with the introduction of a new permitted development class for decks, veranda's or balconies within the curtilage of a dwellinghouse?

Q40 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?

Q41 Do you agree that additional restrictions should be imposed within conservation areas?

Basement extensions

- 8.18 Basement extensions have been an increasingly popular method of extending houses, particularly in higher density cities within the UK. The matter was considered briefly by the consultants in England, and a supplementary report was published in November 2008.
- 8.19 In Northern Ireland there is relatively little evidence of basement extensions being a favoured way for householders to extend, presumably because such extensions are costly to implement and rely on high property values to make the exercise worthwhile. Furthermore, NI does not have the population density of larger UK cities. This does not therefore appear to be a major issue. However it is considered that a restriction on basements within Class A would protect against possible unacceptable effects on the streetscene and allow issues of possible flooding to be considered and addressed. This is at Class A (k).

Q42. Do you agree that permitted development rights for basement extensions should not be included in a revised GDO?

Permitted Development Rights for Flats

- 8.20 Part 2 of the current GDO (minor operations) applies to flats. However, Part 1 refers only to dwellinghouses, the definition of which does not extend to a 'flat'. The potential extension of permitted development rights for extensions, outbuildings etc. to flats was considered by the DCLG study in England. However, it concluded that there were problems with this, largely on the basis of such a wide variety of flat types and issues with whether porches, dormers, outbuildings etc on some flats would look out of place or prejudice the amenity of adjacent flat occupiers. This issue may be addressed in a further study.

Environmental Assessment

- 8.21 Consideration has also been given to whether the thresholds for the purposes of "Schedule 2 Development" under the Planning (Environmental Impact Assessment) Regulations (NI) 1999 ¹⁰ require alteration in the event of changes to permitted development rights.
- 8.22 The scope of this review is limited to householder development. Development within the curtilage of a dwellinghouse does not fall within the current Schedule 2 criteria, and the proposed changes

(10) The Planning (Assessment of Environmental Effects) Order (NI) 1999

relate to only modest extensions, outbuildings, minor operations etc. It is considered that there is no reason to alter the Schedule 2 criteria.

Q43. 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?

9.0 ISSUES IN PART 2 OF THE GDO – MINOR OPERATIONS

- 9.1 Part 2 of the GDO relates to Minor Operations, and includes means of enclosure, accesses, and painting of buildings. It does not just relate to householder development, but to all other types of development. Any changes therefore must be applicable not just to householders.
- 9.2 Part 2 of the existing GDO is relatively clear in respect of means of enclosure. However, some interpretation may be required, particularly in respect of what constitutes “adjacent to a road”. There are no controls on the materials used, for enclosures and this is left to the discretion of the householder. The 2m high enclosure to the rear of properties is considered to achieve a reasonable balance between maintaining character and securing privacy. We have provided a definition at Appendix 7 for “adjacent to a road”
- 9.3 The current GDO contains provisions (under Article 3(5)) to ensure road safety. It is unnecessary to repeat this in the ‘enclosures’ part, although guidance notes will make it clear that this applies.
- 9.4 This provision is relatively clear, and does not require revision.

Permitted Development

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

A1: Development is not permitted by Class A if:

- a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a road used or designed to be used by vehicular traffic exceeds 1 metre in height above ground level;
- b) the height of any other gate, fence, wall or means of enclosure erected or constructed exceeds 2 metres in height above ground level;

- c) the height of any gate, fence, wall or means of enclosure maintained, improved or altered exceeds its former height or the height referred to in sub paragraphs (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater;
- d) it involves development on land determined by the Department as a private street in accordance with Article 3 (1) of the Private Streets (Northern Ireland) Order 1980¹⁰.
- e) within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Access

- 9.5 The GDO permits access to a road which is not a special, trunk or classified road, where that is associated with other permitted development (other than involving a means of enclosure).
- 9.6 The Lichfield Report identified long access laneways as a potential problem, but there is little evidence that this is an issue requiring legislative control, particularly as Roads Service expressed concern in its consultation response that restricting the length of accesses could give rise to unacceptable geometry or gradients.
- 9.7 The current GDO restricts access provision in sites of archaeological interest. Whilst such sites currently benefit from protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, there is potential for damage to be caused under permitted development. Similarly, Areas of Special Scientific Interest could benefit from specific protection from such works.
- 9.8 The suggested access class is as follows:

Permitted Development

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).

(10) SI 1980/10861 (NI 12)

Development Not Permitted

B1: Development is not permitted in Class B where it is within an area of special scientific interest, or site of archaeological interest.

Q44. 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?

Painting

- 9.9 The current GDO permits the painting of buildings, provided this is not for the purposes of an advertisement or direction. In England, similar provisions apply. However the proposals in Scotland suggest restrictions on painting of dwellings in conservation areas and on listed buildings.
- 9.10 Clearly there is potential for painting to have adverse effects. However regular painting is required for maintenance purposes, and the upkeep of doors, windows, fascia boards etc can enhance the appearance of buildings. Painting of external walls can have visual impact, but there is generally little evidence that householders paint their houses in incongruous colours, and a balance needs to be struck between the overall impact of painting and the level of regulation.
- 9.11 The practical implications of removing permitted development rights for painting – even if only in conservation areas – could be significant. This would mean that the repainting of walls which are already painted would technically require consent. To include doors, windows etc could result in a significant increase in applications, where the planning authority would effectively become an arbiter on appropriate colour schemes. To remove permitted development rights for painting would not be practical, nor would it be in the interests of deregulation. However for the reasons set out earlier in this document, some controls on painting of listed buildings is considered appropriate. It should be noted that Article 4 directions can be used by the Department to remove permitted development rights in areas or on buildings which are considered particularly vulnerable to the effects of painting.
- 9.12 The proposed class for painting is as follows:

Permitted Development

Class C: The painting of the exterior of any building or work.

Development Not Permitted

- C1:** a) development is not permitted by Class C where the painting is for the purposes of advertisement, announcement or direction or
- b) development is not permitted by Class C within the curtilage of a Listed Building,, unless Listed Building Consent for the development has previously been granted.

Q45 Do you think the provisions of Part 2 should also be detailed into Part A which will then address all householder developments for ease of reference?

10.0 CONCLUSIONS

10.1 The main aims of the householder permitted development review have been to devise a new set of criteria for householder development which will:

- reduce the number of householder applications in Northern Ireland;
- ensure that householder 'permitted developments' do not give rise to adverse environmental impacts; and
- be easily understood and interpreted by householders, agents and planning professionals.

10.2 The methodology has been to review previous studies, obtain comments from practitioners and assess the strengths and weaknesses of the current GDO. Consideration has been given to the key impacts arising from householder development, involving detailed research into approved and refused applications in NI. For the main elements of the GDO – extensions, roof alterations and buildings in curtilage, various options for change were 'tested'. The scope for change was also considered through questionnaires to a range of key interests.

10.3 The main changes proposed to the GDO include:

- i) a change from volume-based calculations to dimension-based criteria for extensions, roof alterations and buildings in curtilage;
- ii) an increase in the size and height of porches permissible;
- iii) use of materials *"similar in appearance"* to the existing house, instead of *"in conformity"*;
- iv) introduction of some restrictions on materials and scale of building in conservation areas, and world heritage sites;
- v) restrictions on permitted development rights within listed building curtilages, unless listed building consent has previously been granted;
- vi) restrictions on side windows above ground floor level within 15 metres of the boundary of the curtilage of a neighbouring dwellinghouse;
- vii) the *"5m"* link between dwellings and outbuildings is removed. Proposals for extensions or outbuildings will be considered on the basis of criteria set out in the relevant classes; with the main constraint being related to the proportion of curtilage covered by building works;
- viii) a new class should be introduced to permit minor work to flues, chimneys etc;

- ix) the extent of hard surfacing to the front of dwellinghouses should be restricted unless porous or permeable materials are used or provision is made to accommodate run off;
- x) oil and gas storage should both be permitted up to 3,500 litres and 3 metres in height;
- xi) a new class is introduced for decking; and
- xii) restrictions are imposed on accesses within areas of special scientific interest.

- 10.4 A copy of the proposed revised Parts 1 and 2 of the GDO and a summary of the proposed changes can be found at **Appendix 4** and **Appendix 6**.
- 10.5 From the research and analysis carried out by WYG it is estimated that the proposed changes to the criteria could result in a 17% saving in the number of applications for extensions; a 20% saving in roof alterations; and a potential 28% saving for buildings in curtilage. Taken overall, it is estimated that there will be a reduction of around 20%, equating to 1668 fewer applications (based on 2007/08 figures). With the relatively small sample numbers these reductions should be regarded as a general indication only, but it is likely that householders will 'tailor' their proposals to avoid the need for applications where possible, and that overall numbers will reduce.
- 10.6 Significantly, none of the recent refusals examined would become permitted development under the criteria suggested. This confirms that significant adverse impacts are unlikely to occur as a result of the proposed changes.
- 10.7 A major benefit identified by the consultants was that dimension based criteria were much quicker and simpler to apply to proposals, indicating savings in time and money for applicants and the planning authority.
- 10.8 The incorporation of minor changes and clarification of definitions, should assist in the application and interpretation of a revised GDO.
- 10.9 The suggested revisions should be readily capable of operation by local authorities, following the review of public administration. Guidance and advice may be published in the format of a revised 'householders guide', which could also be available on line.

Q46. Do you agree that a User Guide on the GDO would be useful for householders and professionals?

10.10 This consultation paper seeks comments on the suggested changes, prior to amendments to the legislation.

10.11 Following receipt of responses to this consultation the Department will prepare a revised General Permitted Development Order, which, following approval by the NI Assembly will become legislation.

Q47. Do you agree that the impacts based approach provides a good basis on which to revise the GDO?

Q48. 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?***

Q49 Do you have any comments on the proposed definitions?

If you have any other comments to make that are relevant to this review and the proposed revisions then please note them.

Appendix 1

PARTIAL REGULATORY IMPACT ASSESSMENT – HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

1. Title of Proposal

Review of Householder Permitted Development Rights (Parts 1 and 2 of Planning (General Development) Order (Northern Ireland) 1993 (the “GDO”).

2. Purpose and intended effect of measure

i) The objective:

The main objective of the review is to deliver proposals that improve the ability of the GDO to grant planning permission and thereby enable the planning system to regulate householder developments in a more productive and beneficial manner. The revisions to permitted development rights in the GDO therefore aim to:

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

The proposed changes to the GDO, if implemented, will only affect Northern Ireland.

ii) The background:

In recent years there has been a rise in the number of planning applications for householder development which accounted for 30% of all planning applications received for the period April 2007-March 2008. In 2006/07 and 2007/08 95% and 93% of Certificates of Lawful Use or Development (CLUDs) were received for householder developments.

There are also a significant number of householder developments that are permitted but that give rise to complaints from neighbours which then have to be resolved by enforcement staff. Approximately a fifth of all complaints assessed (as indicated by enforcement staff in interviews) are in relation to householder developments. Many of these can be resolved easily either because they are in fact permitted; deemed to be 'de minimis' or retrospective consent is granted through the application process. Very few complaints result in formal enforcement action being taken. However, clarification and review of the provisions of the GDO would be likely to reduce the number of complaints received by making it more easily understood or at least provide a basis for the complaint to be resolved more speedily without the need for a site inspection etc.

What has become abundantly clear over recent years is that as more people want to alter and extend their homes there is significantly greater demand upon the staff resource of the Planning Service to concentrate on householder developments when many of these developments could be satisfactorily dealt with by a GDO which offers greater clarity and more scope for undertaking works within the domestic curtilage without applying for planning permission.

Furthermore, the Lichfield Review, carried out on behalf of the Planning Service in 2003 identified the following concerns:

- complex wording which makes the GDO difficult to use and interpret;
- anomalies which allow for abuse and cubic volume calculations which are difficult to use;
- adverse effects arising from inadequate controls in conservations areas etc;
- limited effectiveness and use of Article 4 Directions to restrict permitted development rights; and
- a perceived failure of certain categories of permitted development to support government policy aims for rural and built environment.

iii) Risk Assessment and Rationale for Government Intervention:

It has been established in the preceding paragraphs that there would be benefits to be realised from a review of the GDO. In the "Planning Reform: Emerging Proposals" paper the Minister for the Environment set out the anticipated outcomes of the reform as including:

- a more effective development control system, which would work better as it would be reshaped to manage the different categories of development in ways that are proportionate to the significance of each application, with a greater focus given to economically and socially important developments;
- improved efficiency of processing and greater certainty about timescales for developers;
- a change in the culture of the planning system: seeking to facilitate and manage development applications rather than merely controlling undesirable forms of development, and stronger collaborative working across a range of stakeholders; and

- a better match of resources and processes to priorities and improved value for money for all users of the planning system through more proportionate decision-making mechanisms.

The reform paper sets out the measures intended to improve all aspects of the planning system including development control, enforcement and regulation of householder development. Paragraph 25 of the paper recognises that the key focus for development control is proportionality and developing ways to deal with different types of development in different ways. This includes reducing bureaucracy for many householders and other local and minor developments.

The paper proposes to introduce 'development management' that will include rationalisation of planning permission for minor developments. It is proposed to achieve this through simpler and more streamlined processes for planning applications for minor development and by extending the range of minor developments for which planning permission is given without the need for a planning application.

It is therefore clear that measures for revising the current regime for householder developments need to be introduced as, if they are not this will have a direct impact on the ability of the reform programme to deliver the anticipated outcomes. With regard to householder developments the potential risks, if the GDO is not changed are:

- a continued pressure on resources to process householder applications thereby diverting attention away from the applications for more economically and socially important developments;
- a one size fits all mechanism for processing householder applications that is not proportionate to the nature and impacts of such development;
- less scope for householders to extend and alter their homes to facilitate sustainable living without engaging with the planning system;

- a GDO that remains difficult for people to use, including professional planning officers, and mitigates against a more efficient and effective planning system;
- a failure to make the significant changes to the planning regime for householder developments needed to secure a change in planning culture where the GDO is not a means of restricting householder developments but manages development that has little or no impact on others; and
- an inability to secure the greater value for money that will arise from focusing resources on applications of greater significance.

3. Options Appraisal

Option 1 – Do Nothing

The current provisions for householder development set out in the GDO would continue to apply. This is not considered to be an appropriate option.

Option 2 – Changes to Parts 1 and 2 of the GDO

The GDO would be changed in line with areas for change identified by the review in Parts 1 and 2 of Schedule 1 to the GDO. A range of options for change were tested against planning applications for proposed householder developments, some of which had been refused permission. Having reviewed the current GDO and tested the options this provided a basis for proposing the following changes to the GDO:

- a change from volume-based calculations to dimension-based criteria for extensions, roof alterations and buildings in curtilage;
- an increase in the size and height of porches which are permissible;

- use of materials *“similar in appearance”* to the existing dwellinghouse, instead of *“in conformity”*;
- introduction of some restrictions on materials, scale and positions of buildings in conservation areas and world heritage sites;
- restrictions on works to listed buildings, unless listed building consent has previously been granted;
- restrictions on side windows above ground floor level, within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse;
- removal of the *“5m”* link between dwellinghouses and outbuildings. Proposals for extensions or outbuildings will be considered on the basis of criteria set out in the relevant classes, with the main constraint being related to the proportion of curtilage covered by building works;
- a new class should be introduced to permit work involving flues, chimneys etc;
- a new class should be introduced for decking, balconies etc;
- the extent of hard surfacing should be restricted unless porous or permeable materials are used or provision is made to accommodate run off;
- oil and gas storage should both be permitted up to 3,500 litres and 3 metres in height;
- access works should be restricted in areas of special scientific interest in addition to sites of archaeological importance; and
- further clarification on relevant definitions is provided.

