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## **Householder Permitted Development Changes – Do they affect you?**

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# Introduction



- In line with the Review of Public Administration consideration of Permitted Development Rights was undertaken and published in October 2009. The review is split into 3 categories: householder, micro-generation and non householder.
- I hope to provide an overview of the background to the proposed changes to Householder Permitted Development (HPD) Rights;
- The key amendments;
- The complexities involved in the interpretation of the legislation; and
- Facilitate discussion to enable comment on the proposals by interested parties including EPLANI.



# What is Permitted Development?

- Permitted Development is that which can be undertaken without having to make an application for planning permission as it is already permitted under the General Development Order 1993 (GDO);
- Part 1 of the GDO relates only to dwelling houses (excluding blocks of flats and temporary structures) and includes small extensions, roof alterations, buildings in gardens and hard surfacing; and
- Part 2 relates to all minor operations such as gates, fencing, access arrangements and painting.



## Background to Review



- Nathaniel Lichfield undertook a review of the GDO in 2003 which concluded that the GDO needed to become a more positive tool and promote development or environmental outcomes in tune with government policy;
- Reviews elsewhere in Scotland and England are primarily aimed at deregulation and focused on producing new legislation to provide more clarity, simplicity and consistency while ensuring that planning applications were kept to a minimum;
- WYG Planning was commissioned by Planning Service in 2008 to consider the previous reports for NI focusing on an impact based approach with recommendations for change.



## Main Aim of Review



- Enable the Planning Service to make better use of its limited resources through a reduction in the number of householder applications in NI. It is estimated that the proposed changes could result in:
  - 17% saving in the number of applications for extensions;
  - 20% saving in roof alterations; and
  - 28% saving for buildings in curtilage of a residential property.
- Ensure that householder 'permitted developments' do not give rise to adverse environmental impacts; and
- Facilitates legislation that is easily understood and interpreted by householders, agents and planning professionals with an associated aim to reduce enforcement complaints.



## Main Changes

## to GDO - Extensions



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- Development will be now controlled by height, length and breadth restrictions with the cumulative volume limitations removed e.g. 50 and 70 cubic metres or 10%/15% of original volume. :
  - Single storey extensions are restricted to a maximum height of 4m and 4m maximum length from a rear wall;
  - For more than one storey the limits of development are a maximum 3m from rear wall and a minimum 7m to any boundary;
  - The current restriction of 50% of curtilage covered, no extension beyond the existing roof or wall which faces a road is retained;



## Ctd Changes

- Obscured glazing required for side facing windows above first floor. To be non opening if less than 15m from any boundary of a neighbouring dwelling house; and
- Materials to be of 'similar appearance', no need to 'conform' ;
- An increase in the size and height of porches is permitted - Ground area limit has increased from 2m<sup>2</sup> to 3m<sup>2</sup>. The max height for a flat roof remains 3m but dual pitched roof can be constructed up to 3.5m.



## Roof Alterations



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- Roof Extensions are currently treated separately in the GDO and it is proposed this will continue.
- As with extensions there is a move away from volume based calculations to simpler proportion restrictions:
- Cant exceed the highest part of the roof;
- Cant extend 15 centimetres beyond the plane of existing slope where roof faces a road or forms a principle or side elevation; and
- Cant be more than 0.5 metres to ridge, eaves or party wall or verge.



# Outbuildings Including Garages



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- The '5m' link between dwellings and outbuildings is removed i.e. within 5m treated as an extension;
- Proposals for extensions or outbuildings will be considered on the basis of criteria set out in the relevant classes;
- The main constraints relate to the proportion of curtilage covered by building works i.e. 50% and no closer to a road than the existing building; and
- Dimension limits of 4m in height or 2.5m if within 2 metres of boundary.



# Heritage Designations

## inc Conservation Areas & World Heritage Sites



- The restriction of 10m<sup>3</sup> for extensions is no longer used; the total area of ground covered should not exceed 10m<sup>2</sup> when it is situated more than 20m from the dwelling;
- Development is not permitted between a side elevation and the boundary; and
- Development for use as a dwelling house, decks, balconies, installation/ alteration of satellites will not be permitted within conservation areas and world heritage sites without permission.

# Listed Buildings



- Planning permission will be necessary unless listed building consent is already granted; and
- This includes alterations, construction of a porch or building, pool or similar enclosure, painting, hard surfacing, construction of oil or LPG container and construction or improvement of gate, fence or wall.

## Minor Works

- Provision is now included for chimneys and decking under Class H and Class I



## Hard surfacing

- This Class (E) now covers the provision and replacement (in whole or in part) of a hard surface. A new requirement is the use of porous or permeable materials or to make run-off provisions to the front of dwellings.

## Oil/liquid petroleum /gas Storage



- Erection of containers for both oil and gas storage permitted up to 3,500 litres and 3 meters in height except where the container is within 2m of the boundary where a road is opposite the front or rear of the house in which case planning permission will be necessary.

## **What is Next?**

Consultation closes on 22<sup>nd</sup> January

The Department will consider submissions and prepare a revised General Permitted Development Order. Following approval by the NI Assembly this will become legislation.

## **What if you are unsure if a proposal is permitted development?**

If unsure if planning permission is required it is best to apply for a CLUD to confirm the position i.e. Certificate of Lawful Use and Development .

## Potential Pitfalls

- If you have already had planning permission for an extension you have used up your permitted development rights i.e. one allowance only;
- No matter how small demolition consent is required in Conservation Areas and Areas of Townscape Character;
- Does not affect any applicable legal restrictions such as rights of way, restrictive covenants etc;
- Need for other consents such as building control, building over consent; and
- Planning conditions may restrict your permitted development rights.

## Conclusion

- Planning Service consider that as none of the recent refusals examined would become permitted development under the criteria suggested hence adverse impacts are unlikely as a result of the proposals.
- Changes do simplify things but issues such as the principle elevation have proved difficult to interpret in England and likely to be the case here.
- Potential issues for those moving house as less people will formally have planning permission for their extensions; and
- Deregulation V Protection of Amenity - Potential for increase in civil disputes as relaxation means people are likely to embark on works without consent.



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# Thoughts or Questions

