

## **Summary Analysis of Responses to the Review of Householder Permitted Development Rights Consultation Document**

The Department's consultation on the above review took place over the period October 2009 to January 2010. This document summarises the analysis of responses received in relation to the issues raised in the consultation document and the Department's subsequent intentions. The consultee responses can be seen in full on the Planning Service website.

Permitted development (PD) rights are provided by the Planning (General Development) Order (NI) 1993 (the GDO) to allow certain, often minor, non-contentious types of development, to proceed without the need to submit a planning application as planning permission is deemed to be granted. Such rights help to reduce the number of planning applications and ease the regulatory burden of the planning system.

The purpose of the review was to consider householder PD rights in Northern Ireland and to include proposals to simplify and improve these rights. Having considered the consultation responses, the Department has extended PD rights for householders using an impacts based approach.

The new rights were given legislative effect on 6<sup>th</sup> April 2011 through the Planning (General Development) (Amendment) Order (NI) 2011, S.R. 2011 No.75. Both the Statutory Rule and accompanying guidance entitled "Your Home and Planning Permission" can be found on the Department's website at [www.planningni.gov.uk](http://www.planningni.gov.uk). The introduction of these new PD rights are designed to be easier to understand, be simple and economic to operate for both developers and the planning authorities and manage impacts upon local amenity and environmental interests, including the built heritage. The areas under examination were:

1. Impact Based Approach (page 2)
2. Extensions (page 2)
3. Roof alterations and Roofspace extensions (page 3)
4. Porches (page 4)
5. Buildings in curtilage (page 4)
6. Hard surfacing (page 5)
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8. Chimneys, flues or soil and vent pipes (page 6)
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10. Basement extensions (page 6)
11. Environmental Assessment (page 7)
12. Part 2 of the GDO – Minor operations (page 7)

## **REVIEW OF HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS** **SUMMARY ANALYSIS OF CONSULTATION RESPONSES**

### **1. IMPACTS BASED APPROACH**

- 1.1 The Department proposed adopting an impacts based approach to householder permitted development. There are 4 levels of impact:

level one - where development affects only the host property

level two - where the development may impact on immediate neighbours

level three - where development impacts on the street scene and public domain and

level four - where development impacts on some wider public interest such as the character of a conservation area or the landscape in an AONB.

The majority of those who responded supported the introduction of an impacts based approach which will manage protection of residential amenity and the environment.

### **1.2 Conclusion**

**In light of the responses received the Department has adopted an impacts based approach.**

### **2. HOUSE EXTENSIONS**

- 2.1 The Department set out proposals in relation to extensions and alterations to a dwellinghouse which moved away from the existing volume limitations and introduced revised constraints based on height, depth, breadth and proximity to boundaries as well as retaining the limitation on the total area of ground to be covered. In addition, restrictions were proposed for conservation areas, World Heritage Sites, areas of outstanding natural beauty and National Parks to manage potential adverse impact in these areas. A detailed summary of the proposals can be found in Annex 1. **In terms of responses it was noted that a significant majority of consultees supported the proposals set out in the consultation paper for house extensions.**

### **2.2 Extension of Householder Permitted Development to Uncompleted Dwellinghouses**

While not forming part of the consultation proposals, two consultees suggested that there was scope to further extend PD rights for householder permitted development to houses yet to be completed. This will be considered in a future review of PD rights.

### **2.3 First Floor Windows in Side Elevations**

A number of consultees raised concern that the proposal for first floor windows in side elevations which are within 15 metres of the boundary of the curtilage of a

neighbouring dwellinghouse should have obscure glazing and be non opening unless at least 1.7 metres above floor level could raise safety issues in the event of a fire. However, the consultants in their review indicated that in a habitable room another opening window probably to the rear of the extension for fire escape purposes would be required to conform with building regulations. They also stated that windows at the side are more likely to be used as bathrooms, stores or secondary windows. The proposal was recommended to protect against overlooking and was not meant to cover a principal window in a habitable room and therefore ventilation, light and fire escape concerns will be addressed by another window probably to the rear of the extension. It is worth emphasising however that the proposal was for windows to have obscure glazing and also to be non opening unless at least 1.7m above floor level which allows for top windows to open for ventilation purposes. The Department has therefore introduced the restriction to first floor windows in side elevations.

