



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

Once you have completed this form please
return to

Policy and Legislation Branch
3rd Floor
Millennium House
Great Victoria STREET
Belfast
BT2 7BN

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

Or by e-mail to:

Planning.householderpd@doeni.gov.uk

All responses should be submitted to the
Department no later than 22nd January 2010



Department of the
Environment
www.doeni.gov.uk



INVESTORS IN PEOPLE

RESPONDENT INFORMATION

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

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

1. Name/Organisation

Organisation Name

National Trust (NI)

Title

Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode:

Phone:

Email:

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:

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

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

In particular within Conservation Areas and Areas of Townscape Character.

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

The National Trust strongly supports tighter policy restrictions within such areas. We would suggest that the definition of what is regarded as "sensitive" be made more clear in order to prevent misinterpretation. As the meaning is subjective we would suggest that a clear definition be put forward which includes both "environmentally sensitive" such as in the case of WHS, areas subject to flood risk, biodiversity loss, ASSI's, Ramsar Sites, SPA'S, SAC's and architecturally/historically sensitive" such as within Conservation Areas.

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

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

The Trust fully supports the dimension based criteria as it assist in the recognition of a best practice and hopefully will considerably aid the general public's understanding of what is acceptable and what is not. This should result in the submission of more appropriate planning

proposals which address and mitigate potential adverse environmental impacts.

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

The Trust objects to this high percentage level of 50% as in our opinion this is excessively high. For example, if the site of an existing dwelling has a large/huge garden then theoretically, an increase of up to 50% could result in overdevelopment of the site.

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

The Trust objects to height restrictions within 2 metres, just over 6feet, as in our opinion this is too generous in some cases in particular in relation to a two storey extension which in some circumstances, for example a semi-detached dwelling or a terrace, such a small distance to the boundary of the curtilage does little to enhance residential amenity for all neighbours involved

Question 9

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

Yes No

This depends upon the size of the rear garden. In our opinion, doubts arise when this applies to housing backing onto proposed development.

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

However, this depends on the nature of the road and the proximity of the extension to the rear wall

Question 11

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

Yes No

The Trust strongly supports this as in our opinion this form of wording would benefit the aesthetic and character of an area, regardless of Conservation status. Also as it would aid clarity for the public.

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

The Trust objects to the wording as in our opinion there would be doubts over the practicalities of implementing this. For example, what would happen if the room in question was a bedroom, would it be reasonable to expect obscure glazing with non opening hence no ventilation? Also how would this is implemented other than as a condition and how would it be enforced especially if the developer sold on the dwelling to new residents who may change the internal layout of the dwelling. The Trust is of the opinion that if these doubts are there, it raises the question of "should the window be there in the first place"?

Question 13

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

Yes No

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

The Trust strongly agrees as there is a need to educate the public on such matters as best practice which will result in more appropriate and sustainable proposals

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

This depends on the size of the extension and the juxtaposition of the surrounding dwellings.

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 was unclear therefore we have made no comment

Question 17

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

Yes No

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

The Trust would object as this seems too complicated and you cannot insist on obscure glazing in a habitable room. The light could be limited and then how do you enforce this. The Trust's opinion is that given the doubts raised should the window be there at all?

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

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

The Trust disagrees as additional controls should be introduced especially within Conservation Areas or other designated areas.

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

Question 24

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

Yes No

In the Trust's opinion this is an arbitrary measurement. We would question why 5m in particular, why not 4.5m or 6m, as 5m does not appear to have any reasonable purpose.

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



Question 26

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

Yes No

This depends what is the boundary between and does not take into account changes of ground levels between the boundaries

Question 27

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

Yes No

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

However, building up to the boundary may block visibility in certain circumstances.

Question 29

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

Yes No

However, the Trust would point out that planning control only relates to pigeons not other creatures such as rats, birds of prey, reptiles etc and elsewhere in the UK pigeon lofts do have P.D Rights.

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

The Trust disagrees, as in our opinion hardstanding does increase runoff and this should be a more considered factor in this time of climate change with increased rainfall and in relation to potential flood risk

Question 31

Do you agree there should be a requirement for all hard surfaces over 5m² located between a wall forming the principal elevation of the dwellinghouse and a road to be constructed in porous or permeable materials?

Yes No

Ideally, but there is a need for a free draining subsoil beneath or the porous or permable material will be of little use and the Trust would question how would the planning authority deal with this through Permitted Development Regulations.

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

The Trust would query the need for 3,500 litre container in a domestic setting, in our opinion it seems excessive within the curtilage of a dwelling house.

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

Again this seems an excessive height for a domestic setting and raises the question of the siting of the container and its potential proximity to the boundary with other properties.

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

Question 37

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

Yes No

Question 38

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

Yes No

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

In the Trust's opinion the potential problem arises where you have a sloping garden with change in levels. For example, if you erect a deck over a sloping garden and your next door neighbour is at a lower level then you effectively have deminished the amount of their natural daylight and effected their residential amenity.

Question 41

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

Yes No

Basement extensions

Question 42

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

Yes No

The Trust is of the opinion that basement extensions should remain included as requiring planning permission and not included under PD Rights as how practically would the planning authority assess it and

there would be considerable implications if dealing with a semi-detached or terraced dwelling.

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

If an EIA is required then P.D. Rights have been withdrawn anyway.

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

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

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

Question A

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

Yes No

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

Question 45

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

Yes No

Chapter 10 – Conclusions

Question 46

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

Yes No

Definitively, any additional method of educating the public in best practice would be strongly welcomed by the Trust as guidance would make the issues clearer.

Question 47

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

Yes No

Question 48

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

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

Yes No

Question 49

Do you have any comments on the proposed definitions?

Yes No

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