4. Sectors and Groups Affected

Householders (including developers and homeowners)

Householders, either as owners or owner occupiers will be the group that will be the most affected and derive the greatest benefits from the proposed revisions to the GDO. Option 2 provides greater opportunity for householders to carry out works in and around their home than are permitted under the current provisions.

Additionally, the revised GDO will be less ambiguous in its interpretation and provide greater clarity for householders in terms of what they can do under their permitted development rights. This provides them with more certainty that they can undertake works without having to go through the planning application process.

Public Sector (planning authorities)

Local planning authorities, in the post RPA period will also benefit from the revised GDO. Not only will there be fewer householder applications per year (1,668 based on 2007/08 figures) but it is expected that an easier to interpret GDO will result in fewer enforcement complaints thus alleviating pressure on staff resources in both development management and enforcement teams.

The reduction in householder applications will enable staff to focus on more socially and economically important applications. This will add value to the planning system with more time spent on producing quality decisions within shorter periods of time. There might be an increase in the number of CLUDs submitted for proposed developments from people simply seeking written confirmation that their development is permitted because PD rights are more extensive but on the other hand an easier to understand GDO and greater clarity could have the reverse effect.

Businesses involved in the preparation and submission of householder planning applications and the carrying out of householder developments

Architects and architectural technicians could experience a reduction in preparation and submission of planning applications for householder developments. However, a development, whether or not permitted, still needs to be designed and drawn up by

someone qualified. The revised GDO will therefore will not negate the need for householders to appoint someone suitably qualified to prepare working drawings.

Retailers that sell conservatories and porches will benefit from the revised GDO as the need to apply for planning permission may in some instances have put people off the idea of having a porch or conservatory erected or opt for a smaller type that is permitted. With an increased threshold in the provisions for porches and extensions it should provide greater choice for the householder and this is will be of benefit to the manufacturers and suppliers.

5. Costs and Benefits

Option 1 – Do Nothing

There are no additional economic benefits or costs. The planning authority would continue to allocate resources to processing applications that have low impacts. If such applications were to increase, this could impact upon the planning authority's ability to process efficiently applications for developments which are of greater strategic or economic importance.

Option 2 – Changes to Parts 1 and 2 of the GDO

Savings for householder applicants

Householders will potentially make the most savings. Greater clarification and increased scope of the GDO will reduce the need for householders to appoint architectural technicians and/or agents to prepare plans suitable for submission to the Planning Service. They will also save on the planning application fee of £259 or £130 if it is a CLUD proposed development. This could be a significant saving when undertaking minor works to residential property. It is uncertain whether extended permitted development rights

will lead to an increase in applications for CLUDs due to a preference among householders to have written confirmation that their development is permitted.

Costs and Savings for Planning Authorities

The proposed changes are estimated to result in a 20% reduction in the number of householder planning applications submitted. This represents 1,668 fewer applications per year (on the basis of 2007/08 figures). At a fee of £259 each this represents a reduction of £432K per annum in revenue. However, for the planning authority this is expected to be cost neutral on the basis that application fees are set to recover the cost of processing applications. Therefore any loss in revenue from application fees is equally offset by the avoided cost of processing applications. As regards fees and costs relating to CLUDs, it is uncertain for reasons stated earlier whether CLUDs will increase, decrease or remain largely the same in numbers.

Changes to the GDO should significantly help the enforcement sections to bring complaints over householder developments to a conclusion more efficiently and effectively. Research indicates that in both Belfast and Omagh 20% of enforcement complaints are householder developments compared to Downpatrick where 50% are estimated to be householder. A significant proportion of these complaints are found to be permitted development or are regarded as 'de minimis' ie. it would simply not be expedient to pursue enforcement action. Given that many of these complaints do not result in enforcement action it is reasonable to expect that they simply arise because people are not able to interpret whether or not their neighbour has carried out an unauthorised development. The revised and simpler GDO should enable them to check it for themselves before submitting a complaint to enforcement. Any reduction in complaints should create savings on staff resources allocated to householder development complaints so they can be concentrated on investigating more significant breaches.

The overall effect of fewer householder applications and more efficient processing of householder based complaints will be a reduction in the resources required to deal with householder developments. This will enable those resources to be directed to non-householder developments which are more strategically important or more beneficial to the local economy.

6. Consideration of Impacts

Equality Impact Assessment

The proposed changes to permitted development rights are expected to reduce the regulatory burden of the planning system upon householders and have been assessed to impact upon householders, the planning authority and upon businesses involved in the preparation and submission of householder planning applications and the carrying out of householder developments. The Department's initial screening for equality impacts considers that the proposals will not discriminate unlawfully, unfairly or unjustifiably against any sections of the community specified in Section 75 of the Northern Ireland Act 1998. The views of the public have been invited on the screening analysis at Appendix 3 of the consultation paper.

Environmental Impact

Perhaps the most fundamental benefit will be to the visual and residential amenity of the urban environment. Adopting an impacts based approach to the determination of permitted development rights for householders will protect the interests of the street and wider environment where it is considered an application is needed due to the potential impact of the proposal. The restriction that only permeable or porous material can be

used for hard surfacing should, over time, see an environmental benefit in that there will be less surface water runoff.

Small Firms Impact Test

The proposed changes to the GDO would remove some of the regulatory burden from the many small businesses – architects, architectural technicians, town planning consultants and builders – who are responsible for the design and building of domestic alterations. However, simplification of the Regulations and provision of associated guidance may lead to a reduction in those seeking specialist help to interpret the regulations correctly and the loss of charges for making an application on a client's behalf. This might be offset by an increase in householders carrying out development with the removal of the bureaucracy involved, and greater speed from inception of the project to completion.

Competition Assessment

The proposals are not expected to impact significantly on some firms more than others nor to restrict new entrants to the householder development market.

Rural Impact Assessment

The proposals apply equally to all householders with no distinction having been made between urban or rural properties thereby the impact on rural areas will be no different. The fact that most rural properties are detached may mean there is an indirect impact in that more rural dwellers could benefit from the provisions of the revised GDO.

7. Enforcement and Sanctions

The Department's enforcement regime will continue to operate in the same way as it does with existing permitted development rights. Available sanctions include powers to compel householders to submit a planning application for works which require planning permission and powers to stop construction work and require the demolition or rebuilding of works which are unacceptable. All such sanctions are subject to the right of appeal by the affected householder.

8. Monitoring and Review

The introduction of a new planning regime for householder developments will require to be monitored to determine whether the aims of undertaking the review and subsequent amendments are met. The overarching aim has been to devise a new set of criteria for householder development. The revised criteria should achieve the objectives as set out below.

Reduce the number of householder applications in Northern Ireland:

This can easily be measured through the annual statistics and there should be a drop of about 20% in the number of such applications received per annum. It is uncertain whether there will be any significant change in the number of applications for CLUDs submitted.

To ensure that 'householder developments' do not give rise to adverse environmental impacts:

In testing the proposals it was found that none of the applications which were refused permission would become permitted development under the new regime thereby

confirming that adverse environmental impacts are unlikely to occur from the revised GDO.

Be easily understood and interpreted by householders, agents and planning professionals:

If there is a reduction in the number of CLUDs it could provide an indication that people more easily understand the GDO and they do not need to apply for such a determination. The workshops conducted to test the proposals did show that planning officers found the revised GDO easier to interpret and it required less time to assess proposals. At present a high proportion of enforcement complaints are based on householder developments and while it is not possible to assemble accurate statistics to determine the exact proportion of householder complaints enforcement teams will be able to gauge if there has been a reduction in such complaints. Additionally it is likely that a higher percentage of these can be resolved as permitted development or 'de minimis' under the new provisions thus reducing the staff resource required to deal with them if they would have proceeded to enforcement action.

9. Consultation

Engaging the participation of the stakeholders of the planning regime for householder developments has been fundamental to the review. The review was necessary to simplify and rationalise the GDO for the benefit of all its users which includes professional planning officers, architects and planning agents as well as the householders themselves.

Consultation undertaken as part of the Nathaniel Lichfield Review identified the main areas that were of concern to the stakeholders. The WYG review has subsequently devised options for change which were tested at a workshop involving Planning Service

staff. The objective of this was to consider how application numbers might be affected; what impacts might result; and how “useable” each option might be.

Following the workshops a questionnaire was issued to a number of key stakeholders. This group included:

Government Organisations: Roads Service, Planning Appeals Commission, Lisburn City Council, NE Group of Councils Building Control

Professional Bodies: Royal Society for Protection of Birds, Community Places, Construction Employers Federation, Historic Buildings Council, Historic Monuments Council, Institute of Architectural Technicians, NI Federation of Housing Associations, Royal Town Planning Institute, Institute of Directors NI, Royal Society of Ulster Architects

Others: Hawthorne Associates, GT Design, Dickson Architectural Services, DM Kearney Design, Fleming McKernan Associates, McGurk Architects

Eleven of the above group responded to the questionnaire thus representing a 52% response rate. Two of those that returned the questionnaire only completed the sections relevant to them.

The consultation paper which this partial regulatory impact assessment accompanies also provides stakeholders a further opportunity to express their views on both the recommended changes to the GDO and on the partial RIA.

This approach to consultation ensures that a number of users of the system have had an opportunity to input to the development of proposals and all users have the opportunity to comment on the WYG recommendations prior to the Department bringing forward changes to the GDO.

10. Summary and Recommendations

The objective of this review is to improve the ability of the GDO to grant planning permission and so enable the planning system to regulate householder developments in a more proportionate and effective manner. The proposed changes to the GDO therefore aim to:

- be easy to understand;
- be proportionate to the anticipated impacts of the development;
- be simple and economic to operate for both developers and the planning authority;
and
- control impacts upon neighbours, local amenity and environmental interests, including the built heritage.

The proposed changes to the GDO, if implemented, will only affect Northern Ireland and have emerged from NI specific research into issues relating to the current regime and an impacts based approach to permitted development.

Based on the policy consideration in the Review report and the recommendation to implement the changes to the GDO outlined in Option 2.

Appendix 2

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Section 1

Introduction

This form is intended to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas (**and a copy sent to the Equality Unit**) and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Advice on Completion of the Screening Form

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Equality Unit in room 413A Clarence Court will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

Policies included for EQIA

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Equality Unit for inclusion in the EQIA programme.

Policies excluded for EQIA

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Equality Unit. Copies of all screening out forms will be placed on the Department's website.

Section 2 – Policy to be Screened

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to **internal** policies (relating to people who work for the organisation) as well as **external** policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and well defined. You must take into account any available data or evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening. The Equality Unit or Central Statistics & Research Branch are available to provide advice on data requirements.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

Title **Review of Householder Permitted Development Rights (Part 1 and 2 of Planning (General Development) Order (Northern Ireland) 1993 (“the GDO”).**

Aims The main aim of the review is to deliver proposals that improve the ability of the GDO to grant planning permission and thereby enable the planning system to regulate householder developments in a more productive and beneficial manner. The revisions to permitted development rights of the GDO therefore aim to:

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

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

The proposed changes to permitted development rights will benefit householders generally as they will be able to carry out more minor developments to their property without having to apply for planning permission. In the absence of a planning application, neighbours could be affected by permitted development without an opportunity to make representations before planning permission is given – however, an assessment has been made of the impacts of permitted development and appropriate exclusions and conditions applied to the permitted development rights to reduce such impacts to an acceptable level.

The proposed changes will benefit planning authorities by reducing the number of planning applications for householder developments. It is believed that householder permitted development rights which are simpler, easier to understand and apply, should enable householders and others, to determine whether householder development is permitted and result in a reduction in unfounded allegations of unauthorised development. A reduction in planning applications and complaints will enable the resources of the planning authority to be redirected to non-householder developments which are more strategically important or more beneficial to the local economy.

The proposed changes may also impact through a reduction in the need for planning applications, upon planning consultants and architects whose business involves the preparation and submission of householder planning applications on behalf of property owners.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

(a) The Department of Environment is responsible for devising the new policy

and bringing forward the proposed changes to permitted development rights to the NI Assembly.

- (b) The proposed changes will be implemented by the District Councils when planning functions are transferred to them.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

Other NI Departments and NDPBs have an interest in the impact of development upon the natural environment, the built heritage and road users, and local amenity. An assessment of the impacts of proposed permitted development upon such interests, particularly upon designated areas, has been made to apply appropriate exclusions and conditions to keep such impacts to an acceptable level.

2.5 What data are available to facilitate the screening of this policy/legislation?

The proposed permitted development rights apply to dwellinghouses which by legislative definition do not include purpose built blocks of flats or tenements, bedsits and caravans or other mobile or temporary structures. The NI Census 2001- housing and population- indicates that this group of accommodation is very much a minority. Detached houses are expected to benefit more from the proposed permitted development rights in relation to the length of permitted extensions.

Northern Ireland (All Persons)	Total in an unshared dwelling	Detached	Semi Detached	Terrace	Flats etc	Caravan or other
1658813	1658744 99.99%	694840 41.8%	463906 27.9%	424672 25.6%	70897 4.3%	4429 0.3%

2001 Census Statistics Table UV042- Accommodation Type

(Note: only 69 in a shared dwelling – 0.01%)

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

This is not anticipated at this stage.

See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics and Research Branch or Equality Unit.

Section 3 – Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

3.1 Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details

The proposed changes aim to provide simpler and clearer permitted development rights for all householders, irrespective of the section 75 group to which they belong, who wish to extend, alter or improve their properties and remove the need for planning permission where the impact of such works is considered acceptable.

The proposed changes will apply uniformly throughout urban and rural areas. Whilst most permitted development is likely to be undertaken by homeowners the proposed changes will also benefit private landlords and housing authorities. Persons with disabilities will also benefit from the extended permitted development rights in the same way as others. No differential impact upon any section 75 group is anticipated.

3.2 Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓

Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details

The proposed permitted development rights will be of benefit to all householders, regardless of the Section 75 group to which they belong. Greater benefit will of course accrue to those undertaking permitted development. It could be that some age groups or persons of a particular marital status benefit slightly more than others. For example, it is a reasonable expectation that young couples starting a family or extending a family might be more likely to need to extend the family home and may therefore benefit more than those who are single or do not have children. There is no reason to expect that other groups would have different needs, experiences, issues or priorities in relation to the revised legislation.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Gender		
Disability		
Dependants		

Please give details of any consultations carried out, and any problems identified.

A policy consultation on the proposed changes to permitted development rights and this screening document will be carried out before legislation is brought forward to the NI Assembly.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

Yes No

Please give details

The revised permitted development rights will apply equally to all persons.

- 3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:**

The proposed changes to permitted development rights have not been developed to address an existing historical inequality of disadvantage. It is expected that they will reduce the number of planning applications for minor householder development in the planning system and be more user friendly than existing permitted development rights.

- 3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.**

Please give details

No adaptation of the policy for this purpose can be identified.

- 3.7 In relation to Departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.**

Please give details

The proposed permitted development rights are for householders and landlords undertaking developments within the curtilage of a dwellinghouse. Works affecting only the interior of a building required to accommodate people with disabilities are not development and therefore do not require planning permission. Persons with disabilities who are confined to or use a wheelchair may require external doors to be widened or to install an access ramp- however, these works in relation to a dwellinghouse are not considered to materially affect the external appearance of the building and do not require planning permission. The proposed changes to permitted development rights are not therefore considered to offer any scope for promoting more positive attitudes towards disabled people or encouraging participation by disabled people in public life.