## 2.4 Conclusion

**Overall a significant majority of respondents supported the proposals in relation to house extensions and these have now been adopted.**

## 3. ROOF ALTERATIONS AND ROOFSPACE EXTENSIONS

- 3.1 The proposals in relation to roof alterations and roofspace extensions moved away from the existing volume limitations and introduced revised constraints based on height, depth, breadth and proximity to boundaries. In addition, restrictions were proposed for conservation areas to manage potential adverse impact in these areas. A detailed summary of the proposals can be found in Annex 1. **A significant majority of consultees supported the proposals set out in the consultation paper for roof alterations and extensions.**
- 3.2 The opinion of respondents was divided in relation to not permitting roof extensions or alterations in conservation areas as a number of consultees felt that it was too restrictive. Conservation areas have been designated for their architectural and historic value and there is a danger that poorly designed or inappropriate works could harm the overall quality of such areas. The Department has a statutory power to designate areas of special architectural or historic interest whose character or appearance is desirable to preserve or enhance. These are known as conservation areas. At present the GDO does not permit enlargements, alterations etc to the roof of a dwellinghouse where it is within a conservation area. Maintaining the current provision in the GDO, which aligns with the other U.K jurisdictions, ensures roof alteration development in conservation areas is managed and therefore the Department intends not to permit roof extensions or alterations in these areas.
- 3.3 The responses received in relation to the proposal that 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 should have obscure glazing and be non opening unless at least 1.7 metres above floor level were similar to the responses received to the question regarding house extensions. The rationale behind the Department's response is therefore the same, see Para 2.3.

### 3.4 Conclusion

**Overall a significant majority of respondents supported the proposals in relation to roof alterations and roofspace extensions within the curtilage of a dwellinghouse and these have been adopted.**

## 4. PORCHES

4.1 The Department set out proposals in relation to porches which increased the floor area and roof height permitted. There were no restrictions proposed for sensitive areas including conservation areas. A detailed summary of the proposals can be found in Annex 1.

4.2 Overall respondents strongly supported the proposed changes to permitted development in relation to porches. The current GDO does not restrict porches in conservation areas and respondents were asked if they agreed that additional controls on porches should not be introduced in conservation areas or other designated areas, of which 70% agreed. The consultees who did not agree were concerned about maintaining the visual amenity of a conservation area. The Department is of the opinion that other limitations including dimensions, set back, and the use of materials similar to the original dwellinghouse will help manage impacts on visual amenity. In addition, it is considered that porches within conservation areas which may be particularly sensitive to change could be controlled through the use of Article 4 Directions, rather than imposing “blanket” restrictions on householders

### 4.3 Conclusion

**Overall a significant majority of respondents supported the proposals in relation to Porches and these have been adopted.**

## 5. CURTILAGE BUILDINGS

5.1 The proposals for buildings within the curtilage of a dwellinghouse were based on height, floor space and proximity to the boundary to maintain consistency with extensions and roof alterations, a detailed summary can be found in Annex 1. Volume based calculations have proven to be both time consuming and confusing, resulting in a change to dimension based criteria being welcomed by an overwhelming majority of consultees. The various proximity, height and area constraints proposed aims to control adverse impact on neighbours and in areas designated for their landscape character. **These principles had the support of the majority of consultees and a significant proportion of those who responded generally agreed with the proposals in relation to curtilage buildings**

5.2 In Northern Ireland the current GDO permits the keeping of certain animals and livestock for domestic needs but excludes pigeon lofts. In their policy review the consultants stated that from discussions with planning officers, from consultations

and from PAC decisions it is plain that the general consensus is that pigeon lofts can give rise to amenity concerns and should continue to be controlled. NI Chief Environmental Health Officers Group commented that pigeon lofts should remain subject to planning control as they are a significant source of potential odour, noise and vermin. Many areas in Northern Ireland have a tradition of pigeon keeping and where this is the case in dense, urban areas significant disturbance can be caused to neighbouring dwellings. In addition, given the significant impact on neighbour amenity they may cause, they took the view that planning control can and should be retained. While the Royal Pigeon Racing Association objected, this proposal was agreed to by a significant number of respondents with 91% support for the proposal.

### 5.3 Conclusion

**In light of the responses received the Department therefore intends that pigeon lofts should remain subject to planning control.**

## 6. HARD SURFACING

6.1 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 of dwellings. There are no controls upon the materials used in provision of such surfaces. The general principle of allowing hardstanding around a dwelling, as provided for in the current GDO, was supported by the majority of respondents. **A significant number of consultees commented in respect of introducing permeable or porous hardstandings, welcoming the proposed restriction** that hardstandings over 5 sq m between the principal elevation and a road must be made of porous or permeable materials or provision is made to direct run off to a permeable or porous area within the curtilage of the dwellinghouse thus maintaining the townscape and minimising the risk of flooding. A detailed summary of the proposals can be found in Annex 1.

### 6.2 Conclusion

**Overall a significant majority of respondents supported the proposals in relation to Hard Surfaces and these have been adopted.**

## 7. LPG AND OIL STORAGE

7.1 **A significant majority of respondents agreed with the proposals for LPG and oil storage.** The current GDO provides for oil tanks up to a maximum of 3500 litres and a maximum height of 3 metres and gas tanks up to 2500 litres and a maximum height of 2 metres. The proposal, a detailed summary of which can be found in Annex 1, therefore only increases the capacity and height of gas tanks provided for by permitted development thus simplifying the system. The restrictions required on the proximity of containers will act in concert to mitigate adverse amenity impact.

