

East Herts Council: Consultation Response

**Changes to Various Permitted Development Rights:
Consultation**



Introduction:

East Herts Council welcomes the opportunity to comment on the proposed Changes to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It covers the following areas:

- Changes to certain permitted development rights which enable householders to improve and enlarge their homes.
- Changes to the building upwards permitted development rights which enable the upward extension of a range of existing buildings.
- Changes to the permitted development right which allows for the demolition of certain buildings and rebuild as homes.
- Changes to the permitted development rights which enable the installation of electrical outlets and upstands for recharging electric vehicles.
- Changes to the permitted development right for the installation of air source heat pumps.

Whilst the Council is generally supportive of the need to update and modernise the outdated GPDO there are several areas where more clarity is required or where the Council cannot agree the proposals without further modification. Some of the proposals clearly undermine both the principles set out in NPPF and Local Plan policies which encourage good design and protect local amenity. The Council's proposed response to the 53 specific consultation questions is set out in the appendix below.

In general, where the answer provided is 'don't know' (which is one of the three given choices provided in the consultation document) this should be read as meaning 'it depends', with the reason explained in the associated comment.

Changes to the permitted development rights for householder development:

- 1. Do you agree that the maximum depth permitted for smaller single-storey rear extensions on detached homes should be increased from 4 metres to 5 metres?**

No. These can still cause harm to the amenities of neighbouring properties in high density areas where the existing properties are smaller, in terms of light and outlook which is affected by land levels and orientation. The prior approval process should be utilised if this amendment proceeds.

- 2. Do you agree that the maximum depth permitted for smaller single-storey rear extensions on all other homes that are not detached should be increased from 3 metres to 4 metres?**

No. Narrower terraced properties could suffer detriment due to the loss of sunlight and outlook, dependent upon garden size, land levels and orientation. The prior approval process should be utilised if this amendment proceeds.

- 3. Do you agree that the maximum depth permitted for two-storey rear extensions should be increased from 3 metres to 4 metres?**

No. Detriment to amenity of neighbours could occur due to loss of light, outlook and overbearing effect depending on orientation and siting on smaller properties in high density areas. The prior approval process should be used if this amendment proceeds.

- 4. Do you agree that the existing limitation requiring that extensions must be at least 7 metres from the rear boundary of the home should be amended so that it only applies if the adjacent use is residential?**

No. This could utilise the entire rear garden space to the detriment of the amenity of property occupiers. It could close important gaps in the character of the area and prejudice the health and quality of life of occupiers. Based on the suggested wording, this could apply to properties which back onto open space which would be readily visible within the wider public realm having a detrimental impact on the character of the area and therefore be unacceptable.

5. Are there any circumstances where it would not be appropriate to allow extensions up to the rear boundary where the adjacent use is non-residential?

Yes. This entirely depends on the nature of the adjoining use and affects the quality of environment of the host property, such as where open spaces are seen to the rear including countryside, Green Belt land and land located in the conservation area. This type of extension could also prejudice the redevelopment of adjoining land and property by bringing a residential use closer to the boundary.

6. Do you agree that the existing limitation that the permitted development right does not apply if, as a result of the works, the total area of ground covered by buildings within the curtilage of the house (other than the original house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original house) should be removed?

No. This wording could result in the entire rear gardens of properties being covered with structures which would result in poor living and amenity conditions. If allowed plots could be reminiscent of the poor quality housing that were cleared after the 2nd World War and the reason planning was created which was to improve the populations quality of life including health and wellbeing.

The proposed amendment would also fail to maintain appropriate spacing between properties. It is important that some quality of outdoor space for occupants and neighbours is retained, as well as encouraging biodiversity opportunities and good drainage.

More than 50% coverage would fail to address climate change issues and compromise any water management issues as well as undermine the biodiversity objectives of the NPPF and the Local Plan.

7. Should the permitted development right be amended so that where a two-storey rear extension is not visible from the street, the highest part of the alternation can be as high as the highest part of the existing roof (excluding any chimney)?

No. Extensions should be subordinate to the main building. This amendment could result in crown roofs in areas where the character would be adversely affected. This amendment would only be appropriate on detached dwellings.