Section 4

EQIA Recommendation

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

- 4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			✓
Effect on people's daily lives.		✓	
Effect on economic, social and human rights.		✓	
Strategic significance			✓
Financial significance			✓

Please give details

The proposed changes to permitted development rights are intended to provide a simpler and more efficient legislative framework for all. Insofar as householder permitted development rights allow a range of development without the need for a planning application, this may be considered to impact on people's daily lives. Those impacts are expected on the whole to be positive- the ability to undertake development without applying for planning permission- as potential negative impacts have been assessed in policy development and appropriate exclusions and conditions applied to control them. As regards the effect on economic, social and human rights, minor household developments can have an impact on human rights. However, the changes in permitted development rights proposed are based on a consideration of the likely impacts so where developments do have a material impact they will be subject to the normal planning controls i.e. require an application for planning permission.

- 4.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

No. If implemented the revised GDO will not have any significant impact or adverse effect on any Section 75 group.

- 4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.**

Not applicable.

- 4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?**

Please give details


Not applicable.

Section 5

Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment/requires a full equality impact assessment.

Signed:



Agency/Division: DOE Planning Service

Date: 21 September 2009

Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
Gender	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

Appendix 3

RURAL PROOFING- REVIEW OF HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

Introduction and Initial Screening

1.1 The following checklist identifies what are considered to be the potential impacts of the proposed amendments to householder permitted development rights on rural communities. This stage of the consultation process is key in refining the initial proposals and enables participation and engagement with the rural communities on the proposals so that their views can be taken into consideration.

1.2 The proposed revisions to Parts 1 and 2 of the Planning (General Development) Order (Northern Ireland) 1993 will benefit all householders. It is however recognised that it may benefit some more than others. The changes aim to improve the ability of the GDO to grant planning permission and thereby enable the planning system to regulate householder developments in a more productive and beneficial manner. The revisions to permitted development rights in the GDO therefore aim to:

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

1.3 The proposed revisions make no distinction between rural and urban areas. Permitted development rights vary according to the type of dwelling. Additionally, it is the proposed development or structure/operation that is assessed in its individual context rather than the locality unless it is within, for example, a conservation area in which case the householder has less scope for undertaking works that constitute permitted development. The GDO does not however refer specifically to rural or urban environments and therefore any variations are simply a consequence of the revisions rather than a direct and intentional change.

1.4 In recent years there has been a significant rise in the number of complaints from neighbours regarding developments that once investigated are in fact permitted. This is also more likely to arise in an urban environment than a rural environment. It is intended that with greater clarity and understanding of permitted developments it will be more easily interpreted and hence fewer complaints are likely to arise.

1.5 The most significant benefit to rural communities is likely to be based on the fact that rural properties are most often detached and further away from neighbours as well as having larger gardens. The extent of permitted development rights for such householders is greater and neighbours are less likely to complain in any case as they are not as likely to be directly affected as neighbours in a built up urban environment. This is however an indirect benefit of the proposed revisions.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies 	
	Positive Negative None	Qualitative (Detail Evidence)		Quantitative (Detail Evidence)
1. Service Provision				
<p>Centralised service outlets: rural people or businesses generally need to travel to an urban centre to use service outlets. How will the proposed rural beneficiaries of a policy have reasonable access to it? Does policy delivery depend upon outlets, which are sparse in many rural areas?</p>	Positive	By reducing the number of planning applications needed for householder development, the proposed permitted development rights will reduce the need to travel to Divisional Planning Offices to engage in pre-application discussion, submit applications or engage in subsequent discussion of those applications. It is also proposed that, in due course, the revised GDO will be available as an interactive tool on the internet which may reduce the need for rural householders to travel to the Divisional Planning Offices to obtain advice.	A number of permitted developments are undertaken without the householder having consulted Planning Service. It is not possible to identify any quantitative evidence of the benefits to rural dwellers.	The proposed revisions are to benefit all householders irrespective of whether they are in an urban or rural environment and it is not considered therefore that there is any requirement for mitigation measures or alternative policies for rural communities.
<p>Few information points: rural areas contain fewer (formal)</p>	Positive	The proposed changes to the GDO, if implemented, will help	As above	

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
places to obtain advice and information e.g. libraries, Citizens Advice Bureaux, public Internet points. If the policy’s successful delivery requires communication with clients, how will those in rural areas have ready access to information and advice?		the average householder to better understand and interpret the GDO to establish whether or not their proposed development is permitted or if it would require permission. It is not envisaged that these changes will require additional communication with clients from either the rural or urban communities. The development of home access to the internet in recent years will also lend itself to access to the GDO and associated guidance and advice on-line.	
2. Mobility			
Greater travel needs: on average rural people and businesses travel further to reach jobs, facilities, clients and other opportunities. What will the policy effects be upon existing requirements to travel, or the	Positive	The proposed changes are estimated to result in a 20% reduction in the number of householder planning applications received and will therefore reduce the need for householders to appoint architectural technicians	As above

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
time, convenience and costs entailed for rural businesses or people (especially those on low incomes or without easy access to a car or public transport)?		and/or agents to prepare plans suitable for submission to the Planning Service. The ability to more easily extend a dwellinghouse without engaging with the planning system may be beneficial where homeworking is being considered.	
Higher service delivery costs: rural distances plus small and dispersed populations can make it more difficult and costly to provide services to rural clients. Does the unit cost of providing the service to rural clients limit the extent or quality of service provision? Are there alternative ways to reduce costs and increase provision?	Positive	The reduction in the number of planning applications for householder development will eliminate in many cases the costs associated with provision of services to rural clients and the related planning fees. The costs associated with householder development in respect of site visits, enforcement officers investigating complaints and resources spent on processing enquiries should reduce as the proposals will result in a more comprehensive and easier to understand and interpret GDO. It	It is anticipated that costs associated with householders developments will be reduced for both urban and rural locations. Insofar as rural locations may be more remote and distant from planning offices the reduction may be greater in relation to rural areas.
			Any impact on rural householders will be positive and there is no requirement for mitigation measures or alternative policies.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
		should reduce the need to undertake site visits especially to rural areas where the potential for impacting on immediate neighbours is significantly less.	
3. Economic Vibrancy			
Employment Opportunities: Will the policy affect the distribution of intended economic activity in different areas, or the level of access to employment or training opportunities, e.g. the distribution of public sector jobs and the relative accessibility of job skills training.	None	It is not anticipated that the proposed changes to permitted development rights will impact in this area.	
Employment Flexibility: many households require part-time employment or employment with flexible hours to allow them to balance work and life needs (for example, in	Positive	The ability to more easily extend a dwellinghouse without engaging with the planning system may be beneficial where homeworking is available or being considered and dedicated space is required.	Any impact on rural householders will be positive and there is no requirement for mitigation measures or alternative policies.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
maintaining a small farm or balancing care arrangements). Will the policy help or hinder this sort of employment need or reduce the need for flexibility through, for example, encouraging better childcare provision?			
Small firm economy: more businesses are micro-businesses in rural areas (in particular agricultural) and there are few medium-sized or large firms. Will a policy or initiative target and be of benefit to, small (as well as larger) businesses?	Positive	The ability to more easily extend a dwellinghouse without engaging with the planning system may be beneficial where a small “at home” business is being pursued which does not constitute a material change of use of a dwellinghouse.	Any impact on rural householders will be positive and there is no requirement for mitigation measures or alternative policies.
Weak infrastructure: telecommunications infrastructures are generally less developed in rural areas, especially remoter areas. If a fast or high-capacity infrastructure (e.g. “broadband”	None	It is not anticipated that the proposed changes to householder permitted development rights will impact in this area.	

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
telecommunications) will play a significant part in implementing the policy or initiative, how will it be delivered in rural areas?			
Infrastructure innovations: often, new innovations in infrastructure or service provision are introduced into urban areas first. Can innovations also be tested in rural areas? Might rural areas provide a stronger test in the first instance? Are there plans to roll out new services or infrastructure to rural areas to minimise long periods of inequality?	None	The proposed changes are intended to come into operation throughout Northern Ireland at the same time. They do not appear to present any opportunities for testing in rural areas first.	
High Impact Infrastructure: could a fast or high capacity infrastructure requirement represent a significant impact on environmental or social assets in	None	It is not anticipated that the proposed changes to permitted development rights will impact in this area.	

Rural

	Assessment Of Impacts			Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	Quantitative (Detail Evidence)	
rural areas (e.g. the impact on social cohesion of increased mobility stemming from the upgrading of roads). Could it be modified to reduce these impacts whilst still delivering policy benefits.				
4. Social Well Being				
Countryside amenity and access: the countryside provides important recreational opportunities and a place to get away from it all for people wherever they live. What will be the impact of the policy or initiative for people wishing to reach and use the countryside as a place for recreation and enjoyment?	Positive	Conditions and limitations associated with the proposed permitted development rights are designed to protect valuable landscapes and amenity resources so that, among other things, people can access and enjoy the countryside.		Any impact on rural householders will be positive and there is no requirement for mitigation measures or alternative policies.
Needs not concentrated: rural disadvantage and social	Positive	The proposed changes to permitted development rights will	Annual statistics for householder developments	The revised GDO will apply equally to all householders

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies 	
	Positive Negative None	Qualitative (Detail Evidence)		Quantitative (Detail Evidence)
exclusion does not exist in the types of concentrations found on urban housing estates or in inner city neighbourhoods. It is generally scattered and, in wealthier parts of the countryside, exists side by side with affluence. Will a policy, especially area-based initiatives, have provision for reaching people or households in the open countryside as well as more concentrated locations of disadvantage?		reach all people and householders whether in the open countryside or in concentrated areas of disadvantage.	that are recorded by Planning Service do not differentiate between house type or tenure and do not therefore provide a basis for assessing the quantitative impact on one particular sector of the rural community.	irrespective of affluence and there is no requirement therefore to introduce mitigation measures or alternative policies.
Different types of need: the mix of deprivation characteristics is somewhat different between rural and urban areas. Poor access to services (including health & social services), low local wages, limited job opportunities and a lack of affordable housing	Positive	An attempt has been made in the proposed permitted development rights, particularly in relation to development on side elevations, to make permitted development rights less restrictive where there are no adjacent neighbours, which is more likely in rural areas.		Any impact on rural householders will be positive and there is no requirement for mitigation measures or alternative policies.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
are key rural issues. What needs or deprivation indicators will be used to target an initiative: will they reflect both rural and urban concerns?			
5. Social Capital			
Low institutional capacity: private, public and voluntary sector bodies in rural areas tend to be smaller and often struggle to forge partnerships or submit bids, especially to tight timescales. If a policy or initiative depends upon local institutions, how will it allow for areas with low institutional capacity? How might it avoid a bias in favour of urban representation and influence if partnership formation is a key method for delivery or for subsequent mainstreaming of	None	It is not anticipated that the proposed changes to permitted development rights will impact in this area. Access to permitted development rights is not dependent upon local institutions.	

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
learning from pilot initiatives?			
Social Capital and community cohesion: provision of services or design of village renewal, new or regeneration of housing estates can impact on sense of community and social capital. Will the policy contribute to strengthening or weakening social capital and hence, the health and sustainability of rural communities?	Positive	The proposed revisions should provide greater opportunities for householders to undertake improvements, including extensions, to their homes, which may be a factor in village renewal or regeneration of housing estates.	A number of permitted developments are undertaken without the householder having consulted Planning Service. It is not possible to identify any quantitative evidence of the benefits to rural dwellers.
6. Natural & Cultural Capital			
Land-based industries: land-based industries (e.g. agriculture, forestry, fishing and extraction / mining) have an important impact on the rural landscape, environment and biodiversity, and remain significant employers in certain rural areas (despite being a fairly	None	It is not anticipated that the proposed changes to permitted development rights will impact in this area.	

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
small element of the overall rural economic base). Will a policy have any particular impacts on –land-based industries and, therefore, on rural economies and environments?			
Landscape quality and character: our rural landscapes are highly valued for their beauty and distinctiveness and contribute significantly to our tourism potential. What will be the likely policy impact upon the quality and distinctive character of natural and built rural landscapes, especially (but not only) on protected landscapes and on biodiversity?	Positive	The impacts based approach to this review has considered in the design of conditions and limitations associated with the proposed permitted development rights the potential impacts upon valuable landscapes and amenity resources. This has led to the modification of permitted development rights in sensitive areas such as AONBs. Revisions such as the requirement for hard surfaces to be constructed of porous materials only will also assist in relation to sustainable drainage. Consequently the	Any impact upon the natural and built rural landscape will be positive and there is no requirement for mitigation measures or alternative policies.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
		proposed changes to permitted development rights are not expected to have a detrimental impact upon the distinctive character of rural landscapes.	
Local Craft and Food production: A key resource for the growth of many micro-businesses in rural areas is the use of traditional crafts, foods and recipes. Will the policy have an impact on the production of any of these, (e.g. regulations affecting food hygiene and production standards) and if so how might traditional approaches be accommodated.	None	It is not anticipated that the proposed changes to permitted development rights will impact in this area.	

Appendix 4

CONSOLIDATED PARTS 1 AND 2 REVISIONS

PART 1 – ENLARGEMENT, IMPROVEMENT OR OTHER ALTERATIONS TO A DWELLINGHOUSE

Permitted Development

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

A1 Development is not permitted by Class A if:

- a) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- b) the part of the building enlarged, improved or altered, exceeds the height of the highest part of the roof of the original dwellinghouse;
- c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceeds the height of the eaves of the existing dwellinghouse;
- d) the enlarged part of the dwellinghouse extends beyond a wall which –
 - i) faces onto a road; and
 - ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- e) the enlarged part of the dwellinghouse has a single storey and -
 - i) extends beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - ii) exceeds 4 metres in height, or
 - iii) is within 3.5 metres of any boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse;

- f) the enlarged part of the dwellinghouse would have more than one storey and –
 - i) extends beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - ii) is within 7 metres of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
- g) within 2 metres of any boundary of the curtilage of the dwellinghouse, the eaves height of an extension exceeds 3 metres;
- h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and –
 - i) exceeds 4 metres in height; or
 - ii) have a breadth greater than half the breadth of the original dwellinghouse;
- i) it consists of or includes an alteration to any part of the roof of the dwellinghouse;
- j) it consists of or includes the provision of a deck, balcony, veranda or other raised platform;
- k) it consists of or includes the provision of a basement;
- l) it consists of or includes the installation, alteration or replacement of a chimney, flue or soil and vent pipe;
- m) it consists of or includes the installation, alteration or replacement of a microwave antenna; or
- n) the dwellinghouse is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

- A2** In the case of a dwellinghouse which is within a conservation area, world heritage site, area of outstanding natural beauty or national park, development is not permitted by Class A if:
- a) it consists of or includes the cladding of any part of the exterior of a dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles;
 - b) the enlarged part of the dwellinghouse is more than one storey (or be more than 4 metres in height); or

c) the enlarged part of the dwellinghouse extends beyond a wall forming a principal or side elevation of the original dwellinghouse.

Conditions

A3 Development is permitted by Class A subject to the following conditions –

a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

b) any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be –

i) obscure glazed, and

ii) non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; or

c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, as far as practicable, be similar to the roof pitch of the original dwellinghouse.

