

WYRE FOREST DISTRICT COUNCIL**PLANNING (DEVELOPMENT CONTROL) COMMITTEE****11TH NOVEMBER 2008****Amendments to Permitted Development Rights for Householders**

OPEN	
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
CONTACT OFFICER:	John Baggott – Ext 2515 John.Baggott@wyreforestdc.gov.uk
APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 To advise Members of recent changes made to the Permitted Development Rights relating to householder developments.

2. RECOMMENDATION

- 2.1 That the report be noted.

3. BACKGROUND

- 3.1 The Town and Country Planning (General Permitted Development) Order 1995 (hereafter referred to as the GPDO) came into force on 3 June 1995 and sets out under Schedule 2 that development which, subject to satisfying specified criteria, would be “permitted development” and thereby would not require the benefit of planning permission.
- 3.2 Schedule 2 of the GPDO is itself subdivided into a variety of parts, and classes within these parts, and covers a wide range of development types. Part 1 relates specifically to “Development within the curtilage of a dwellinghouse”, and it is this Part of the GPDO which has been the subject of recent amendments.
- 3.3 The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (hereafter referred to as the Amendment Order) was laid before parliament on 10 September 2008 and came into force on 1 October 2008. The Amendment Order introduces a new, revised, Part 1 of Schedule 2 of the GPDO “Development within the curtilage of the dwellinghouse”.

4. AMENDMENTS TO HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

- 4.1 The amendments introduced by the Amendment Order actually relax in certain areas the degree to which a residential property can be altered or extended without the need for planning permission. However, there are some areas where the new rules are more restrictive.
- 4.2 It would be impracticable to set out within this report all of the changes that the Amendment Order has introduced. However, it is considered that a number of the more significant changes be highlighted.

Removal of reference to volume/cubic content of extensions

- 4.3 Members may recall that the previous Schedule 2, Part 1, included reference to the cubic content of an extension which is permitted development (e.g. 70 cubic metres in the case of detached and semi-detached dwellings). All reference to volume has now been removed from the Amendment Order and extensions constructed under permitted development are now to be restricted by size, in terms of depth, width, height and relationship to the boundary of the property.

Control over side facing windows

- 4.4 The Amendment Order introduces new restrictions in terms of side facing windows, with any upper-floor window located in a wall or roof slope forming a side elevation of a dwellinghouse required to 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 level of the room, in order for it to constitute permitted development.

The provision of a hard surface within the curtilage of a dwelling house

- 4.5 This alteration to Part A introduces a new issue, and will be particularly pertinent in cases whereby a householder is seeking to replace, for instance, an area of front garden with hardstanding to create an extended driveway. Previously there were little or no criteria which needed to be adhered to for such a development to constitute permitted development. The Amendment Order, however, now introduces a clause whereby in cases where the area of hard surface to be introduced would exceed 5 square metres, either the surface shall be made of porous materials, or suitable on site drainage arrangements will be required, presumably to avoid excessive rain water run off into the public highway and drainage system. Failure to satisfy these new criteria would necessitate an application for planning permission.
- 4.6 The above are just three of the changes that the Amendment Order has introduced, and are provided just to illustrate some of the ways in which householder permitted development rights have now changed.

- 4.7 Clearly such changes are likely to impact upon a significant proportion of householders within the District, and in this regard the Development Control Section have taken steps to ensure that the changes are made as widely known as is practicable. Such steps include revising the appropriate sections of the Council's website, including the use of an Interactive Householder Guide, courtesy of the Planning Portal; the introduction of a revised Householder Extensions Enquiry Form; a presentation to the Parish Council Forum; Parish Council training, scheduled for early December 2008; formally notifying all local agents of changes; a potential agents workshop.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising directly as a result of this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are no legal and policy implications arising directly as a result of this report.

7. CONCLUSION

- 7.1 Council Officers have reacted quickly to the changes to householder permitted development rights. However, as with the introduction of any new legislation or guidance, interpretation of the Amendment Order will be likely to be challenged from time to time.
- 7.2 All householders wishing to extend or alter their property are encouraged to complete the appropriate sections of the revised Householder Extensions Enquiry Form and submit this to the Development Control Section so as to ensure that any proposed extension or alteration has been first assessed with regard to the amended GPDO.

8. RISK MANAGEMENT

- 8.1 There are no risk management issues.

9. CONSULTEES

- 8.1 None

10. BACKGROUND PAPERS

- 10.1 None