



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

Once you have completed this form please  
return to

**Policy and Legislation Branch  
3<sup>rd</sup> Floor  
Millennium House  
Great Victoria STREET  
Belfast  
BT2 7BN**

by fax (marked 'Planning Householder PD  
Consultation Response') to:  
028 9041 6960

Or by e-mail to:  
[Planning.householderpd@doeni.gov.uk](mailto:Planning.householderpd@doeni.gov.uk)

All responses should be submitted to the  
Department no later than 22<sup>nd</sup> January 2010



Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)



INVESTORS IN PEOPLE

## RESPONDENT INFORMATION

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

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

### 1. Name/Organisation

Organisation Name

Derryhale Residents' Association

Title

Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

[Redacted]

Forename

[Redacted]

### 2. Postal Address

[Redacted]

Postcode:

[Redacted]

Phone:

[Redacted]

Email:

[Redacted]

### 3. Are you responding:

As an individual

On behalf of a group / organisation

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

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

Other  Please state:

Residents' Association.

**5. Acknowledgment**

Individual responses will not be acknowledged unless specifically requested

*Please acknowledge safe receipt*



# Householder Permitted Development Rights

## Chapter 4: Impact Based Approach

### Question 1

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

Yes  No

### Question 2

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

Yes  No

### Question 3

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

Yes  No

**At times e.g. when housing is developed as a circle or crescent, it will very difficult or impossible to avoid presenting side or rear views of some the dwellings to public frontage. In such circumstances, waste pipes (soil or ventilation) should be hidden (boxed) from public view and made as inconspicuous as possible.**

#### **Question 4**

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

Yes  No

**Application of common sense and an ability to "negotiate" modifications is essential.**

### Question 5

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

Yes  No

**Destruction of Listed Property by a prospective planning applicant, to promote or facilitate the anticipated development, should be regarded as a major planning infringement (whether undertaken by the applicant or an accommodating Third Party) and should be subject to significant penalty including, if repeated, by a custodial sentence. Penalties would normally include a significant fine and /or blocking of the application for the site.**

### Chapter 6: Proposals for Extensions, Roof Alterations and Process

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

### Question 6

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

Yes  No

**Question 7**

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

Yes  No

**Unless this relatively high coverage lead to loss of local amenity.**

**Question 8**

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

Yes  No

**Two storey extensions are acceptable to the rear of a dwelling, but are subject to height and length restriction if they are within 2 metres of the boundary of the property. There should also be opportunity for Third Party objection if there is demonstrable loss of amenity to that party.**

**Question 9**

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

Yes  No

**We find it difficult if not impossible to give a reasonable answer to this question which appears to us to analagous to "How long is a piece of string?". This type of application should be subject to a planning application and review.**

**Question 10**

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

Yes  No

**This question can only be answered by scrutiny of a planning application with opportunity for Third Party objection rather than a "one size fits all approach".**

**Question 11**

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

Yes  No

**Question 12**

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

Yes  No

**Oversight of a neighbouring property and garden area is unacceptable at close quarters. A 15 metre interval to a neighbour's boundary is probably acceptable. Obscure glazing is desirable but should not be mandatory as it may be unduly restrictive. Similarly a dead light (non opening) window may restrict ventilation of the room in question and**

may be unnecessary. These additional comments would make the proposal acceptable.

### Question 13

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

Yes  No

Only if appropriate and not by definitive exclusion.

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

### Question 14

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

Yes  No

**A change to a dimension does not necessarily give an indication of any loss of amenity to a neighbour.**

**Question 15**

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

Yes  No

**We offer no comment due to a lack of competence to judge this criterion. We doubt if the proposal would satisfy all parties to a planning proposal.**

**Question 16**

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

Yes  No

**This question is again difficult to judge. We believe that other factors will have a bearing e.g. shape, pitch of roof, design and finish.**

#### **Question 17**

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

Yes  No

**"One size fits all" is not an enlightened policy. Planning application and appraisal is to be preferred.**

#### **Question 18**

Do you agree that the requirement for first floor windows in side elevations of the roof alteration which are within 15 metres of the boundary of the curtilage of a neighbouring dwellinghouse to have obscure glazing and be non opening

unless at least 1.7 metres above floor level, is reasonable to protect against overlooking?