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

B1 Development is not permitted by Class B if:

- a) any part of the dwellinghouse, as a result of the works, exceeds the height of the highest part of the existing roof;
- b) any part of the dwellinghouse, as a result of the works, extends more than 15 centimetres beyond the plane of any existing roof slope which:
 - i) faces a road; and
 - ii) forms either the principal or side elevation of the dwellinghouse;
- c) the rear roof extension is closer than 0.5 metres to the ridge, closer than 0.5 metres to the eaves (measured along the plane of the roof), or closer than 0.5 metres to any party wall or verge;
- d) it consists of or includes:
 - i) the construction or provision of a deck, balcony, veranda or other raised platform,
 - ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - iii) the installation, alteration or replacement of a microwave antenna;
- e) the dwellinghouse is within a conservation area; or
- f) the dwellinghouse is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Conditions

B2 Development is permitted by Class B subject to the following conditions:

- a) the materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- b) any window inserted on a wall or roof slope forming a side elevation of the roof alteration, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be –
 - i) obscure glazed, and
 - ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

C1 Development is not permitted by Class C if –

- a) the ground area (measured externally) of the structure exceeds 3 square metres;
- b) any part of the structure is more than 3 metres above ground level with a flat or mono pitched roof, or 3.5 metres with a dual pitched roof;
- c) any part of the structure is within 2 metres of any boundary of the curtilage of the dwellinghouse with a road;
- d) the materials are not similar in appearance to the existing dwellinghouse; or
- e) the dwellinghouse is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

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.

D1 Development is not permitted by Class D if –

- a) the total area of ground covered by buildings or enclosures to be constructed or erected within the curtilage (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- b) any part of the building, enclosure or pool to be constructed or provided is situated on land forward of a wall which
 - i) faces onto a road; and
 - ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- c) the height of the building or enclosure to be constructed or erected exceeds 4 metres in height;
- d) within 2 metres of the boundary of the curtilage of the dwellinghouse the eaves height exceeds 2.5 metres;
- e) any part of the building or enclosure is within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse;
- f) it consists of or includes the construction or provision of a deck, balcony, veranda or other raised platform;
- g) it involves the installation, alteration or replacement of a microwave antenna;
- h) it involves development for use as a dwellinghouse; or
- i) it is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

D2 In the case of any land which is within the curtilage of the dwellinghouse which is within:

- a) a world heritage site;
- b) a national park; or
- c) an area of outstanding natural beauty;

development is not permitted by Class D if the total area of ground covered by buildings, enclosures, and pools situated more than 20 metres from any wall of the dwelling would exceed 10m².

D3 In the case of any land within the curtilage of a dwellinghouse within a conservation area, world heritage site, national park, or area of outstanding natural beauty, development is not permitted by Class D if any part of the building, enclosure or pool is situated on land between a wall forming either a principal or side elevation of the dwelling and the boundary of the curtilage of the dwellinghouse.

Class E: Development Consisting of:

a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse;

or

b) the replacement in whole or in part of such a surface.

Conditions

E1 Development is permitted by Class E subject to the condition that where:

a) the hard surface is situated on land between a wall forming the principal elevation of the dwellinghouse and a road; and

b) the area of ground covered by the hard surface, or the hard surface to be replaced exceeds 5m²,

either the hard surface shall be made of porous or permeable materials, or provision shall be made to direct run off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse.

E2 Development is not permitted by Class E within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Class F: The erection or provision, within the curtilage of a dwellinghouse, of a container for the storage of oil or liquefied petroleum gas for domestic purposes.

F1: Development is not permitted by Class F if:

- a) the capacity of the container exceeds 3,500 litres;
- b) any part of the container is above the level of the ground by more than 3 metres;
- c) any part of the container is situated on land beyond a wall which
 - i) faces onto a road; and
 - ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- d) any part of the container is within 2 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwelling house;
- e) in the case of a dwellinghouse which is within a conservation area, any part of the container is situated on land between a wall forming a principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse; or
- f) it is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Class G – The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

This remains unchanged, as it is outside the scope of this review.

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

H1: Development is not permitted by Class H if:

- a) the height of the chimney, flue or soil and vent pipe exceeds the highest part of the roof by 1 metre or more; or
- b) in the case of a dwellinghouse which is within a conservation area, world heritage site, area of outstanding natural beauty or national park the chimney, flue or soil and vent pipe is installed on a wall or roof slope which:
 - i) faces a road, and
 - ii) is part of either the principal elevation or side elevation of the dwellinghouse; or
- c) the dwellinghouse is within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

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

I1: Development is not permitted by Class I if:

- a) any part of the deck, balcony, veranda or other raised platform exceeds 0.3 metres above ground level;
- b) the deck, balcony, veranda or raised platform is on land which:
 - i) faces onto a road; and
 - ii) is forward of a wall forming the principal elevation or a side elevation of the dwellinghouses;
- c) in the case of any land within a conservation area, development is not permitted by Class I if any part of the deck, balcony, veranda or raised platform is situated on land between a wall forming either the principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse; or
- d) in the case of any land within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

PART 2 – MINOR OPERATIONS

Permitted Development

Class A: “The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure”.

A1. Development is not permitted by Class A if:

- a) the height of any gate, fence, wall or other means of enclosure erected or constructed adjacent to a road used or designed to be used by vehicular traffic exceeds 1 metre above ground level;
- b) the height of any other gate, fence, wall or means of enclosure to be erected or constructed exceeds 2 metres in height above ground level;
- d) the height of any gate, fence, wall or means of enclosure maintained, improved or altered exceeds its former height or the height referred to in sub paragraphs (a), or (b) as the height appropriate to it if erected or constructed, whichever is the greater;
- e) it involves development on land determined by the Department as a private street in accordance with Article 3 (1) of the Private Streets (Northern Ireland) Order 1980; (1) SI 1980/10861 (NI12).
- f) within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

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).

Development Not Permitted

B1: Development is not permitted under Class B where it is within an area of special scientific interest, or site of archaeological interest.

Class C: The painting of the exterior of any building or work.

Development Not Permitted

- C1:**
- a) development is not permitted by Class C where the painting is for the purpose of advertisement, announcement or direction; or
 - b) development is not permitted by Class C within the curtilage of a Listed Building, unless Listed Building Consent for the development has previously been granted.

Appendix 5

ILLUSTRATIONS

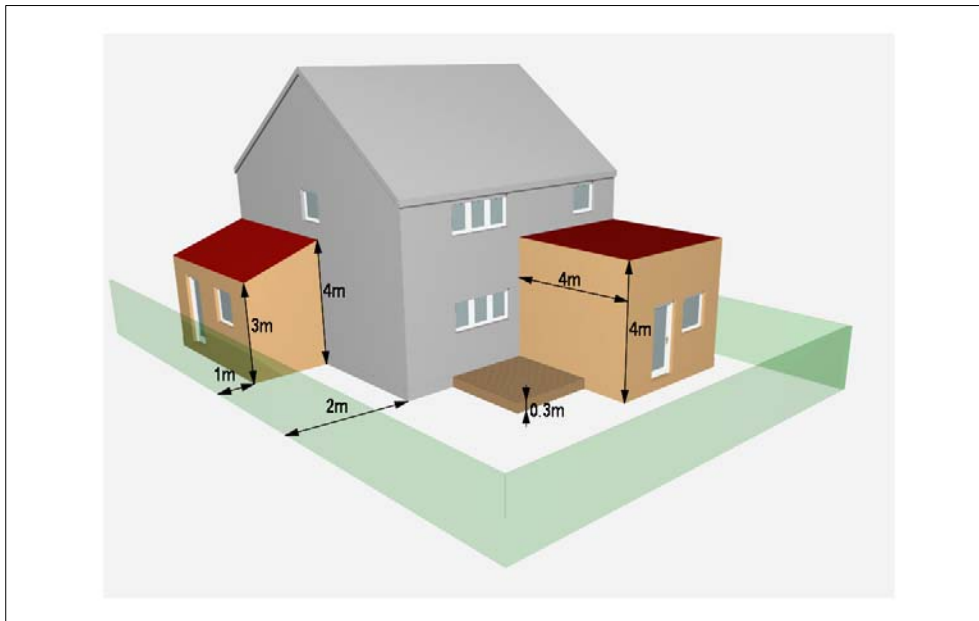


Figure 1: Single Storey Extensions to Detached House

(Note One: Neither the side or rear elevations face a road)

(Note Two: The dwelling is not listed)

The above example illustrates two possible extensions to a detached dwelling which would not require a planning application for the following reasons:

The Rear Extension

- A1 (a) it does not exceed 50% of the total area of the curtilage;
- A1 (b) the height of the extension does not exceed the highest part of the roof of the existing dwellinghouse;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (e)(i) the extension is single storey and does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres (as the house is detached);
- A1 (e)(ii) it does not exceed 4 metres in height;
- A1 (j) there are no alterations to the roof.

The Side Extension

- A1 (a) does not exceed 50% of the total area of the curtilage;
- A1 (b) the height of the extension does not exceed the highest part of the roof;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (g) the extension is within 2 metres of the boundary of the curtilage of the dwellinghouse so the eaves height is restricted to 3 metres;
- A1 (h)(i) it does not exceed 4 metres in height;
- A1 (h)(ii) it is not broader than half the breadth of the original dwellinghouse;
- A1 (j) there are no alterations to the roof

Comment: The decking shown is controlled under the proposed Class I.

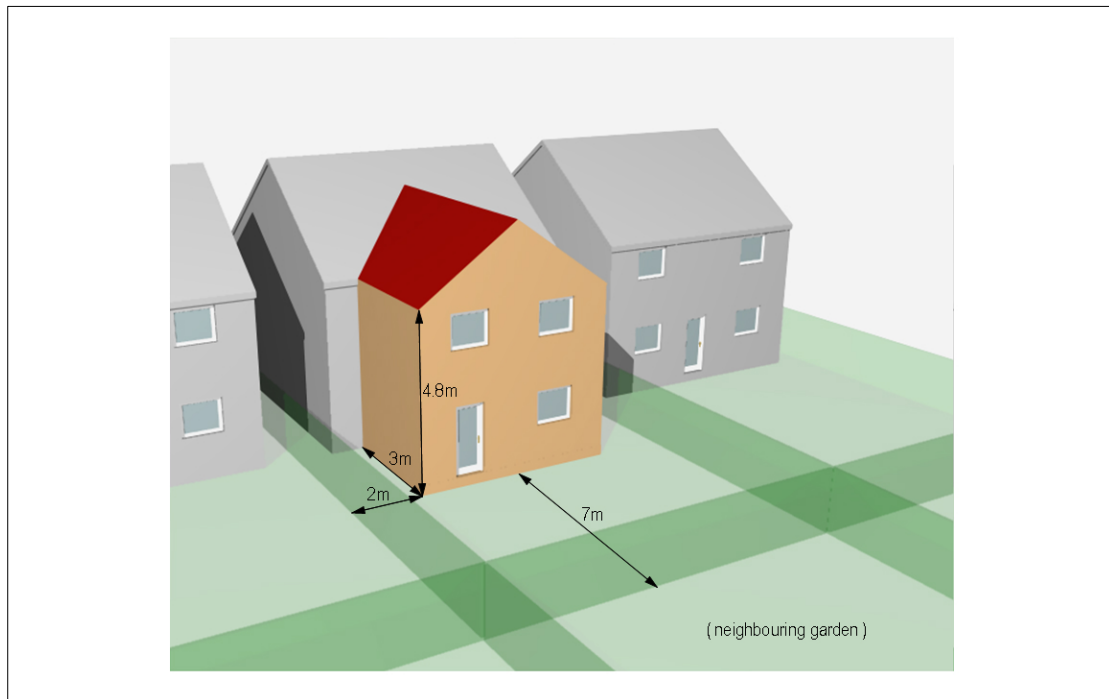


Figure 2: Two Storey Extension to Detached House

(Note One: The rear elevation does not face a road)

(Note Two: The dwelling is not listed)

The above example illustrates two possible extensions to a detached dwelling which would not require a planning application for the following reasons:

- A1 (a) it does not exceed 50% of the total areas of the curtilage (excluding the original dwellinghouse);
- A1 (b) the height of the extension does not exceed the highest part of the roof of the existing dwellinghouse;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (f)(i) the extension is more than one storey but does not extend beyond the rear elevation of the original dwellinghouse by more than 3 metres;
- A1 (f)(ii) the extension is not within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwelling;
- A1 (g) as the extension is not within 2 metres of the boundary of the curtilage of the dwelling the eaves height is not restricted to 3 metres

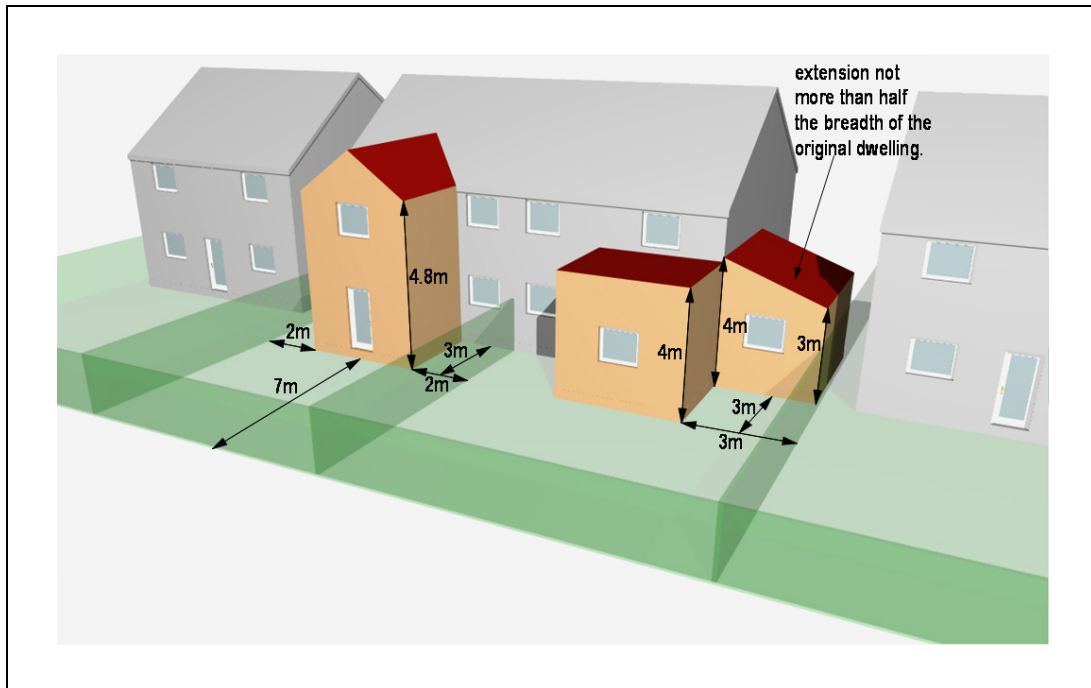


Figure 3: Single and Two Storey Extensions to Semi-detached Dwellings

(Note One: The rear elevations do not face a road)

(Note Two: The dwellings are not listed)

The above examples illustrate three possible extensions to a semi-detached dwelling which would not require a planning application for the following reasons:

Two Storey Extension

- A1 (a) does not exceed 50% of the total area of the curtilage;
- A1 (b) the extension does not exceed the highest part of the roof of the existing dwellinghouse;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (f)(i) the extension is more than one storey but does not extend beyond the rear elevation of the original dwellinghouse by more than 3 metres;
- A1 (f)(ii) the extension is not within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the wall forming the rear elevation of the dwellinghouse;
- A1 (g) as the extension is not within 2 metres of the boundary of the curtilage of the dwelling the eaves height is not restricted to 3 metres

Flat Roofed Extension

- A1 (a) does not exceed 50% of the total area of the curtilage;
- A1 (b) the height of the extension does not exceed the highest part of the roof of the existing dwellinghouse;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (e)(i) the extension is of single storey but does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres (as the house is semi-detached);
- A1 (e)(ii) does not exceed 4 metres in height

Comment: There is no restriction on flat roofing.