8. Is the existing requirement for the materials used in any exterior work to be of a similar appearance to the existing exterior of the dwellinghouse fit for purpose?

Yes. Where extensions are permitted, materials should match the main dwelling and be in keeping.

9. Do you agree that permitted development rights should enable the construction of single-storey wrap around L-shaped extensions to homes?

Don't know. In many circumstances these would not add further harm but where there are, for example, outrigger extensions in high density terraces then detriment would be likely to arise to the amenities of neighbours due to the proximity of properties to one another.

10. Are there any limitations that should apply to a permitted development right for wrap around L-shaped extensions to limit potential impacts?

Yes. Limiting roof heights in proximity to boundaries; and where extensions on existing extensions are proposed, especially along residential boundaries.

11. Do you have any views on the other existing limitations which apply to the permitted development right under Class A of Part 1 which could be amended to further support householders to undertake extensions and alterations?

Yes. Updating the Technical guidance which supports delivery of the GPDO.

12. Do you agree that the existing limitation that any additional roof space created cannot exceed 40 cubic metres (in the case of a terrace house) and 50 cubic metres (in all other cases) should be removed?

Don't know. This entirely depends on the circumstances and local environment. On larger detached properties, it is likely to be acceptable in design and amenity terms but not in smaller, terraced or semi-detached properties. The Government require good design and this proposal could jeopardise this aim.

13. Do you agree that the existing limitation requiring that any enlargement must be set back at least 20 centimetres from the original eaves is amended to only apply where visible from the street, so that enlargements that are not visible from the street can extend up to the original eaves?

No. The 20cm set back from the original eaves is an important element to ensure that the design and resultant appearance of a dormer is acceptable and subordinate. Removing this element will have an impact on overall design and therefore is contrary to the government's aim of ensuring good design.

Furthermore, there is a lack of clarity surrounding visibility from the street, whilst a dormer could be to the rear it may be visible within wider and longer views from other streets within the vicinity.

14. Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be replaced by a limitation that allows the ridge height of the roof to increase by up to 30 centimetres?

Don't know. More details need to be provided; it is entirely dependent on the individual site and the character of the street scene in which the property is located. Certain street scenes are characterised by their consistency in terms of properties design and character. An increase in the ridge height of properties, for example semi-detached and terraced properties, would be wholly unacceptable and would have a harmful impact on the wider character of the area and the general street scene. Individual houses would be at different heights and cannot be supported. Prior Approval applications for additional storeys are generally unacceptable, particularly where there is consistency in design approach in the street scene and on semi-detached and terraced properties which have been supported by Inspectors at appeal.

15. Do you agree that the permitted development right, Class B of Part 1, should apply to flats?

No. This would result in haphazard roof extensions and potential poor designs as well as possible noise implications to neighbours where current upper floor properties will have additional neighbours above and therefore would generate additional complaints to planning departments and in turn could impact Environmental Health who would need to investigate nuisance issues, putting further pressures on other services.

16. Should the permitted development right be amended so that where an alteration takes place on a roof slope that does not front a highway, it should be able to extend more than 0.15 metres beyond the plane of the roof and if so, what would be a suitable size limit?

Don't know. This depends at what point this becomes a dormer window extension rather than a roof alteration and whether windows are allowed in the flank elevations of such roof alterations, thereby raising a privacy issue. 0.15 metres from the existing roof plane seem to be adequate and pragmatic and generally has negligible impacts on residential amenity. Anything larger, resulting in more protrusion, could result in design issues and concerns.

17. Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney)?

Don't know. This raises an interesting point in conjunction with the proposed increase in roof heights so should include a limitation in roof capacity and reference to designs which could result in an extremely large alteration to a raised roof and introduce windows in the flank elevation with privacy implications for neighbours and design implications in street scenes, especially in urban areas.

18. Do you agree that bin and bike stores should be permitted in front gardens?

Don't know. In the majority of cases this might be an improvement where they do not compromise parking areas and driveways which would result in vehicles overhanging pavements or increase on street parking and result in

congestion and lack of capacity on street. There would also need to be a limit on the number of stores permitted per property.

