

Planning Update

July 2020

Government announces amendments to Permitted Development Rights

Following an announcement in the early hours of the morning, two Statutory Instruments (SI) have been published to provide new Permitted Development Rights. Both come into force at 10am on 31st August 2020.

Upwards Extensions for Existing Houses and Flats

The first SI, The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020, introduces a new Class AA to allow the enlargement of a dwellinghouse by the construction of additional storeys.

Where the existing dwelling is one storey, one additional storey can be added. For dwellings two or more storeys, up to two additional storeys are allowed.

It does not apply if the dwelling was created through the use of other PD rights or if it was constructed before 1st July 1948 or after 28th October 2018.

Before starting work, a prior approval application must be made to the local planning authority. They can consider the impact on the amenity of any adjoining properties, including overlooking, privacy and the loss of light, the external appearance, air traffic and defence asset impacts and whether the development would impact on a protected view. The development must be completed within 3 years and local planning authorities must notify adjoining neighbours and give 21 days for any comments to be provided.

This SI also allows upwards extensions to create new flats. There are four different new classes, which allow one additional storey for a one storey building or two storeys for a two storey building on buildings in commercial or mixed use, and on terraced, semi-detached and detached dwellings. The prior approval process must be followed to take advantage of these PD rights.

Demolition of Buildings and Creation of New Dwellings

The second SI, The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020, introduces a new Class ZA to allow the demolition of buildings and construction of new dwellings in their place. This permits the demolition of:

- Any building comprising a single purpose built detached block of flats
- Any other single detached building, comprising premises established:
 - For an office within Use Class B1(a)
 - For research and development within Use Class B1(b)
 - For an industrial processes within Use Class B1(c)
 - Or any combination of the above

“It will mean that families can add up to 2 storeys to their home, providing much needed additional space for children or elderly relatives as their household grows”

Robert Jenrick, Secretary of State for Communities and Local Government

The building can be replaced with a purpose built detached block of flats or a purpose built detached dwelling. It also allows various operations associated with the demolition and construction.

There are some very important restrictions included which will not allow this PD right to be used as widely as perhaps anticipated:

- The building to be demolished must
 - Have existing on 12th March 2020
 - Have been built before 31st December 1989
 - Have a footprint of less than 1,000 sqm
 - Not exceed 18m above ground level
 - Have been vacant for at least 6 months
- If the land is within a Conservation Area or part of a listed building or its curtilage
- The footprint of the new building must be wholly within the footprint of the building to be demolished
- The height of the new building cannot exceed the lower of 7m above the height of the building to be demolished or 18m

Before starting work under Class ZA, a prior approval application must be made to the local planning authority. There are various aspects that the local authority should consider:

- Transport and highways impact
- Contamination risks
- Flooding risks
- Proposed design and external appearance
- Provision of adequate natural light in all habitable rooms
- Impact on amenity and neighbouring premises
- Impacts of noise
- Impact on business and new residents through the introduction of, or increase in, residential use in the area
- Impact on heritage and archaeology
- Method of demolition
- Landscaping plans

There are a lot of factors for the local authority to consider, with these applications potentially not being quite as straightforward as hoped. It will provide clear opportunities for some landowners to demolish old, unused buildings and replace them with new homes.

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