Side Extension

- A1 (a) does not exceed 50% of the total area of the curtilage;
- A1 (b) the height of the extension does not exceed the highest part of the roof of the existing dwellinghouse;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (g) the extension is within 2 metres of any boundary of the curtilage of the dwellinghouse but the eaves height does not exceed 3 metres;
- A1 (h)(i) extends beyond a wall forming a side elevation but does not exceed 4 metres in height;
- A1 (h) (ii) development does not exceed half the breadth of the existing dwellinghouse.

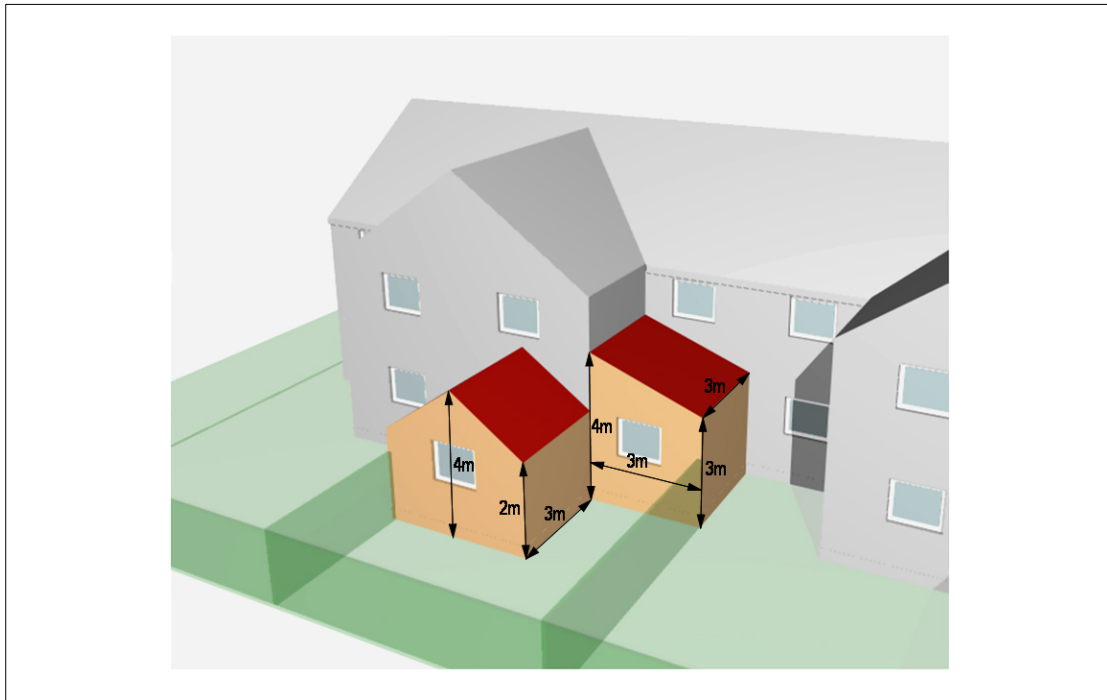


Figure 4: Single Storey Extensions to Terraced Dwelling

(Note One: The rear elevations do not face a road)

(Note Two: The dwelling is not listed)

The above example illustrates two possible single storey extensions, where the original rear wall of the dwelling is varied which would not require a planning application for the following reasons:

Example on Left Side

- A1 (a) does not exceed 50% of the total area of the curtilage;
- A1 (b) the height of the extension does not exceed the highest part of the roof of the existing dwellinghouse;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (e)(i) the extension is of single storey and does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres (as house is terraced);
- A1 (e)(ii) does not exceed 4 metres in height;
- A1 (g) as the extension is within 2 metres of any boundary of the curtilage of the dwellinghouse the eaves height is less than 3 metres.

Because of the restricted length of the extension permitted, together with height restrictions, the impacts on neighbours are not significant.

Example on Right Side

- A1 (a) does not exceed 50% of the total area of the curtilage;
- A1 (b) the height of the extension does not exceed the highest part of the roof of the existing dwellinghouse;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (e)(i) the extension is of single storey and does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres (as house is terraced);
- A1 (e)(ii) does not exceed 4 metres in height;

A1 (g) as the extension is within 2 metres of any boundary of the curtilage of the dwellinghouse the eaves height is restricted to 3 metres

Comment: Because of the restricted length of extension permitted, together with height restrictions, the impacts on neighbours are not significant.

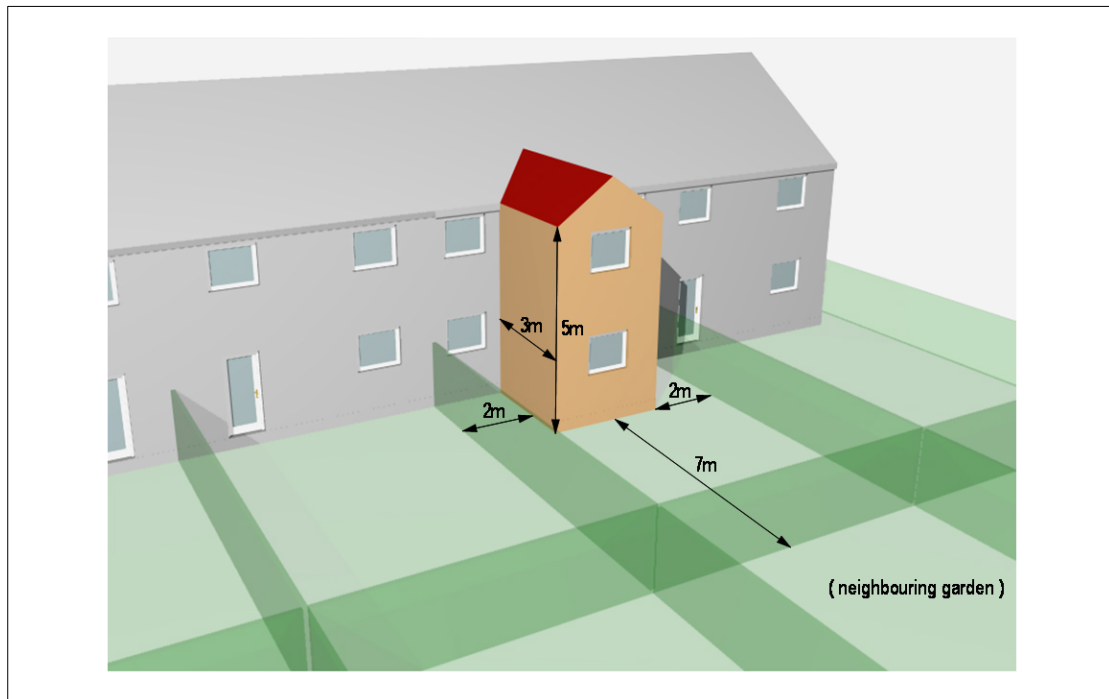


Figure 5: Two Storey Extension to Terraced House

(Note One: the rear elevation does not face a road)

(Note Two: the dwelling is not listed)

The above example illustrates a possible two storey extension to a terraced dwelling which would not require a planning application for the following reasons:

- A1 (a) does not exceed 50% of the total area of the curtilage;
- A1 (b) the height of the extension does not exceed the highest part of the roof of the existing dwellinghouse;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (f)(i) the extension is more than one storey but does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres;
- A1 (f)(ii) the extension is not within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear elevation of the dwellinghouse;
- A1 (g) as the extension is not within 2 metres of the boundary of the curtilage of the dwellinghouse the eaves height is not restricted to 3 metres

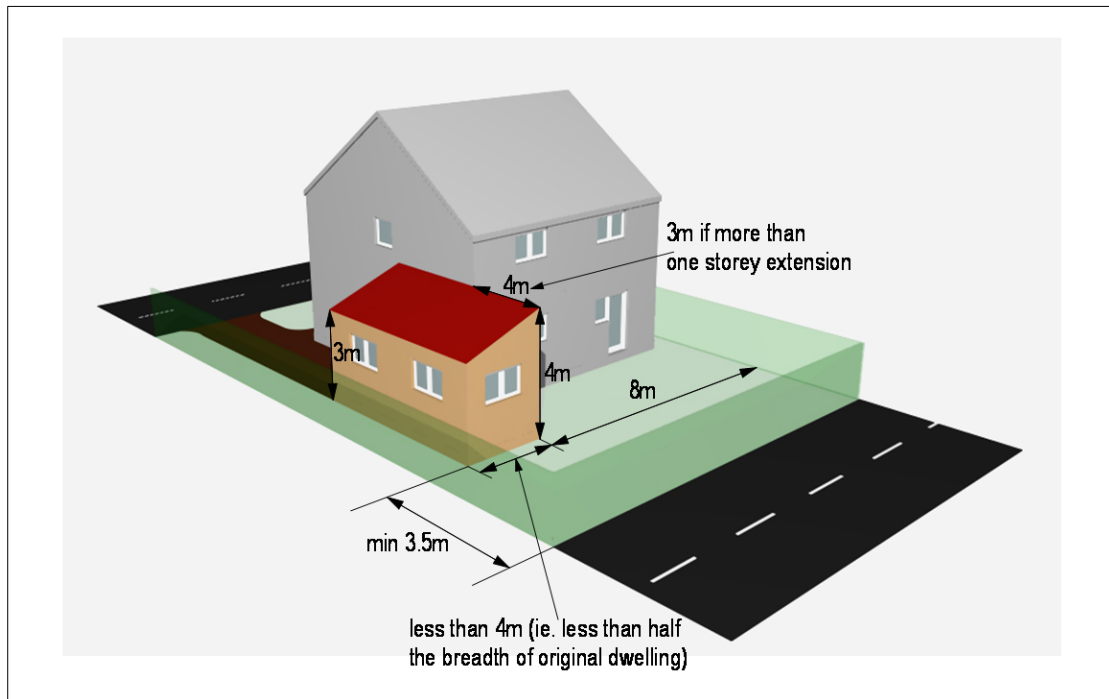


Figure 6: Side and Rear Extension to Detached Dwelling

(Note One: there is a road to the rear of the dwelling)

(Note Two: the dwelling is not listed)

The above example illustrates an extension to the side and rear of the dwelling, which would not require a planning application for the following reasons:

- A1 (a) it does not exceed 50% of the total area of the curtilage;
- A1 (b) the height of the extension does not exceed the highest part of the roof of the existing dwelling;
- A1 (c) the height of the eaves does not exceed the height of the eaves of the existing dwellinghouse;
- A1 (e)(i) the extension is single storey and does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres (as the house is detached);
- A1 (e)(ii) it does not exceed 4 metres in height;
- A1 (e)(iii) the extension is not within 3.5 metres of any boundary of the curtilage with a road;
- A1 (h)(ii) it is not broader than half the breadth of the original dwellinghouse;
- A1 (i) there are no alterations to the roof

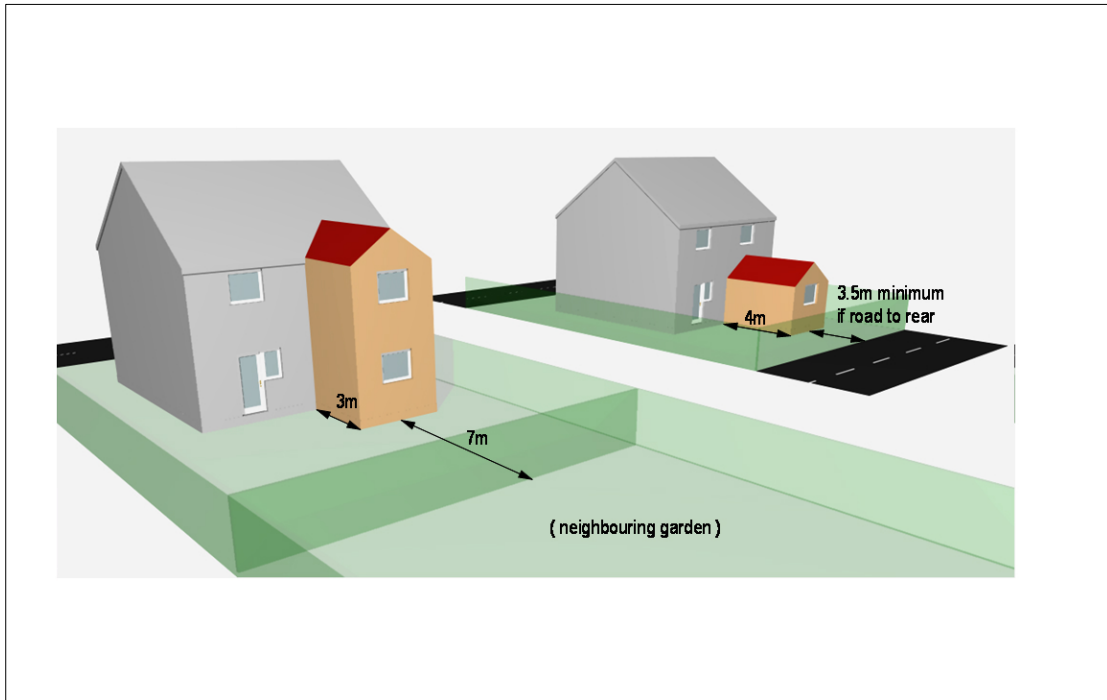


Figure 7: Single and Two Storey Extensions to Detached Dwellings

(Note One: The dwelling is not listed)

The above examples illustrate how under A1 (f) a distance of 7 metres is required from the rear boundary of the curtilage where the extension is two storey, regardless of whether there is a road to the rear. A single storey extension requires a separation distance of at least 3.5 metres where there is a road to the rear A1(e).