19. Do you agree that bin and bike stores should be permitted in front gardens in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks, and World Heritage Sites)?

Don't know. In certain circumstances and subject to a prior approval and the siting, size and materials being appropriate within these areas, one store of limited size might be appropriate but not where the character is open plan.

20. Do you agree that bin and bike stores in front gardens can be no more than 2 metres in width, 1 metre in depth and up to 1.5 metres in height?

Don't know. Again, this depends on what is being stored and should be limited in number to individual houses rather than in flatted conversion developments where bin sizes are larger in width and in height.

21. Are there any other planning matters that should be considered if bin and bike stores were permitted in front gardens?

Yes. Location and design in relation to the visual character of the area; and in relation to visibility from driveways accessing on to the road. Not to be located close to windows of neighbouring properties and so as not to result in cars overhanging pavements. Also, not to compromise surface water drainage or growth of trees.

22. Should the existing limitation that in Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites development situated more than 20 metres from any wall of the dwellinghouse is not permitted if the total area of ground covered by development would exceed 10 square metres be removed?

Don't know. This is a one size fits all limitation. It entirely depends on what is being proposed as to its acceptability or otherwise.

23. Should the permitted development right be amended so that it does not apply where the dwellinghouse or land within its curtilage is designated as a scheduled monument?

Don't know. It depends on the exact circumstances of each dwelling and a planning application would be the correct process by which to make that judgement.

24. Do you think that any of the proposed changes in relation to the Class A, B C and E of Part 1 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

Yes.

- a) Parking could be impacted by excessive development in front of houses and the loss of parking areas.
- b) Local Authorities would receive more noise complaints with more intensification of development; also, Local Plans could be undermined in respect of design and character policies; more hardstanding would compromise drainage and possibly result in flooding as well as put strain on sewage systems; difficult to maintain any consistency in appearance and appropriate development in planning terms; result in more complaints to investigate and undermine local planning policies. This will affect communities as well as LPAs.
- c) The proposed changes to the PD would result in more complaints from residents to the LPA, and conflict between residents. The proposals are watering down the planning system, whilst some of the changes in very specific circumstances may be acceptable. The GPDO is applied in a blanket approach across England and therefore overall, the changes would have a detrimental impact on the character of areas and would compromise quality of design and quality of life for the population.

Changes to the permitted development rights for building upwards:

25. Do you agree that the limitation restricting upwards extensions on buildings built before 1 July 1948 should be removed entirely or amended to an alternative date (e.g., 1930)?

Don't know. It is often very difficult to establish with any certainty when a house build was completed and when subsequent alterations may have occurred so there is no benefit in increasing the deadline to an earlier date.

26. Do you think that the prior approvals for the building upwards permitted development rights could be streamlined or simplified?

Don't know. Streamlining of processes is always welcomed but not to the extent of compromising the process entirely. The prior approval process is necessary to prevent the worst effects of upward extensions occurring, so it is necessary to maintain this provision.

28. Do you have any views on the operation of the permitted development right that allows for the construction of new dwellinghouses on a freestanding block of flats (Class A of Part 20)?

No. East Herts Council has no experience of this provision and therefore no view to offer on this matter.

29. Do you agree that the existing limitations associated with the permitted development right for building upwards on a freestanding block of flats (Class A of Part 20) incorporates sufficient mitigation to limit impacts on leaseholders?

No. East Herts Council has no experience of this provisions and therefore no view to offer on this matter.

30. Do you think that any of the proposed changes in relation to the Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

No. East Herts Council has no experience of this provisions and therefore no view to offer on this matter.

Changes to the permitted development right for demolition and rebuild:

31. Do you agree that the limitation restricting the permitted development right to buildings built on or before 31 December 1989 should be removed?

Don't know. This could be retained as it ensures that there are limitations on the buildings that can be allowed to use this PD right.

32. If the permitted development right is amended to allow newer buildings to be demolished, are there any other matters that should be considered?

