



Ref [/cef/planning/jc/permitteddevelopments261109](#)

Mr Joe Torney  
Planning Service  
3<sup>rd</sup> Floor  
Millennium House  
17-25 Great Victoria Street  
BELFAST  
BT2 7BN

27 November 2009

Dear Mr Torney

### **Householder Permitted Development Rights - Consultation Paper**

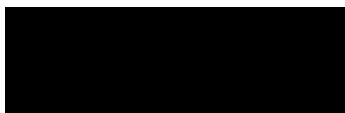
The Construction Employers Federation (CEF) is the representative body for the construction industry in Northern Ireland. With over 1200 individual member firms in various categories of membership, we represent the interests of the construction industry.

At least half of our members are involved in house building in the private sector and therefore we welcome the review of Permitted Development rights and the opportunity to comment on the proposals in the Consultation Paper on Householder Permitted Development.

In general the CEF endorses the proposal to move to an impact based approach. According to the statistics contained in the Consultation Paper, this should lead to a significant reduction in the numbers of planning applications without compromise to the public interest and we therefore support this approach.

The Federation also endorses in general the proposal to move to a clearer dimension based system for identifying the extent of Permitted Development. The current system based on a volumetric calculation is complex, unclear, difficult to calculate and difficult to understand. The proposed system will however define the maximum extent of Permitted Development rights for a property. This will remove the need to refer back to the original size of the dwelling and to subsequent extensions with or without planning consent which is necessary with the present volumetric approach. We also recognise and support the need for the proposed changes to respect areas designated for their built and natural heritage value.

It is our considered view that there is scope for further extension of Permitted Development rights within the overall approach taken in the Consultation Paper. In particular, the Federation considers that the review provides the opportunity to remove an anomaly with respect to the status of dwellings under construction. At present, dwellings under construction are not regarded in planning terms as benefitting from Permitted



Development rights. As a result, when house-builders, in response to changing market conditions or at the request of potential buyers, wish to make minor amendments to approved dwelling types during construction, they cannot do so even when the proposed changes are within the scope of the current Permitted Development regulations.

In consequence, the options open to the builder and house purchasers are:

- For the builder to apply for planning permission for the proposed changes and to put further work on the property into abeyance pending the processing of the planning application; or
- To construct the dwelling as approved and then for the householder to make the changes at a later date after occupation under existing Permitted Development rights.

This is clearly anomalous, inequitable, and wasteful on scarce resources for the Planning Service. It causes a number of adverse impacts on the planning and development process:

- For the Planning Service, it only serves to generate unnecessary planning applications. Given that the scale of the proposed minor development falls within the scope of Permitted Development, these applications must be granted planning permission. There is therefore no logic to the process and no benefit to be gained.
- For the house-builder, it can mean the unnecessary expense of a planning application and consequent delay in construction, completion and the potential loss of the sale of dwellings.
- For the purchaser, it means either a frustrating delay in acquiring a new home to their specification if planning permission is sought by the builder during construction; or moving into a new dwelling and then having to endure the disruption of further building works to alter the property and undo work for which they have already paid.
- For the public purse, it can mean delay in achieving rateable income from a completed dwelling.

It is not at all clear, therefore, what benefits can justify retaining the present arrangements. While adjoining property owners may have concerns that dwellings constructed may differ in appearance from the design shown on the builder's approved drawings, the implementation of Permitted Development rights subsequent to the construction and occupation of the dwelling, would still produce the same result.

The CEF strongly advocates that new dwellings under construction should therefore have the same entitlement to benefit from Permitted Development rights as a completed dwelling. The Federation considers that such a change would deliver efficiencies for the planning system without compromise to either the public interest or the amenity of adjoining residents. As such, the change would be fully compatible with the approach contained in the Consultation Paper.



The CEF also proposes that there should be greater flexibility to substitute house types within approved layouts, without the need to apply for specific planning permission in every instance. The Federation accepts that the rights of buyers and adjoining residents mean that some constraint on substitution of house types may be necessary. The Federation therefore proposes that such substitution should only be Permitted Development when the following circumstances are met:

- the house type must be one already approved for the development;
- the house type being substituted and that being replaced must be of the same storey height;
- the substitution must respect the approved building line to the public street;
- the changes in the scale and appearance of the substitution should be capable of being made to the dwelling that is being replaced.

We consider that this proposal strikes an appropriate balance between, on the one hand, providing flexibility for the builder to respond to market and purchaser demand; and, on the other, providing necessary safeguards for existing residents and prospective buyers. This will be achieved by ensuring that any changes made are within the parameters already assessed as acceptable by the Planning Service in approving development and determining the extent of Permitted Development.

The CEF welcomes the opportunity to contribute to this review, and makes these proposals within this response as a positive contribution which it regards as fully in line with the objectives to reduce the volume of planning applications while protecting the public interest.

Yours sincerely

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Deputy Secretary





Our Ref U/cef/jc/planning/permitteddevelopment151209

Mr Joe Torney  
Planning Service  
3<sup>rd</sup> Floor  
Millennium House  
17-25 Great Victoria Street  
BELFAST  
BT2 7BN

15 December 2009

Dear Mr Torney

**HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS – CONSULTATION PAPER**

Further to my letter of 27 November 2009 regarding our response to the consultation paper on Householder Permitted Development rights, I wish to submit a further response.

**Use of Obscure Glass.**

Sections 6.12 and 6.27 of the consultation paper propose that extensions and roof alterations and roof space extensions that have a window on a side elevation within 15m of a boundary shall be obscure glass and non opening below 1.7m above the floor level.

Our house builder members consider this to be far too prescriptive and unacceptable. It is essential, particularly in the current market conditions that builders can be as responsive as possible to customer needs. Any distance criterion should also take into consideration the presence of intervening visual barriers like walls, fencing or hedging distance between the side elevations and the boundary. The presence of such physical barriers should be able to address any privacy issues.

Equally, the use of clear glass should be permitted if there is written consent from the neighbour whose potential privacy may be affected.

Yours sincerely

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Deputy Secretary