Figure 8: Traditional Rear Dormers

(Note: the dwelling is not listed)

The above example illustrates a possible roof alteration to create traditional rear dormers which would not require a planning application for the following reasons:

- B1 (a) no part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- B1 (c) the rear roof extension is not less than 0.5 metres to the ridge and is not less than 0.5 metres from the eaves (measured along the plane of the roof), or within 0.2 metres of any party wall or verge



Figure 9: Rear Dormer Extension

(Note: the dwelling is not listed)

The above example illustrates a possible roof alteration to create a rear dormer extension which would not require a planning application for the following reasons:

- B1 (a) no part of the dwellinghouse exceeds the height of the highest part of the existing roof;
- B1 (c) the rear roof extension is not less than 0.5 metres to the ridge, not less than 0.5 metres to the eaves (measured along the plane of the roof), not less than 0.2 metres to any party wall or verge

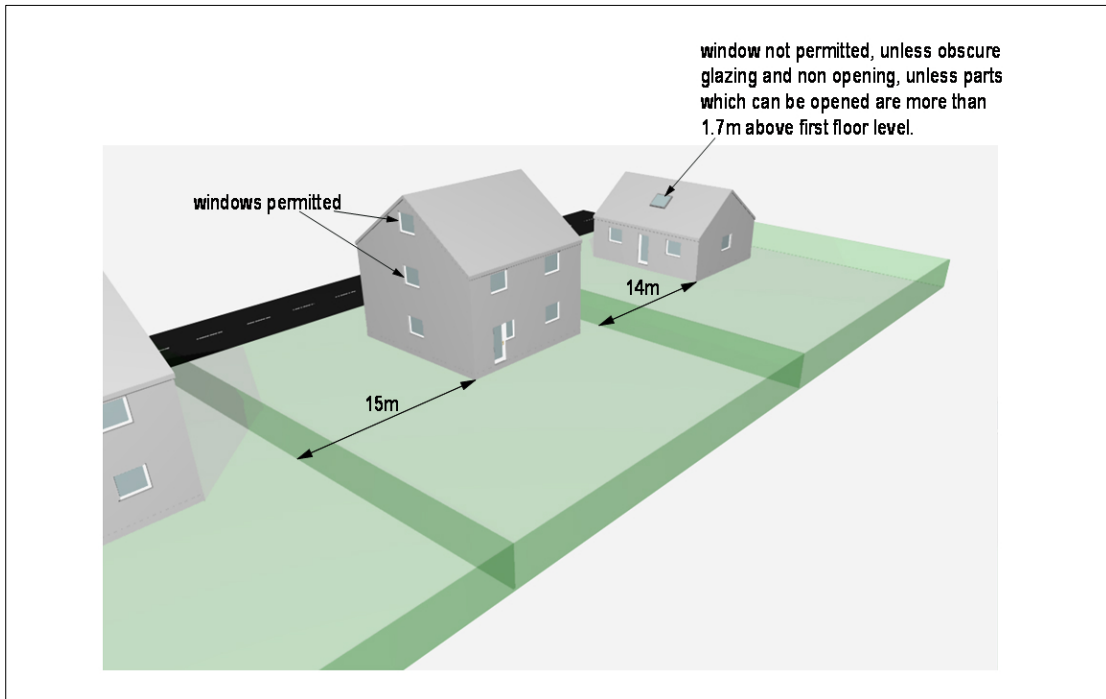


Figure 10: Windows in Side Elevations

(Note: The dwelling is not listed)

The above example illustrates where windows in side elevations are permitted without restriction, and where they must be obscure glazed and non-opening unless more than 1.7 metres above floor level (A3 (b)).

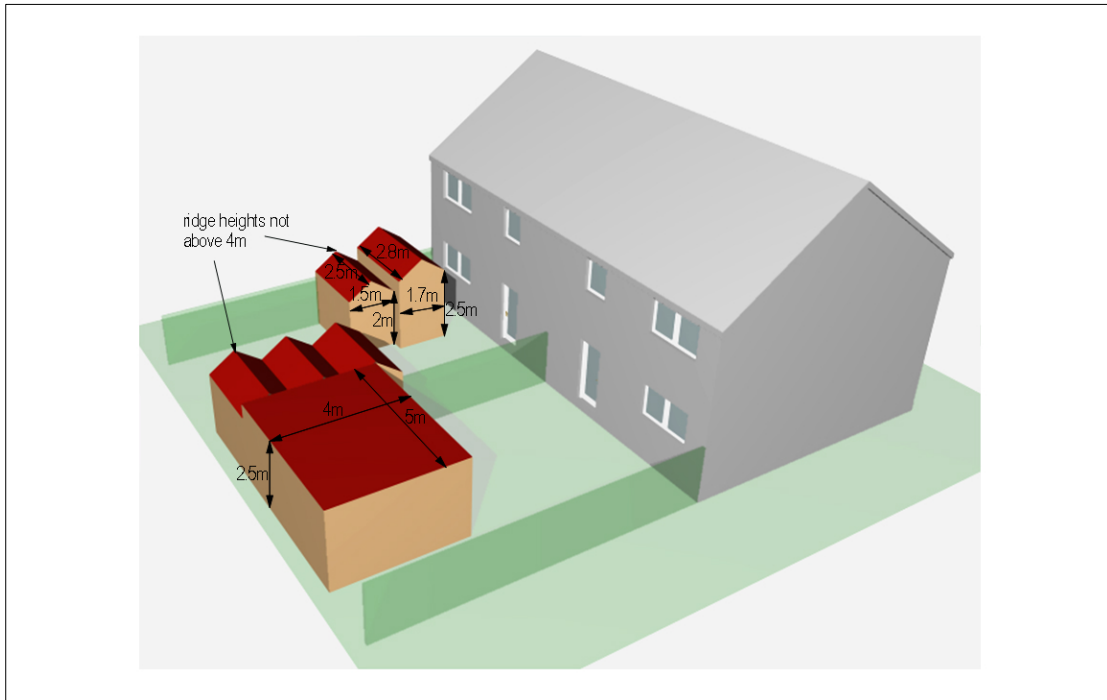


Figure 11: Outbuildings

(Note: The dwellings are not listed)

The above example illustrates a number of possible outbuildings which would not require a planning application for the following reasons:

- D1 (a) the total area of ground covered by the buildings or enclosures within the curtilage (other than the original dwellinghouse) does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- D1 (b) no part of the buildings is situated on land forward of a wall which
 - (i) faces onto a road and
 - (ii) forms neither the principal elevation or side elevation of the original dwellinghouse;
- D1 (c) no part of the buildings would exceed 4 metres in height;
- D1 (d) the buildings are within 2 metres of the boundary of the curtilage of the dwelling but the eaves height does not exceed 2.5 metres;
- D1 (e) no part of the building or enclosure is within 3.5 metres of any boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwelling.

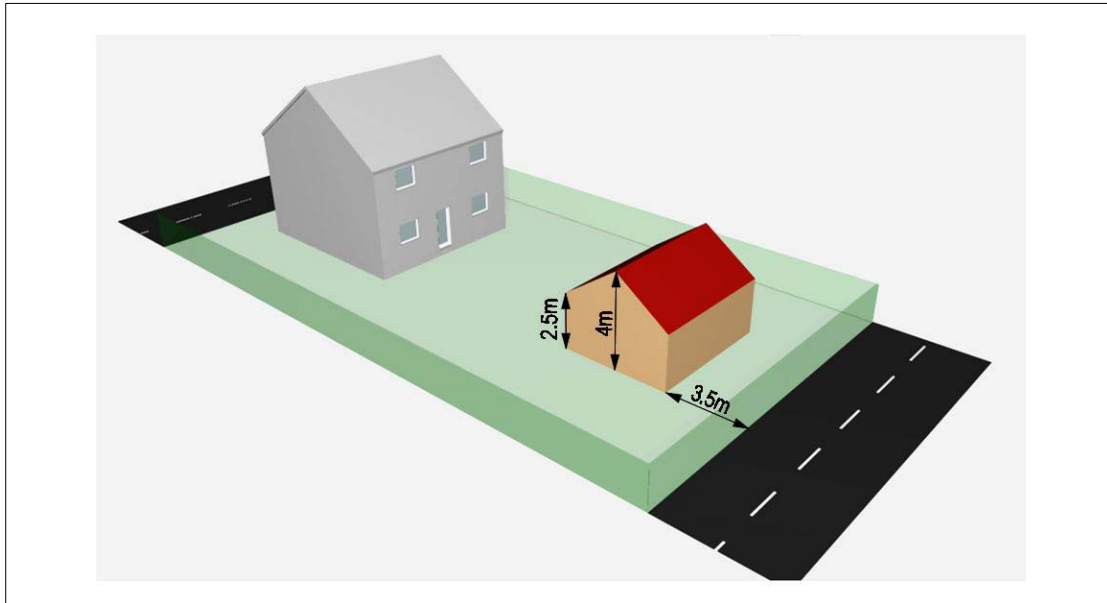


Figure 12: Outbuildings

(Note: The dwelling is not listed)

The above example illustrates a detached outbuilding which would not require planning permission for the following reasons:

- D1 (a) the total area of ground covered by the outbuilding does not exceed 50% of the curtilage (excluding the original dwellinghouse);
- D1 (b) although the building is forward of a wall which faces a road this wall does not form either the principle or side elevation of the original dwellinghouse;
- D1 (c) the height does not exceed 4 metres;
- D1 (e) as there is a road to the rear a separation distance of at least 3.5 metres is required.

Appendix 6

SUMMARY OF CHANGES

Class A

Enlargement, improvement or other alteration of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of change
<p>Class A1 (a) Design and external finishes to conform with those of original dwellinghouse</p>	<p><i>(Class A3 (a))</i> Materials used in any exterior work should be of similar appearance to those used in existing dwellinghouse</p>	<p>The need to conform to the original design finish is no longer a requirement; materials can be of similar appearance.</p>
<p>Class A1 (b) Cumulative volume limitations:</p> <p>Terrace House or house in conservation area: 50 cm³ or 10% whichever is greater</p> <p>Any other case 70 cm³ or 15% whichever is greater</p> <p>Any case more than 115cm³</p>	<p>Cumulative volume limitations no longer used, development is controlled by height, length and breadth restrictions.</p> <p>Single Storey <i>(Class A1 (e) ii)</i> Not permitted if:</p> <ul style="list-style-type: none"> exceeds 4 metre in height or <p><i>(Class A1 (e) i)</i> extends beyond the rear wall of the dwellinghouse by more than: Detached : 4 metres Other : 3 metres</p> <p><i>(Class A1 (f) i , ii)</i> More than one Storey Not permitted if:</p> <ul style="list-style-type: none"> extends beyond the rear wall of the dwellinghouse by more than 3 metres or: <ul style="list-style-type: none"> is within 7 metres of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse. <p>Condition <i>(Class A3 (b) i, ii)</i> Any upper floor window located in a wall or roof slope forming side elevation of the dwellinghouse, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be</p> <ul style="list-style-type: none"> be obscure glazed, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which it is installed) 	<p>Cumulative volume limitations no longer used, development now controlled by height, length and breadth restrictions.</p> <p>Single Storey limitations:</p> <ul style="list-style-type: none"> Maximum 4 metres in height <ul style="list-style-type: none"> <u>Detached</u> :4 metres maximum length from rear wall <u>Other</u>: 3 metres maximum length from rear wall <p>More than one Storey limitations:</p> <ul style="list-style-type: none"> Maximum 3 metres from rear wall: Minimum 7 metres to any-boundary. Side facing windows to be obscure glazing and non-opening, if the window is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse. Roof pitch shall be similar to the roof pitch of the original dwellinghouse

Enlargement, improvement or other alteration of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of change
	<p><i>(Class A3(c))</i> Roof pitch of the enlarged part shall be similar to the roof pitch of the original dwellinghouse</p> <p><i>(Class A1 (h) i,ii)</i> Enlargements to the side elevation Limitations: Not permitted if: The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the dwellinghouse and would :</p> <ul style="list-style-type: none"> • exceed 4 metres in height • have a breadth greater than half the breadth of the original dwellinghouse. 	<p>Side elevations:</p> <ul style="list-style-type: none"> • Maximum 4 metres in height • Maximum 50% breadth of original dwellinghouse.
<p>Class A1 (c) Height Restriction Enlargement not to exceed height of highest part of the roof of the original dwellinghouse</p>	<p><i>(Class A1 (b))</i> No change</p> <p><i>(Class A1(c))</i> Additional provision Not permitted if the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceeds the height of the eaves of the existing dwellinghouse.</p>	<p>Height of the eaves of enlargement cannot exceed the height of the eaves of the existing dwellinghouse</p>
<p>Class A1 (d) Development is not permitted if any part of resulting building is nearer to any road which bounds its curtilage than the part of the original dwellinghouse nearest to that road</p>	<p><i>(Class A1 (d))</i> Not permitted if the enlarged part of the dwellinghouse extends beyond a wall which</p> <ul style="list-style-type: none"> • faces onto a road and • forms either the principal and side elevation of the original dwellinghouse. <p><i>(Class A1 (e) iii)</i> Single storey – not permitted within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse</p> <p>Additional restrictions not required for more than one storey as development already not permitted for more than one</p>	<p>Not permitted if extends beyond a wall which:</p> <ul style="list-style-type: none"> • faces a road and • forms either the principal and side elevation of the original dwellinghouse. <p>Single Storey Rear not permitted within 3.5 metres of any boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse</p> <p>Additional restrictions not required for more than one storey as development already not permitted for more than one storey within 7 metres of the boundary of the curtilage of the</p>

Enlargement, improvement or other alteration of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of change
	storey within 7 metres of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse	dwellinghouse opposite the rear wall of the dwellinghouse
Class A1 (e) Development is not permitted if the part of the building enlarged, improved or altered is within 3 metres of the boundary of the curtilage of the dwellinghouse and exceeds 4 metres in height.	<i>(Class A1(g))</i> Not permitted if within 2 metres of any boundary of the curtilage of the dwellinghouse, the eaves height of an extension exceeds 3 metres.	Not permitted if within 2 metres of any boundary of the curtilage of the dwellinghouse, the eaves height of an extension would exceed 3 metres.
Class A1 (f) Total area covered by buildings within the curtilage (other than the original dwellinghouse) exceeds 50% of total area of curtilage (excluding ground area of the original dwellinghouse)	<i>(Class A1 (a))</i> No change	No change
Class A1 (g) Enlargement not permitted if it includes installation, alteration or replacement of a microwave antenna	<i>(Class A1 (m))</i> No change	No change
Class A1 (h) Enlargement not permitted if it includes an alteration to any part of the roof	<i>(Class A1(i))</i> No change	No change
	<i>(Class A1 (j))</i> Enlargement not permitted if it includes the provision of a balcony, veranda or raised platform. <i>(Class A1 (k))</i> Enlargement not permitted if it consists of or includes a basement <i>(Class A1 (l))</i> Enlargement not permitted if it includes the installation of a chimney, flue or soil and vent pipe	<ul style="list-style-type: none"> • Balconies, verandas, or raised platform not permitted. • Basements not permitted • the installation of a chimney, flue or soil and vent pipe not permitted
Class A1(i) <i>Within the curtilage of a Listed Building</i> Enlargements NOT permitted in the curtilage of a listed building.	<i>(Class A2)</i> Not permitted within , <i>Conservation Areas, world heritage sites, areas of outstanding natural beauty or national parks if:</i> <ul style="list-style-type: none"> • <i>it consists of various forms of cladding</i> • <i>the enlarged part of the</i> 	<i>Within Conservation Areas, world heritage sites, areas of outstanding natural beauty or national parks:</i> <ul style="list-style-type: none"> • various forms of cladding not permitted • more than one storey – max height 4 metres • the enlarged part cannot extend beyond a wall forming

Enlargement, improvement or other alteration of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of change
	<p><i>dwellinghouse would have more than one storey or be more than 4 metres in height</i></p> <ul style="list-style-type: none"> <i>the enlarged part of the dwellinghouse extends beyond a wall forming either the principle or side elevation of dwellinghouse</i> <p><i>(Class A1(n))</i></p> <p>Within curtilages of listed buildings development now not permitted unless listed building consent has previously been granted</p>	<p>either the principle or side elevation of the dwellinghouse</p> <p>Within curtilages of listed buildings development is permitted only if listed building consent has been granted</p>
<p>Class A2</p> <p>(a) Calculation of cubic content within conservation areas or within 5 metres of the dwellinghouse</p> <p>(b) Calculation of cubic content where building is within 5 metres of an existing building within the curtilage.</p>	<p>No longer applicable as cubic content not relevant</p>	<p>No longer applicable as cubic content not relevant</p>

