

Householder Permitted Development Rights: Frequently Asked Questions

Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 provides permitted development rights (PDRs) that allow householders to undertake certain improvements, alterations and extensions to their homes without the need for planning permission.

Part 1 of Schedule 2 is amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013.

The “Permitted Development for Householders; Technical Guide” and “Planning: a Guide for Householders” provide guidance on how to interpret householder development rights. Both documents are available on the Welsh Government website at <http://wales.gov.uk/topics/planning/policy/guidanceandleaflets>.

This document responds to questions raised by stakeholders.

You should note that the content of this document is not an authoritative interpretation of the law, that is a matter for the courts.

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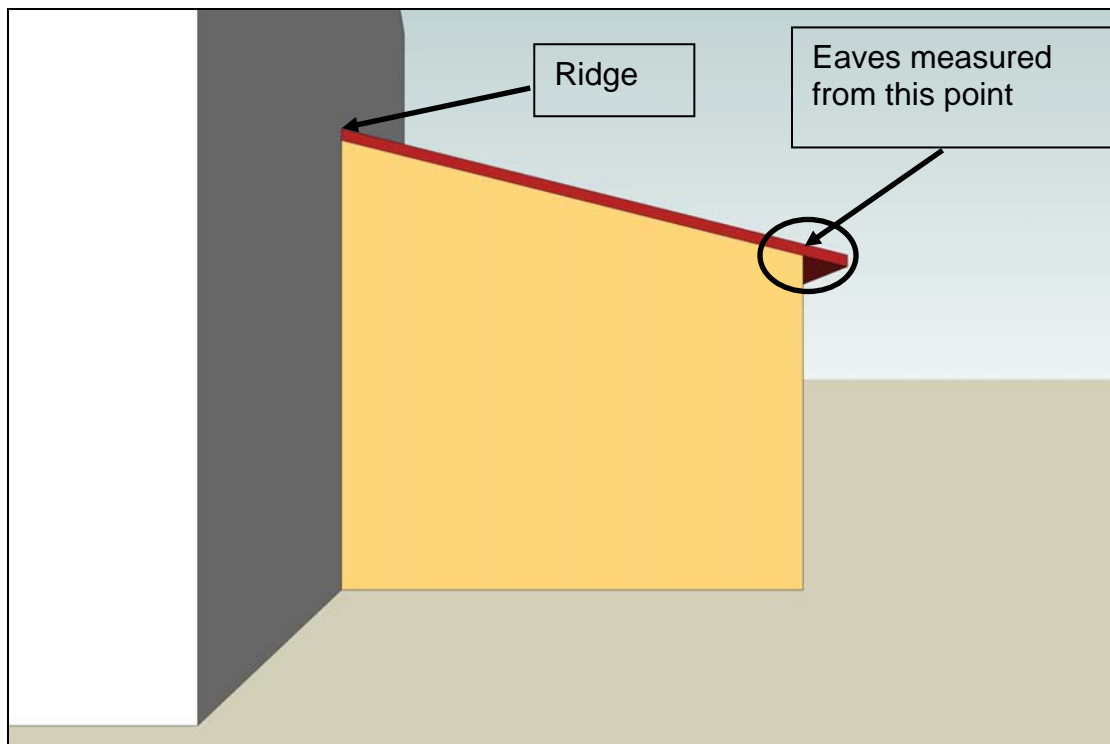
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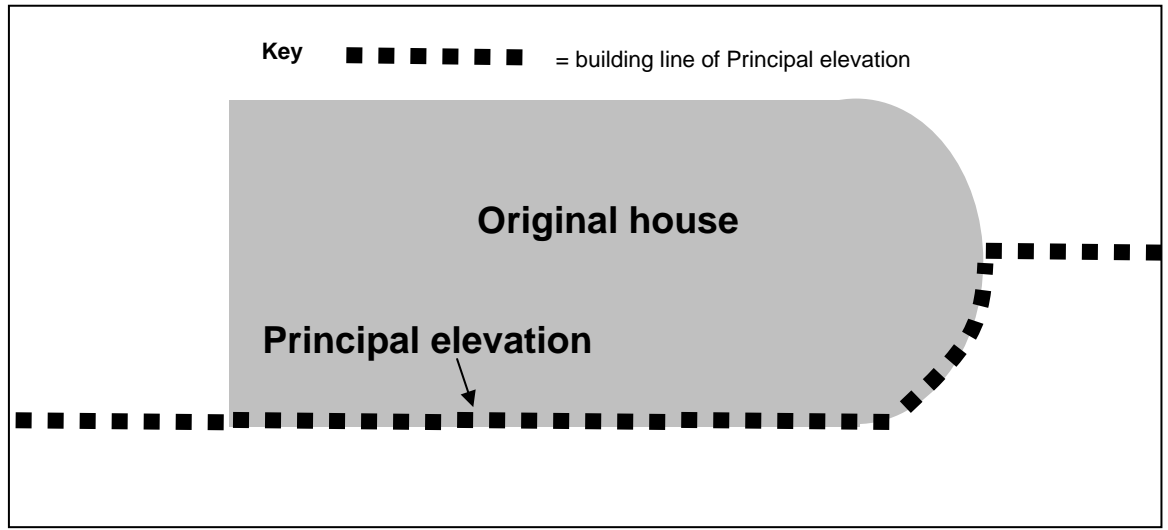
Class A

1. How are eaves measured on a monopitch roof?

As defined in the draft Order, A.5 (a), the height of eaves is measured from the point where the external walls of the dwellinghouse would, if projected upwards, meet the lowest point of the upper surface of the roof.