### 7.2 Conclusion

**Overall a significant majority of respondents supported the proposals in relation to LPG and oil storage and these have been adopted.**

## **8. CHIMNEYS, FLUES OR SOIL AND VENT PIPES**

8.1 In the current GDO there are no specific permitted development rights for chimneys, flues, soil or vent pipes although they may be embraced by Part 1. All of the respondents agreed with the introduction of a new permitted development class, namely Class H, for chimneys, flues or soil and vent pipes on a dwelling house which will provide clarity and extend the current spectrum of permitted development rights. A detailed summary of the proposals can be found in Annex 1.

### **8.2 Conclusion**

**Overall a significant majority of respondents supported the proposals in relation to chimneys, flues etc and these have been adopted.**

## **9. DECKING**

9.1 An area of planning control which has given rise to some concerns in recent years is the provision of raised decking in gardens which can give rise to issues of overlooking or dominance. On that basis the Department proposed to specifically exclude verandas, balconies and raised platforms from permitted development criteria for house extensions, roof alterations and buildings in curtilages as well as introducing a specific class to create clarity and contribute towards controlling this increasing area of development. A detailed summary of the proposals can be found in Annex 1.

9.2 The majority of respondents were in agreement that a restriction of 0.3 metres in height above ground level should be imposed on any part of a deck or raised platform; although a small number of respondents felt that this was too restrictive. Two of the councils who responded suggested 0.5 metres may be a more realistic limitation. Following discussion with planning professionals, however, it has been decided that a restriction of 0.5m above ground level could give rise to unnecessarily elevated decks resulting in unacceptable overlooking which would require assessment on an individual site basis.

### **9.3 Conclusion**

**Following further consideration the Department has decided to maintain the original proposed height restriction of 0.3 metres above ground level and to introduce the provisions consulted on as part of a revised GDO.**

## **10. BASEMENT EXTENSIONS**

10.1 There was strong support for the Department's proposal that basement extensions should not be included in new legislation given the small number of basement

developments in Northern Ireland and the possible flood risk impact.

## 10.2 Conclusion

**In light of the responses received the Department does not intend to introduce permitted development rights for basement extensions.**

## 11. ENVIRONMENTAL ASSESSMENT

11.1 The consultants considered whether an amendment to the criteria under Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 1999 was necessary as part of their policy review. **They concluded it was not required and 95% of respondents agreed.** There was only one respondent, The Royal Pigeon Racing Association, who disagreed, however they made no comment.

11.2 Proposed changes to the revised GDO are modest in size and nature and are unlikely to have any significant impacts on the environment or generate any particular need to amend the EIA Regulations.

### 11.3 Conclusion

**The Department is content that an amendment to the criteria under Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 1999 is not required.**

## 12. PART 2 OF THE GDO – MINOR OPERATIONS

12.1 The Department proposed introducing some clarifying amendments to Part 2 (minor operations) of the GDO and asked a question as to whether the provisions of Part 2 should also be detailed into Part 1. On further reflection the Department considered that detailing the provisions of Part 2 in Part 1 will cause unnecessary duplication and possibly more confusion. A main aim of the review was to simplify the system for householders and it is considered that this would make the revised GDO more complex than necessary.

### 12.2 Conclusion

**Following further consideration the Department has decided to make the relevant clarifying amendments as proposed but not to duplicate the provisions of Part 2 in Part 1.**

## **SUMMARY OF PROPOSALS**

### **House Extensions**

The Department's proposals in relation to extensions within the curtilage of a dwellinghouse are as follows:

- Total area of ground to be covered not to exceed 50% of the area of the curtilage (excluding the area of the original house).
- Maximum height not to exceed height of existing house and eaves not to be higher than existing eaves.
- No extension forward of the principal or side elevation facing onto a road.
- Maximum depth of a single storey rear extension up to 4m for a detached house and 3m for any other house.
- Max height of single rear storey extension up to 4m but no single storey extension may be within 3.5m of the rear boundary facing a road.
- Maximum depth of a rear extension of more than one storey can be up to 3m but must not be closer than 7m to the rear boundary.
- Maximum eaves height of any extension cannot exceed 3m within 2m of the boundary.
- Maximum height of side extension permitted up to 4m but width to be no more than half the width of the original house.
- No PD if the house is within the curtilage of a listed building unless Listed Building Consent has previously been granted.

### **Additional Restrictions in conservation areas, World Heritage Sites, areas of outstanding natural beauty or National Parks**

- Not PD if the extension (a) includes cladding etc, (b) is more than one storey (or exceeds more than 4m), or (c) is forward of a principal or side elevation.