Class B

Enlargement, improvement or other alteration of a dwellinghouse consisting of an addition or alteration to its roof		
Existing Tolerance	Proposed Tolerance	Summary of change
<p>Class B1(a) Design and external finishes to conform with original dwellinghouse</p>	<p><i>(Class B2 (a))</i> Materials used in any exterior work shall be of similar appearance to those used in existing dwellinghouse</p>	<p>The need to conform to the original design finish is no longer a requirement; materials can be of similar appearance.</p>
<p>Class B1(b) Not permitted if any part of the dwellinghouse as a result of the works exceeds the height of the highest part of the existing roof.</p>	<p><i>(Class B1 (a))</i> No change</p>	<p>No change</p>
<p>Class B1 (c) Not permitted if any part of the dwellinghouse as a result of works extends more than 15 cm's beyond the plane of any roof slope which fronts any road</p>	<p><i>(Class B1 (b),ii)</i> Not permitted if any part of the dwellinghouse as a result of works extends more than 15 cm's beyond the plane of any roof slope which</p> <ul style="list-style-type: none"> • faces a road and • forms either the principal or side elevations of the dwellinghouse 	<p>Restriction of 15cm extension beyond plane of any roof slope which</p> <ul style="list-style-type: none"> • faces a road and • forms either the principal or side elevations of the dwellinghouse
<p>Class B1 (d) Volume limitation. Dwellinghouse not to increase by 20m³; Terrace House 25m³; Any other case</p>	<p>Cumulative volume limitations no longer used</p>	<p>No longer applicable as cubic content not relevant</p>
<p>Class B1 (e) Volume limitations Cubic content of resulting building not to exceed the cubic content of original dwellinghouse by Terrace House: 50m³ or 10% whichever is greater; Any other case: 70m³ or 15% whichever is greater; Any case: by more than 115m³</p>	<p>Cumulative volume limitations no longer used</p> <p><i>(Class B1 (c))</i> Development not permitted if rear roof extension is closer than 0.5 metres to the ridge, the eaves (measured along the plane of the roof) or to any party wall or verge.</p> <p><i>(Class B2 (b),i,ii)</i> Not permitted if any window inserted on a wall or roof slope forming a side elevation of the roof alteration, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be</p>	<p>Cumulative volume limitations no longer used</p> <p>Rear roof extension to be no closer than 0.5 metres to the ridge, the eaves or to any party wall or verge.</p> <p>Side facing windows within 15 metres of a boundary of the curtilage of a neighbouring dwellinghouse should be obscure glazing and non-opening unless more than 1.7 metres above floor level.</p>

Enlargement, improvement or other alteration of a dwellinghouse consisting of an addition or alteration to its roof		
Existing Tolerance	Proposed Tolerance	Summary of change
	<ul style="list-style-type: none"> • obscure glazed, and • non opening unless the parts of the window which can be opened is 1.7 metres above the floor of the room in which it is installed. 	
Class B1 (f) Alterations not permitted in a conservation area	<i>(Class B1 (e))</i> No change	No change
	<p><i>(Class B1 (d)i,ii,iii)</i></p> <p>Development not permitted if it consists of or includes:</p> <ul style="list-style-type: none"> • construction or provision of deck, veranda, balcony or raised platform, • installation alteration or replacement of a chimney flue or soil and vent pipe or • the installation alteration or replacement of a microwave antenna <p><i>(Class B1 (f))</i></p> <p>Development is not permitted within the curtilages of listed buildings unless listed building consent has previously been granted</p>	<ul style="list-style-type: none"> • Verandas, balconies or raised platforms not permitted. • The installation, alteration or replacement of a chimney flue or soil and vent pipes not permitted • The installation alteration or replacement of a microwave antenna not permitted • Development not permitted within curtilages of listed buildings unless listed building consent has already been granted.

Class C

Erection or construction of a porch outside any external door of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of change
<p>Class C1 (a) Design and finishes to conform with those of original</p>	<p><i>(Class C1 (d))</i> Materials used in any exterior work should be of similar appearance to those used in existing dwellinghouse</p>	<p>The need to conform to the original design finish is no longer a requirement; materials can be of similar appearance.</p>
<p>Class C 1 (b) Not permitted if the ground area (measured externally) of the structure exceeds 2m².</p>	<p><i>(Class C1 (a))</i> Not permitted if the ground area (measured externally) of the structure exceeds 3m²</p>	<p>Ground Area (measured externally) limit increased to 3m²</p>
<p>Class C 1 (c) Not permitted if any part of the structure is more than 3metres above ground level</p>	<p><i>(Class C1 (b))</i> Not permitted if any part of the structure would be:</p> <ul style="list-style-type: none"> • more than 3 metres above ground level with a Flat or Mono pitched roof, or • 3.5 metres with a dual Pitched roof. 	<p>Maximum height for Flat or mono-pitched roof 3 metres Dual pitched roof: 3.5 metres.</p>
<p>Class C1 (d) Not permitted if any part of the structure is within 2 metres of any boundary of the curtilage of the dwellinghouse with a road.</p>	<p><i>(Class C1 (c))</i> No change</p> <p><i>(Class C1 (e))</i> Within the curtilage of a listed building development is not permitted unless listed building consent has previously been granted</p>	<p>No change</p> <p>Within the curtilage of a listed building development not permitted unless listed building consent has been granted</p>

Class D

<p>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.</p>		
<p>Existing Tolerance</p>	<p>Proposed Tolerance</p>	<p>Summary of change</p>
<p>Class D1(a) Not permitted if any part of building or enclosure to be constructed or provided is nearer to any road which bounds the curtilage than the part of the original dwellinghouse nearest to that road.</p>	<p><i>(Class D1 (b)i,ii)</i> Not permitted if any part of building, enclosure would be situated on land forward of a wall which:</p> <ul style="list-style-type: none"> • faces onto a road and • forms either the principal or side elevation of original dwellinghouse <p><i>(Class D1 (e))</i> Not permitted if any part of the building or enclosure is within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse.</p>	<p>Not permitted in land forward of a wall which:</p> <ul style="list-style-type: none"> • faces a road and • forms either the principal and side elevation of the original dwellinghouse. <p>Not permitted if any part of the building or enclosure is within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse.</p>
<p>Class D1 (b) Volume Limitation: Cubic content not greater than 10m³ and within 5 metres of any part of the dwelling house.</p>	<p>Cubic content measurements no longer used</p>	<p>Cubic content measurements no longer used</p>
<p>Class D1(c) Not permitted if the height of the building or enclosure to be constructed or erected exceeds:</p> <ul style="list-style-type: none"> • 4metres for building with ridged roof and • 3 metres in any other case. 	<p><i>(Class D1 (c))</i> Not permitted if any part of the building or enclosure would exceed 4 metres in height.</p> <p><i>(Class D1 (d))</i> Not permitted if within 2 metres of the boundary of the curtilage of the dwellinghouse the height would exceed 2.5 metres.</p>	<p>Maximum height for all buildings 4 metres</p> <p>Within 2 metres of the boundary of the curtilage of the dwellinghouse Maximum height 2.5 metres.</p>
<p>Class D1(d) The total area of ground covered by buildings or enclosures to be constructed or erected within the curtilage (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of</p>	<p><i>(Class D1 (a))</i> No change</p>	<p>No change</p>

<p>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.</p>		
<p>Existing Tolerance</p>	<p>Proposed Tolerance</p>	<p>Summary of change</p>
<p>original dwellinghouse)</p>		
<p>Class D1(e) <i>In a conservation area, an area of outstanding natural beauty, a National Park or lands within the curtilage of a Listed Building not permitted if the cubic content is greater than 10 cubic metres</i></p>	<p><i>(Class D2)</i> <i>In World Heritage Site, National Park, area of outstanding natural beauty</i> Not permitted if total area of ground covered by buildings enclosures, and pools situated more than 20 metres from any wall of the dwelling would exceed 10m².</p> <p><i>(Class D3)</i> Within the curtilage of a dwellinghouse, which is within a conservation area, world heritage site, national park or area of outstanding natural beauty, not permitted if any part of building, enclosure or pool would be situated on land between a principal or side elevation of the dwelling and the boundary of the curtilage of the dwellinghouse</p> <p><i>(Class D1 (i))</i> Within the curtilage of a listed building development not permitted unless listed building consent has previously been granted</p>	<p><i>World Heritage Site, National Park, area of outstanding natural beauty</i></p> <p>Cubic content measurements no longer used</p> <p>Total area of ground covered not to exceed 10m² when situated more than 20 metres from any wall of the dwelling</p> <p>Development not permitted between a principal or side elevation of the dwelling and the boundary of the curtilage of the dwellinghouse</p> <p>Within the curtilage of a listed building development not permitted unless listed building consent has previously been granted</p>
	<p><i>(Class D1 (f))</i> Development not permitted if it consists of or includes construction or provision of a deck, veranda, balcony or other raised platform within the curtilage of a dwellinghouse</p>	<p>Decks, balconies, verandas, or raised platforms not permitted.</p>
	<p><i>(Class D1 (g))</i> Development not permitted if it involves the installation, alteration or replacement of a microwave antenna</p>	<p>Installation, alteration or replacement of a microwave antenna not permitted</p>
	<p><i>(Class D1 (h))</i> Development not permitted if it involves development for use as a dwellinghouse</p>	<p>Development for use as a dwellinghouse not permitted.</p>

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.		
Existing Tolerance	Proposed Tolerance	Summary of change

Class E

<p>The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse.</p>	<p>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</p>	<p>Class now includes the replacement (in whole or in part) of a hard surface.</p>
<p>Existing Tolerance</p>	<p>Proposed Tolerance</p>	<p>Summary of change</p>
	<p><i>(Class E1)</i> New Conditions: Where the hard surface is situated on land between a wall forming the principal elevation of the dwellinghouse and a road and the area of ground covered by the hard surface or the hard surface replaced would exceed 5m², either the hard surface shall be made of porous or permeable materials or run off provisions shall be made to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse.</p>	<p>New Conditions: Requirement to either use porous or permeable materials, or to make run off provisions, to direct run-off water from the hard surface to a porous or permeable area: when hard surface is located between a wall forming the principal elevation of the dwellinghouse and a road and the area of ground covered by the hard surface or the hard surface replaced would exceed 5m².</p>
	<p><i>(Class E2)</i> Development not permitted within the curtilage of a Listed Building, unless Listed Building Consent has previously been granted.</p>	<p>Development not permitted within the curtilage of a Listed Building, unless Listed Building Consent has previously been granted</p>

Class F

Erection or provision within the curtilage of a dwellinghouse ,of a container for the storage of oil or liquid petroleum gas for domestic purposes		
Existing Tolerance	Proposed Tolerance	Summary of change
<p>Class F1 (a)</p> <p>Not permitted if the capacity of the container exceeds:</p> <ul style="list-style-type: none"> • 3,500 litres in the case of oil: or • 2,500 litres in the case of Liquefied Petroleum Gas 	<p><i>(Class F1 (a))</i></p> <p>Not permitted if the capacity of the container exceeds 3,500 litres</p>	<p>Capacity limit for both oil and liquid petroleum gas containers now 3,500 litres.</p>
<p>Class F1 (b)</p> <p>Not permitted if any part of the container is above the level of the ground by more than:</p> <ul style="list-style-type: none"> • 3 metres in the case of oil container: or • 2 metres in the case of a liquefied petroleum gas container 	<p><i>(Class F1 (b))</i></p> <p>Not permitted if any part of the container is above the level of the ground by more than 3 metres.</p>	<p>Maximum height : 3 metres for both Oil and liquefied petroleum gas containers</p>
<p>Class F1 (c)</p> <p>Not permitted if any part of container is nearer to any road which bounds the curtilage than the part of the original building nearest that road.</p>	<p><i>(Class F1 (c),ii)</i></p> <p>Not permitted if any part of container would be situated on land beyond a wall which:</p> <ul style="list-style-type: none"> • faces onto a road and • forms either the principal or side elevation of the original dwellinghouse. <p><i>(Class F1 (d))</i></p> <p>Not permitted if any part of container is within 2 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear elevation of the dwelling.</p>	<p>Not permitted in land beyond a wall which:</p> <ul style="list-style-type: none"> • faces a road and • forms either the principal and side elevation of the original dwellinghouse <p>Not permitted if any part of container is within 2 metres of any boundary of the curtilage of the dwellinghouse with a road opposite the rear elevation of the dwelling</p>
	<p><i>(Class F1 (e))</i></p> <p><i>Within Conservation Areas</i></p> <p>Not permitted if any part of container would be situated on land between a wall forming either a principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.</p> <p><i>(Class F1 (f))</i></p> <p>Not permitted within the curtilage of a listed building unless listed building consent has previously been granted</p>	<p><i>Within Conservation Areas</i></p> <p>Now only restricted on land beyond a wall which forms either: the principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse</p> <p>Not permitted within curtilage of listed building unless listed building consent has been granted</p>

Class G

The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of change
	No change as this class was not considered in this review	

Class H

Installation, alteration or replacement of a chimney, flue, soil and vent pipe on a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of Change
	<p><i>(Class H1 (a))</i> Not permitted if the height of the chimney, flue or soil and vent pipes would exceed the highest part of the roof by 1 metre or more.</p> <p><i>(Class H1 (b)i,ii)</i> <i>Conservation area, World Heritage Site, National Park or area of outstanding natural beauty.</i> Not permitted if installed on a wall or roof slope which:</p> <ul style="list-style-type: none"> • faces a road and • is part of either the principal or side elevation of the dwellinghouse. <p><i>(Class H1 (c))</i> If within curtilage of a listed building development is not permitted unless listed building consent has previously been granted</p>	<p>Height not to exceed highest part of the roof by 1 metre or more.</p> <p>Restrictions on development within <i>Conservation area, World Heritage Site, National Park or area of outstanding natural beauty.</i> Not permitted if installed on a wall or roof slope which:</p> <ul style="list-style-type: none"> • faces a road and • forms either the principal or side elevation. <p>Listed building consent required if within the curtilage of a listed building, otherwise development is not permitted</p>

Class I

Introduction of new Class: The erection, construction or alteration of a deck, balcony, veranda or other raised platform within the curtilage of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of Change
	<p style="text-align: center;"><i>(Class 11 (a))</i></p> <p>Not permitted if any part of the deck, balcony, veranda or raised platform would exceed 0.3 metres above ground level.</p> <p style="text-align: center;"><i>(Class 11 (b)i,ii)</i></p> <p>Not permitted if situated on land which:</p> <ul style="list-style-type: none"> • faces onto a road and • is forward of a wall forming either the principal or side elevation of the dwellinghouse. <p style="text-align: center;"><i>(Class 11 (c))</i></p> <p style="text-align: center;"><i>Within Conservation Area</i></p> <p>Not permitted if any part of the deck, balcony, veranda or other raised platform would be situated on land between a wall forming either the principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.</p> <p style="text-align: center;"><i>(Class 11 (d))</i></p> <p>If within curtilage of a listed building development is not permitted unless listed building consent has previously been granted</p>	<p style="text-align: center;">Height Restriction:</p> <p>Maximum height of the deck, balcony, veranda or raised platform is 0.3 metres above ground level</p> <p>Not permitted if situated on land which:</p> <ul style="list-style-type: none"> • faces onto a road and • is forward of a wall forming either the principal or side elevation of the dwellinghouse. <p style="text-align: center;"><i>Within the Conservation Area.</i></p> <p>Not permitted if situated on land between a wall forming either the principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.</p> <p style="text-align: center;">Within the curtilage of a listed buildings development not permitted unless listed building consent has previously been granted.</p>

Part 2 Class A

Erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure		
Existing Tolerance	Proposed Tolerance	Summary of Change
Part 2 Class A1(a) Not permitted if the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a road used or designed to be used by vehicular traffic exceeds 1 metre above ground level	<i>(Part 2 Class A1 (a))</i> No change	No change
Part 2 Class A1 (b) Not permitted if the height of any other gate, fence, wall or means of enclosure erected or constructed exceeds 2 metres above ground level	<i>(Part 2 Class A1 (b))</i> No change	No change
Part 2 Class A1 (c) Not permitted if the height of any gate, fence, wall or means of enclosure maintained, improved or altered would exceed its former height or the height referred to in subparagraph (a) or (b) whichever is greater.	<i>(Part 2 Class A1 (c))</i> No change	No change
Part 2 Class A1 (d) Not permitted if it involves development within the curtilage of, or to a gate, fence wall or other means of enclosure surrounding a listed building	<i>(Part 2 Class A1 (e))</i> New clause added to restrict permitted development within the curtilage of listed buildings unless listed building consent has previously been granted	New clause to restrict permitted development rights within curtilage of listed buildings unless listed building consent has previously been granted
Part 2 Class A1 (e) Not permitted if it involves development on land determined by the Department as a private street in accordance with Article 3(1) of the Private Streets (NI) Order 1980.SI 1999 80/1086 (N.I.12)	<i>(Part 2 Class A1 (d))</i> No change	No change

Part 2 Class B

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).		
Existing Tolerance	Proposed Tolerance	Summary of Change
Part 2 Class B1 Not permitted if is within site of archaeological interest	<i>(Part 2 Class B1)</i> Now restricted within site of archaeological significance and ASSI.	Retention of restriction within site of archaeological interest and addition of ASSI restriction.