Yes  No

**Yes, in general terms, but as in all designs, considerate planning may not lead to automatic loss of amenity**

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

**Question 19**

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

Yes  No

**Question 20**

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

Yes  No

**Provided the pitch is at the same angle as the existing roof pitches.**

**Question 21**

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

Yes  No

**Question 22**

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

Yes  No

**Chapter 7: Proposals for Buildings in Curtilage**

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

**Question 23**

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

Yes  No

**Dimension based criteria may have a place, but this is only one facet of the overall appraisal.**

**Question 24**

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

Yes  No

**Question 25**

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

Yes  No

**Yes, but again there is an apparent wish to apply a "One size fits all mentality" which is not always correct.**

**Question 26**

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

Yes  No

**Question 27**

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

Yes  No

**In general terms, but the relative proportions are important. If an existing building is very small, 10 square metres is probably too large and conversly if the existing building is very large the outbuilding size probably could be increased without loss of amenity.**

**Question 28**

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

Yes  No

**Question 29**

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

Yes  No

**Chapter 8: Other Issues within Part 1 of the GDO**

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

**Question 30**

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

Yes  No

**Question 31**

Do you agree there should be a requirement for all hard surfaces over 5m<sup>2</sup> located between a wall forming the principal elevation of the dwellinghouse and a road to be constructed in porous or permeable materials?

Yes  No

**The alternative of correctly designed and laid storm drainage should be a permitted alternative. Porous or permeable materials are more subject to frost damage and weathering than an impermeable surface and will have a shorter useful life. Permeable surfaces are also more difficult to keep clean and less resistant to the destructive force of high pressure jet cleaning.**

**Question 32**

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

Yes  No

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

**Question 33**

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

Yes  No

This question is ambiguous! Does it mean "--capacity ---- should now be a maximum of 3,500 litres"? If this is the intention of the question, then our response would be "yes".

#### Question 34

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

Yes  No

#### Question 35

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

Yes  No

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

**Question 36**

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

Yes  No

**Soil and vent pipes, visable from a public road should be subject to control and restriction such as "boxing in" to hide the pipe from view and blend in with the existing structure.**

**Question 37**

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

Yes  No

**Presumable a maximum of one metre.**

### **Question 38**

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

Yes  No

**Additional restrictions may be required to curtail indiscriminate building or replacement of flues, soil or vent pipes and chimneys, but should be applied withing the context of the site.**

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

### **Question 39**

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

Yes  No

**Question 40**

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

Yes  No

**There may be occasions where the decking is being used to create a level surface over sloping ground and where the ground clearance may range from ground level to more than 30 cm. This may apply to verandas and balconies.**

**Question 41**

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

Yes  No

Only if there is a loss of local amenity.

### Basement extensions

#### Question 42

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

Yes  No

### Environmental Assessment

#### Question 43

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

Yes  No

**This decision, if enacted, should be subject to review in no more than 5 years.**

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

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

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

**Question A**

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

Yes  No

**There should be no loss of amenity or damage to historical or SSI areas.**

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

**Question 45**

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

Yes  No

**Chapter 10 – Conclusions**

**Question 46**

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

Yes  No

**Yes, provided that it is written in plain english and all special/ technical terms are explained; used initially in the fully expanded form followed by any acronym, and be included in a glossary. Any other format will lead to more unhelpful, unintelligable "gobbly gook".**

**Question 47**

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

Yes  No

**Under Sect. 10.5, the consultants have stated that there should be a reduction (saving) in the number of applications if the new proposals are enacted. Let evidence of this be published in say 5 years. This would validate the view expressed!**

**Question 48**

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

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

Yes  No

**We reserve judgement! Please see the suggestion that an opinion should be based on evidence (Q 47) and not aspiration and hope. Publish a 5 year review of the outcome of the proposals. This publication should be the work of an independent group if it is to be seen as authoritative.**

**Question 49**

Do you have any comments on the proposed definitions?

Yes  No

**Apply the proposed definitions and review the outcome; then amend the document if necessary.**

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

**THANK YOU FOR TAKING TIME TO COMPLETE THIS QUESTIONNAIRE**