### **Conditions**

- Materials used in any exterior work (other than a conservatory) must be of a similar appearance to those used on the existing house.
- Upper floor side-facing windows within 15 m of any neighbour boundary to be obscure glazed. They should also be non-opening unless 1.7m above floor level of room.
- Roof pitch of two storey extensions to match pitch of the original house, so far as practicable.

### **Roof alterations and Roofspace extensions**

The Department's proposals in relation to roofspace extensions and roof alterations within the curtilage of a dwellinghouse are as follows:

- Highest part of the roof cannot be higher than the highest part of the existing roof.
- Where the roof slope faces onto a road and forms the principal or side elevation the alteration should project no more than 15 cm.

- Roof extension permitted provided that no part of it is closer than 0.5m to the ridge, the eaves, or any party wall or verge.
- No roof alterations permitted to a house in a conservation area.
- No roof alteration permitted to a house within the curtilage of a listed building unless listed building consent has previously been granted.

### Roof Alteration Conditions

- Materials used in any exterior work must be of a similar appearance to those used on the existing house.
- Windows in a side elevation of a roof slope within 15 metres of a boundary of the curtilage of a neighbouring house to be obscure glazed and be non-opening unless 1.7m above floor level of room.

### Porches

The Department's proposals in relation to porches within the curtilage of a dwellinghouse were as follows:

- Permitted ground area of up to 3 sq. m.
- Permitted up to 3m high for a flat roof or mono pitched roof or 3.5m with a dual pitched roof.
- Porch must not be within 2m of any curtilage boundary of the house with a road.
- Material used must be similar in appearance to the existing dwellinghouse.
- Not permitted within the curtilage of a listed building unless listed building consent has previously been granted.

### Buildings in curtilage

The Department's proposals in relation to other ancillary buildings and development within the curtilage of a dwellinghouse were as follows:

- Total area of ground to be covered not to exceed 50% of the area of the curtilage (excluding the area of the original house).
- No part of the building, enclosure or pool to be in front of the principal or side elevation which faces onto a road.
- Buildings or enclosures permitted up to 4 m in height but cannot exceed an eaves height of 2.5m for a building within 2m of the boundary.
- No part of the building or enclosure to be within 3.5m of the curtilage boundary of the house with a road opposite the rear wall of the dwellinghouse.
- Not permitted within the curtilage of a listed building unless listed building consent has previously been granted.
- No curtilage building to be used as a dwellinghouse.
- Curtilage buildings to keep pigeons not permitted

### Additional Restrictions in conservation areas, World Heritage Sites, areas of outstanding natural beauty or National Parks

- Not permitted in World Heritage Sites, areas of outstanding natural beauty or National Parks if the total ground area of covered by buildings, enclosures and pools more than 20 metres from any house wall exceeds 10 sq m.
- Not permitted in conservation areas, World Heritage Sites, areas of outstanding natural beauty or National Parks if any part of the building, enclosure or pool is situated on land between a principal or side elevation wall and the curtilage boundary.

### **Hard surfacing**

The Department's proposals in relation to hard surfacing within the curtilage of a dwellinghouse were as follows:

- Hardstandings over 5 sq m between the principal elevation and a road only PD if either it is made of porous or permeable materials or provision is made to direct run off to a permeable or porous area within the curtilage of the dwellinghouse.
- Not permitted within the curtilage of a listed building unless listed building consent has previously been granted.

### **LPG and oil storage**

The Department's proposals in relation to LPG and oil storage within the curtilage of a dwellinghouse were as follows:

- Both domestic oil and LPG containers PD up to 3,500 litres capacity.
- PD up to 3m above ground level.
- Not PD if any part of the container is in front of the principal or side elevation which faces onto a road.
- Container must not be within 2m of the boundary of the curtilage with a road opposite the rear wall of the house.
- In conservation areas container must not be situated in between the principal or side elevation of the house and the curtilage boundary.
- Not permitted within the curtilage of a listed building unless listed building consent has previously been granted.

### **Chimneys, flues or soil and vent pipes**

The Department's proposals in relation to flues within the curtilage of a dwellinghouse were as follows:

- PD provided the chimney, flue or pipe does not exceed the highest part of the roof by more than 1m.
- Not PD if in a conservation area, World Heritage Site, area of outstanding natural beauty, or National Park the chimney, flue or pipe is installed on a wall or roof slope which faces a road and is part of a principal or side elevation.
- Not permitted within the curtilage of a listed building unless listed building consent has previously been granted.

**Decking**

The Department's proposals in relation to decking, verandas and balconies within the curtilage of a dwellinghouse were as follows:

- Permitted up to 0.3 metres above ground level.
- No part of the structure to be in front of the principal or side elevation which faces onto a road.
- Not PD in a conservation area if situated between the principal or side elevation of the house and the curtilage boundary.