Part 2 Class C

Painting of the exterior of any building or work		
Existing Tolerance	Proposed Tolerance	Summary of Change
Part 2 Class C1 Not permitted where the painting is for the purposes of advertisement, announcement or direction	<i>(Part 2 Class C1(a))</i> No change	No change
	<i>(Part 2 Class C1(b))</i> Painting is not permitted within curtilage of a listed building unless listed building consent has previously been granted	Painting is not permitted within curtilage of a listed building unless listed building consent has previously been granted

Appendix 7

RELEVANT DEFINITIONS

One of the main issues in respect of the current permitted development regime is interpretation of the legislation. Words and phrases in legislation attract their common meaning unless otherwise defined and every effort is made to provide legislation that is clear and unambiguous. However, there is often an element of judgement involved and not all scenarios can be envisaged and incorporated into the legislation and guidance. The following definitions and phrases include definitions in the current GDO, new definitions and the meaning of phrases which the reader may find useful when considering this report and the proposed permitted development rights.

- “the 1991 Order” means the Planning (Northern Ireland) Order 1991;
- “the EIA Regulations” means the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999
- “area of outstanding natural beauty” means an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;¹
- “area of special scientific interest” means an area so designated under Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- “building” does not include plant or machinery or a structure or erection of the nature of plant or machinery, and in Schedule 1 does not include any gate, fence, wall or other means of enclosure but except as aforesaid includes any structure or erection and any part of a building as so defined;
- “classified road” and “trunk road” have the same meaning as in the Roads (Northern Ireland) Order 1980⁽²⁾;
- “Conformity of finishes” The GDO requires the design and external finishes to be *“in conformity with those of the original dwellinghouse”*. Plainly this is open to interpretation.

In the English GDO the following condition now appears:

“The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse”.

¹ S.I. 1985/170 (N.I. 1)

² S.I. 1980/1085 (N.I. 11)

This appears to be a clearer definition than *"in conformity"*.

- "conservation area" means land which is within an area designated as a conservation area under Article 50 of the 1991 Order;
- "cubic content" means the cubic content of a structure or building measured externally;
- "the Department" means the Department of the Environment;
- "designated area" means—
 - (a) a conservation area;
 - (b) an area of outstanding natural beauty as designated under Article 14 of The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
 - (c) an area of special scientific interest as designated under Article 28 of The Environment (Northern Ireland) Order 2002⁽³⁾;
 - (d) a National Park as designated under Article 12 of The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- "dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building;
- "EIA development" has the meaning assigned to it by regulation 2 of the EIA Regulations;
- "existing" in relation to any building, plant or machinery means (except in the definition of "original") existing immediately before the carrying out of development described in this Order;
- "flat" means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;
- "liquefied petroleum gas" means commercial butane or commercial propane as defined in British Standard 4250: 1975;
- "microwave" means that part of the radio spectrum above 1000 MHz;
- "microwave antenna" means a satellite antenna or a terrestrial microwave antenna;
- "National Park" means an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- "original" means—

3 S.I. 2002/3153 (N.I.7)

- (a) in relation to a building, other than a building which is Crown land, existing on 1st October 1973, as existing on that date; and in relation to a building built on or after 1st October 1973, as so built;
- (b) in relation to a building which is Crown land on the 10th June 2006, as existing on that date; and, in relation to a building built on or after 10th June 2006 which is Crown land on the date of its completion, as so built;
- “porous and permeable surfacing” porous surfacing is a surface that infiltrates water across the entire surface. Permeable surfacing is formed by material that is itself impervious to water, but by virtue of voids formed throughout the surface, allows infiltration through the pattern of voids.
- “Principal Elevation” means the elevation of the dwellinghouse used as the principal means of access to the dwellinghouse. This is generally defined with reference to the door which forms the main or principal entrance to the house – this is not necessarily the door most often used, but the one designed as the main formal entrance to the house – usually the “front door”. The principal elevation may not be the wall of the house fronting the street on which the house is located and may not necessarily be the wall of the house which is designed as the face of the house. In most cases the principal elevation is easily identified and from that the rear and side elevations are self evident.
- “public vehicle” means a public service vehicle, excluding a taxi, which has the meaning assigned to it by Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;
- “rear wall” means the wall of the dwellinghouse facing directly away from the principal elevation. For the purposes of applying the permitted development criteria this will refer to the rear wall from which the property is being extended.
- “road” For the purposes of planning the Planning (NI) Order 1991 defines a ‘road’ as having the same meaning as in the Roads (NI) Order 1980 (replaced by the 1993 Order). This definition relates to a road which is maintainable by the Department and includes:
 - a) a road over which the public has a right of way on foot only, not being a footway;
 - b) any part of a road; and
 - c) any bridge or tunnel over or through which a road passes.

The Planning (NI) Order notes that a ‘road’ includes land in respect of which street planning functions, as defined in the Private Streets (NI) Order 1980 have been exercised under Article 3(1) of that Order.

“Adjacent to a Road”

The main cause of contention in Part 2 Class A of the 1993 GDO is the phrase “*adjacent to a road.*” Case law has established that a structure does not have to actually abutt a road, but may be a little distance away provided that its function is to separate the roadway from other land.

PAC decision 2007/E013 (Appendix 6) provides some discussion on the matter, and concludes that a fence located at the back of a footway running along the side of a road is adjacent to the road.

As this issue of interpretation generally relates to means of enclosure it is suggested that rather than redefining ‘adjacent to a road’ the permitted rights should be revised to make clear that enclosures are restricted in height between the road and the front or side building line of the building within the curtilage that faces the road.

- “satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them and includes any mountings or brackets attached to such apparatus;
- “sensitive area” has the meaning assigned to it in regulation 2 of the EIA Regulations;
- “side wall” means the walls linking the “principal elevation” to the “rear wall”.
- “site of archaeological interest” means land which has been scheduled for protection or taken into care under the Historic Monuments Act (Northern Ireland) 1971⁴ or which is within a site registered in the Department’s Sites and Monuments Record;
- “terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellings, where—
 - (a) it shares a party wall with, or has a main wall adjoining the main wall of the dwellinghouse on either side; or
 - (b) if it is at the end of a row it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of (a) above;
- “terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two or more fixed points;

⁴ 1971 c.179 (N.I.)

- “world heritage site” means a property on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage;
- Any reference in this Order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.
- References to the use of land for a specified purpose do not include references to the use of land—
 - (a) without planning permission, or
 - (b) in contravention of previous planning control.
- For the Purpose of Class D
For the purposes of Class D “purpose incidental to the enjoyment of the dwellinghouse” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, but excludes the keeping of pigeons.
- For the Purpose of Class 1
“resulting building” means the dwellinghouse as enlarged, improved or altered, taking into account any enlargement, improvement or alteration to the original dwellinghouse, whether permitted by this Part or not.
- For the Purpose of Class 2
In Class C “painting” includes any application of colour.

Appendix 8

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>).

List of Consultees

Action Renewables
Aerodrome Safety Regulation Group
20:20 Architects
Architectural Heritage Fund
Architecture and Planning Information Services – Queens University Belfast
Arcus Architects
ARQIVA
ASI Architects
Association of Consulting Engineers
Atlas Communications
B9 Energy Services Ltd
Bar Library
BB Planning & Design
BBC Engineering Information Department
Belfast City Airport
Belfast City Council Waste Management Service
Belfast Civic Trust
Belfast Harbour Commissioners
Belfast Healthy Cities
Belfast Hills Partnership
Belfast International Airport
Belfast Metropolitan College
Belfast Metropolitan Residents Group
Belfast Solicitors Association
Big Picture Developments
Brennen Associates
British Telecom (N.I.)
British Wind Energy Association
Bryson House
Building Design Partnership
Cable & Wireless
Camping and Caravan Club
Carbon Trust (NI)
Carvill Group Ltd
Chartered Institute of Architectural Technologists
Chartered Institute of Environmental Health
Chartered Institute of Housing
Chief Executive of the NI Judicial Appointments Commission
Citizens Advice
City of Derry Airport
Civil Aviation Authority
Civil Law Reform Division
Communities and Local Government
Coleraine Harbour Commissioners
Committee for the Administration of Justice
Community Places
Community Relations Council
Community Technical Aid
Confederation of British Industry
Construction Employers Federation
Construction Register Ltd
Coogan & Co

Council for Catholic Maintained Schools
Countryside Access & Activities Network for NI
Crown Castle UK Ltd
Derryhale Residents' Association
Development Planning Partnerships
Dickson Architectural Services
Disability Action
District Judge (Magistrates Court)
DM Kearney Design
Education and Library Boards
Energy Saving Trust NI
Enniskillen Aerodrome
Environment and Planning Law Association of NI
Equality Commission for NI
Executive Council of the Inn of Court of NI
Federation of Small Businesses
Ferguson & McIlveen
Fire Authority for Northern Ireland
Fleming McKernon Associates
Fleming Mounstephen Planning
Food Standards Agency NI
Forest of Belfast, C/o Parks and Amenities Section
Friends of the Earth
General Consumer Council for NI
Geological Survey of Northern Ireland
GT Design
Hawthorn Associates
Health and Social Services Boards and Trusts
Heat Pump Association
HM Council of County Court Judges
Human Rights Commission
Independent Health Coalition
Institute of Professional Legal Studies
Institute Of Directors Northern Ireland
Institute of Historic Building Conservation
Institution of Civil Engineers (NI Association)
International Tree Foundation
Invest Northern Ireland
Kenneth Crothers, Deane & Curry
Knox and Clayton
Lagan Valley Regional Park Officer
Laganside Courts
Landscape Institute NI
Larne Harbour Commissioners
Law Centre (NI)
Law Society of Northern Ireland
Londonderry Port & Harbour Commissioners
Lough Neagh and Lower Bann Management Committees
LPG Association
Marks and Spencer
McClelland Salter Estate Agents
McGurk Architects Ltd.
Ministry of Defence
MKA Planning
Mobile Operators Association

Mono Consultants Limited
 Motorhome Association
 Mourne Heritage Trust
 Mournes Advisory Council
 National Trust
 NATS
 Newtownards Aerodrome
 NIC/ICTU
 NI-CO
 NICOD
 NIUR
 North West Architectural Association
 Northern Builder
 North Eastern Group Building Control
 Northern Ireland 2000
 Northern Ireland Agricultural Producers Association
 Northern Ireland Amenity Council
 Northern Ireland Association Engineering Employer's Federation
 Northern Ireland Authority for Utility Regulation
 Northern Ireland Blood Transfusion Service Agency
 Northern Ireland Chamber of Commerce and Industry
 Northern Ireland Chamber of Trade
 Northern Ireland Conservative Associations
 Northern Ireland Council for Integrated Education
 Northern Ireland Council for Voluntary Action
 Northern Ireland Court Service
 Northern Ireland District Councils – Chief Executives and Health Officers
 Northern Ireland Economic Council
 Northern Ireland Electricity Plc
 Northern Ireland Environment Committee
 Northern Ireland Environment Link
 Northern Ireland Federation of Housing Associations
 Northern Ireland Government Departments
 Northern Ireland Health Promotion Agency
 Northern Ireland Housing Council
 Northern Ireland Housing Executive
 Northern Ireland Law Commission
 Northern Ireland Local Government Association
 Northern Ireland Manufacturing
 Northern Ireland Members of The House of Lords
 Northern Ireland MP's, MEP's, Political Parties and MLA's
 Northern Ireland Office
 Northern Ireland Prison Service
 Northern Ireland Public Service Alliance
 Northern Ireland Quarry Owners Association
 Northern Ireland Quarry Products Association
 Northern Ireland Regional Medical Physics Agency
 Northern Ireland Residents Coalition
 Northern Ireland Tourist Board
 Northern Ireland Water Limited
 O2
 OFCOM
 OFREG
 Orange
 Orange PCS Limited

Ostick and Williams
Participation & the Practice of Rights Project
Participation Network NI
Phoenix Natural Gas Ltd
Planning Appeals Commission
Planning Magazine
Playboard N.I. Ltd
Policing Board Of Northern Ireland
Pragma Planning
Property Services Agency
Police Service of Northern Ireland
Quarryplan Limited
Queens University Belfast – Department of Civil Engineering
Queens University Belfast – Department of Environmental Planning
Renewables Ireland
Research and Information Services
RICS NI
Robert Turley Associates
Royal National Institute For Deaf (RNID)
Royal National Institute For The Blind
Royal Society for Protection of Birds
Royal Society of Ulster Architects
Royal Town Planning Institute
RPP Architects
RPS
RTPI Irish Branch (Northern Section)
Rural Community Network
Rural Development Council for Northern Ireland
School of Law
Scottish Parliament
South Eastern Regional College
Sports Northern Ireland
Statutory Advisory Council
Strangford Lough Advisory Council
Strangford Lough Management Committee
Sustrans
Three
T-Mobile
Todd Planning
Translink
Transport 2000
Tyrone Brick
Ulster Angling Federation
Ulster Architectural Heritage Society
Ulster Farmers' Union
Ulster Society for the Preservation of the Countryside
Ulster Wildlife Trust
University of Ulster, School of the Built Environment
URPA
UTV Engineering Information Department
Virgin Media
Vodafone Ltd
Warrenpoint Harbour Authority
WDR & RT Taggart
Wildfowl and Wetland Trust

William Ewart Properties Ltd
Woodland Trust
World Wildlife Fund (NI)

Plus notification of consultation provided to a number of other individuals and organisations
in response to specific requests