2. What is the building line of the Principal Elevation on an oval façade?



3. How is the eaves height of Class A development (extensions) measured?

Extensions cannot exceed the eaves height of that part of the existing house from which they project, see A.1 (c) and A.5 (c) of the Amendment Order and figure 7, page 8 of the technical guide.

Where any part of Class A development is within 2 metres of the boundary, eaves height cannot exceed 3 metres, see A.1 (d) of the Amendment Order and page 14 of the technical guide).

4. When is external wall insulation permitted?

External wall insulation (EWI) is allowed if it does not project from the house by more than 16cm and providing the house is not located on article 1(5) land or in a World Heritage Site.

EWI does not comprise an enlargement of the dwellinghouse and therefore condition A.1(e) does not apply. So EWI can be fixed to any elevation of the dwellinghouse, including the principal elevation, subject to conditions in A.1 (k) and A.2 (b).

In the case of A.1 (k), the boundary of the curtilage of the dwellinghouse does not determine the extent of the permitted development right.

5. Should an existing ground floor extension be taken into account when considering a proposed first floor extension under A.1 (j)?

The text of A.1(j) refers to the enlarged part of the dwellinghouse having more than one storey, either in its own right or "if considered with any part of the existing dwellinghouse."

So any existing ground floor extension will need to be taken into account when determining the acceptability of an extension under A.1 (j).

If a dwellinghouse has an existing ground floor extension/annex that projects more than 4m from the rear wall of the original dwellinghouse then the addition of a first floor extension of up to 3m in length would not be PD as the development would fail to comply with condition A.1 (j) (i).

Class E

1. How is the height of raised platforms and balconies measured?

Class E.1 (j) states that the height of any veranda, balcony or raised platform should be no more than 30cm above the surface of the ground directly below it.

Article 1(3) of the Town and Country Planning (General Permitted Development) Order 1995 does not apply. So the height of any development under Class E.1 (j) cannot exceed 30cm at any point.

2. How is the height of Class E development (outbuildings etc) measured?

E.1 (e) states that height of Class E development should be measured from the surface of the ground immediately adjacent to that part.

Article 1(3) of the Town and Country Planning (General Permitted Development) Order 1995 does not apply.

3. How is eaves height measured under Class E?

E.1 (g) restricts eaves height of Class E buildings, measured at any point along their length, to a maximum of 2.5m.

Article 1(3) of the Town and Country Planning (General Permitted Development) Order 1995 does not apply.

Class F

1. How should Class F be interpreted?

When Condition F.2 (a) applies:

- all new areas of hardsurfacing must meet the conditions in F.2;
- existing areas of hard surfacing less than 5sqm can be replaced with a hardsurface that does not comply with condition F.2 (the 5sqm allowance is renewed every 6 months); and
- the replacement of existing areas of hardsurfacing that are more than 5sqm will need to comply with condition F.2.

Other Issues

1. How is height measured? (other than in Class E)

Where height is referred to elsewhere in the Order (e.g. A.1 g (i) – “the enlarged part of the dwellinghouse would exceed 4 metres in height” or A.1 i (ii) “exceed 4 metres in height”), article 1(3) of the Town and Country Planning (General Permitted Development) Order 1995 remains relevant. That is, the height is measured from ground level and ground level is defined as, “the level of the surface of the ground immediately adjacent to the building in question, or where the ground is not uniform, the level of the highest part of the surface of the ground adjacent to it.”

2. Which part of the Order defines the Principal Elevation?

The Order contains “Interpretation of Part 1” and I.2 describes how the principal elevation is identified.

3. How does the Order address verandas, balconies and raised platforms?

The technical guide provides a definition of verandas, balconies and raised platforms (see paras 5.6 – 5.10 and paras 8.15 – 8.19).

Verandas and raised platforms are excluded from Classes A, B and C of the Order. So any verandas or raised platforms associated with, for example, house extensions, roof extensions or roof alterations will need planning permission.

However Juliet balconies are permitted by Classes A, B and C subject to the following criteria:

- no platform
- not to project from the dwellinghouse by more than 30cm
- if installed on a side elevation, not permitted if within 10.5m of the side boundary of the curtilage of the dwellinghouse
- not allowed on the principal elevation

Any verandas or balconies associated with Class E development will require planning permission. Any raised platform that is more than 30cm above the ground will also require permission.

4. How does the Order address balconies in Class A?

A.1 (l) (ii) means that any standard balcony (i.e. a platform projecting from the wall of the building) does not benefit from permitted development rights.

A.1 (l) (ii) provides that a Juliet balcony may be permitted development on the rear elevation of a house, or on the side elevation where it is further than 10.5m from the side boundary [A.1 (l) (ii) (cc)].

5. Are any transitional arrangements in place in relation to the completion of development permitted under Part 1 of the existing GPDO?

The Amendment Order does not contain any transitional arrangements that would require development permitted under Part 1 of the existing GPDO, and started before 30th September 2013, to be completed by a specified deadline.

6. Is the insertion of windows permitted development?

Section 55 2 (a) of the Town and Country Planning Act 1990 is unaffected by the changes to householder permitted development rights. Under Section 55, if the windows do not materially affect the appearance of the house they do not comprise development.

If the works are "development" then Part 1 Class A of the GPDO provides permitted development rights for the "enlargement, improvement or other alteration of a dwellinghouse". So the insertion of a window would benefit from Part 1 Class A permitted development rights. But if a window is inserted at upper floor level in the side elevation of a house, and is within 10.5m of the relevant side boundary then condition A.3 applies.

Section G, point 4 of the Householder Guide, states that planning permission is not required for the insertion of windows. This statement should be read in the above context.

7. How should the requirement to “match the appearance of the materials” be interpreted?

Advice is provided in paragraphs 7.1 & 7.2 of the Technical Guide.