Don't know. This could be subject to a test of the viability of reusing the original building

33. Do you agree that the permitted development right should be amended to introduce a limit on the maximum age of the original building that can be demolished?

Yes. It should not apply to buildings built before an alternative date. It should be limited as otherwise under PD with minimal consultation, a number of buildings would be demolished. The maximum age of the original building would control the amount of development that could be undertaken using this PD right.

34. Do you agree that the Class ZA rebuild footprint for buildings that were originally in use as offices, research and development and industrial processes should be allowed to benefit from the Class A, Part 7 permitted development right at the time of redevelopment only?

No. This would allow the rebuild footprint to be much larger and therefore could have implications on other nearby buildings. Whilst not exclusively, many of these types of buildings could be located in employment areas and therefore increasing the footprint of a building and the ability to rebuild in a residential use would have implications for existing businesses. In turn noise generated from existing employment uses located in a suitable location could be subject to nuisance complaints etc. which would require the Council to investigate, and the business may have to mitigate.

35. Do you think that prior approvals for the demolition and rebuild permitted development right could be streamlined or simplified?

Don't know.

Streamlining or simplifying the process would be welcomed, however there are concerns that the process could be over simplified. Should anything alter, careful consideration would need to be given as there are lots of different scenarios where this could happen and would be unacceptable. A blanket approach is not considered to be suitable.

Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles

36. Do you think that any of the proposed changes in relation to the Class ZA of Part 20 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes. It could affect all three. These PD rights could happen in areas which are designated as employment areas or generally areas where other businesses function. Residential uses are more sensitive and therefore noise from those existing operators could be impacted by residents complaining. This in turn would impact Local Planning Authorities where complaints would be received taking up resources. This situation will not foster good communities and certain areas should be protected from PD development (e.g. employment areas). Many of the districts' employment areas are already under strain due to the existing PD rights which are exercised.

37. Do you agree that the limitation that wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

No. It is important to support EV charging, however, cars that are charging should be parked in appropriate locations and not overhanging pavements or prejudicing pedestrian movement or highway traffic. To remove the above could result in vehicles impinging on the highway, impacting highway and pedestrian safety.

38. Do you agree that the limitation that electrical upstands for EV charging cannot be within 2 metres of a highway should be removed?

Don't Know. This depends on specific circumstances, upstands should not compromise access and egress, manoeuvrability or visibility from any property and vehicles should be parked in an appropriate location and should not impinge on highway or pedestrian safety.

- 39. Do you agree that the maximum height of electric upstands for EV recharging should be increased from 2.3 metres to 2.7 metres where they would be installed in cases not within the curtilage of a dwellinghouse or a block of flats?**

Yes. Only if they don't compromise access and egress, manoeuvrability or visibility from any property.

- 40. Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?**

Don't know. As long as they don't block access and egress points, compromise visibility, undermine tree growth or increase surface water flooding. It should also be highlighted that where these could be installed, they could be close to existing residential properties and therefore consideration would need to be made to the level of noise emitted from such cabinets even if they can only be sited 10m from residential properties as stated above. Therefore, some form of limitation should be included.

- 41. Do you agree that the permitted development right should allow one unit of equipment housing in a non-domestic car park?**

Don't know. This right would better relate to the number of EV charging points installed, the requisite parking areas, and not just the equipment housing.

- 42. Do you agree with the other proposed limitations set out at paragraph 60 for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres?**

Don't know. It depends how many charge points materialise and whether any parking spaces are lost.

- 43. Do you have any feedback on how permitted development rights can further support the installation of EV charging infrastructure?**

Don't know. Cases where government grants are still given should be permitted development subject to the provisos listed above in the question 41.

44. Do you think that any of the proposed changes in relation to the Class D and E of Part 2 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes. In all cases it would reduce the number of hurdles facing those drivers who choose to drive EVs and contribute to the reduction of carbon emissions.

45. Do you agree that the limitation that an air source heat pump must be at least 1 metre from the property boundary should be removed?

No. Whilst East Herts Council supports the increased use of low carbon technology, the existing restrictions are already having unacceptable impacts on neighbouring amenity due to the noise pollution from air source heat pumps in certain locations. Removing the 'at least 1m' would result in an air source heat pump potentially being located directly on a boundary causing unacceptable levels of noise that would have a detrimental impact to neighbouring amenity, unless the upper noise limit is acceptable then there will be no need for there to be 1m from the boundary limitation.

46. Do you agree that the current volume limit of 0.6 cubic metres for an air source heat pump should be increased?

Don't know. It depends on whether an increased size would enable the manufacture of quieter units with internal noise mitigation in which case the answer would be 'yes'. Also, questionable about where a bigger unit could be located without generating other planning concerns in terms of size and design and visual amenities.

47. Are there any other matters that should be considered if the size threshold is increased?

Yes. The size of noise mitigation screens and barriers. Clear definition is required as to what constitutes an effective noise mitigation barrier and where required, how that would impact the location of the ASHP unit as well as the visual impact of such screening. It might be appropriate to suggest a maximum height from ground level. The location will always be relevant to access points, trees, permeable paving concerns, effective noise mitigation especially in rural areas and the visual impact.

48. Do you agree that detached dwellinghouses should be permitted to install a maximum of two air source heat pumps?

Don't Know. It depends on what the noise mitigation entails and the level of noise that would be deemed acceptable. In areas such as East Herts which include rural and urban areas, background noise levels differ significantly. In rural areas, even ASHPs compliant with MCS 020 can cause noise nuisance and statutory nuisances where the location is quiet, and the background noise level is low.

However, as long as the cumulative noise level is acceptable then 2 units could be appropriate subject to location and visual impact.

There is a disconnect between the Planning regulations and the Environmental Health Standards for noise nuisance at a local level, which relate to the ambient background noise levels. A one size fits all standard is already causing serious difficulties with ASHP installations not complying with Environmental Health noise criteria, especially in quiet rural areas.

This standard contradicts NPPF paragraph 191 and East Herts District Plan policies which require noise assessments relating to ambient background noise levels. Most ASHPs would fail to meet policy requirements as MCS 020 is not appropriate in quiet rural areas or would require significant mitigation, which could require planning permission in its own right.

49. Do you agree that stand-alone blocks of flats should be permitted to install more than one air source heat pump?

Don't know. Location would be key; however, you could end up with a number of ASHP's being installed dependent on how many units are in a flatted block. Therefore, cumulatively the impact of multiple air source heat pumps being used simultaneously could generate noise levels that would have an impact on neighbour amenity. The stop/start nature of the equipment could also cause noise and vibration issues to residents causing nuisance complaints impacting on a stretched Environmental Health service who would need to investigate. This all depends on the noise mitigation measures included.

- 50. Do you agree that the permitted development right should be amended so that, where the development would result in more than one air source heat pump on or within the curtilage of a block flats, it is subject to a prior approval with regard to siting?**

Yes. However, not just siting but size, noise mitigation criteria and noise barriers and cumulative impact. However, this would result in an unfair process as if one flat was granted, others within the block may get a refusal.

- 51. Are there any safeguards or specific matters that should be considered if the installation of more than one air source heat pump on or within the curtilage of a block of flats was supported through permitted development rights?**

Yes. Design and appearance of multiple air source heat pumps being installed on a building. In addition to the above comments, these installations should not result in a loss of parking, permeable paving, EV charging points or trees.

- 52. Do you have any views on the other existing limitations which apply to this permitted development right that could be amended to further support the deployment of air source heat pumps?**

Yes. East Herts Environmental Health noise experts deal with noise complaints related to ASHPs in rural areas resulting from the MCS 020 standard being too relaxed and consider that there should be a more stringent standard in quiet rural locations.

- 53. Do you think that any of the proposed changes in relation to the Class G of Part 14 permitted development right could impact on: a) businesses b) local planning authorities c) communities?**

Yes. There is discrepancy between planning and environmental health standards affecting all groups and deterring the installations of ASHPs due to the complexity of navigating contradictory legislative requirements. Should the changes be approved, this would result in the background noise levels increasing, resulting in noise complaints and the need to investigate.

- 54. Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Marriage or Civil Partnership;**

Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

No.