

## Response ID ANON-WVH9-Z88X-G

Submitted to Permitted development rights consultation: changes to support householder development, building upwards, demolition and rebuild, and the installation of electric vehicle charge points and air source heat pumps

Submitted on 2024-04-08 21:15:58

### Scope of the consultation

#### Privacy notice

#### Personal details

What is your name?

Name:

Peter Eversden

What is your email address?

Email:

chair@londonforum.org.uk

What is the type of organisation that you work for?

Charity or voluntary organisation

If applicable, what is the name of your organisation?

Organisation:

London Forum of Amenity and Civic Societies

What is your position in the organisation?

Position in organisation:

Chairman

#### Introduction

Changes to the permitted development rights for householder development (Class A, B, C and E of Part 1)

Do you want to complete this section?

Yes

The enlargement, improvement or other alteration to homes (Class A of Part 1)

The enlargement, improvement or other alteration to homes (Class A of Part 1)

Q.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?

Yes

Please provide your reasons:

However, this is the limit for houses in article 2(3) land for a reason of effect on the area which cannot be ignored. Elsewhere the limits are larger. There is possibly enhanced scope for conflict with Local Plan policies that rear extensions should be subservient to the original house, not dominant, and that a substantial part of the rear garden should remain free of buildings.

Therefore the permitted development should be limited by the percentage of the total land of the property that would be built upon, say, no more than 40%.

Also, the local authority must be able to consider if the amenities of a neighbour in terms of light and appearance would be acceptable. That requires Prior Approval to be applied by the LPA, as a detached property could have been built close to adjoining homes.

There needs to be a proviso that if a single-storey extension is built under permitted development as per Q1, then a further extension for a second storey should require full permission.

Q.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?

Yes

Please provide your reasons:

See our response for Q.1 and it would apply in this situation.

To be able to be subject to legal scrutiny the Government's words "it only applies if the adjacent use is residential" should be "it applies only if the adjacent use is residential."

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

No

Please provide your reasons:

See our response to Q.1. An LPA Prior Approval process must be applied.

Assumptions cannot be made by the Government of PDR in such situations without local consideration of the context, character and the effect on other home owners.

Q.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

Please provide your reasons:

See Q1 on possible conflict with Local Plan policies. Also, there must be access for maintenance on all sides of an extended property and there must be outdoor amenity space for the dwelling.

Q.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

Please provide your reasons:

Loss of outdoor amenity space for occupiers and effect on neighbours as in our reply to Q.1.. See also our point in response to Q.4 on building access for repairs.

Q.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

Please provide your reasons:

That would result in a risk of substantial overdevelopment . The maximum 50% of garden coverage should remain.

The enlargement, improvement or other alteration to homes (Class A of Part 1)

Q.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

Please provide your reasons:

The appearance from the street is not the only consideration. Prior approval is necessary for such proposed extensions to assess the effect on neighbouring properties.

Q.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?

No

Please provide your reasons:

The suggestion is that this would allow for the use of modern sustainable materials; but it's not clear why the 'similar appearance' requirement precludes the use of such materials or using internal insulation to help meet energy efficiency standards.

The enlargement, improvement or other alteration to homes (Class A of Part 1)

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

No

Please provide your reasons:

There is a risk of overdevelopment. That PDR would be the same as a side extension and those should not abut the adjacent building for damp and maintenance reasons and for safe escape from homes in the case of fire.

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

Yes

Please provide your reasons:

See our responses to Q.1 and Q.9.

Q.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

Please provide your reasons:

It is not clear where the demand exists for any of these easing of restrictions by PDRs. There is increased risk of neighbourly disputes, and of overdevelopment and conflicts with long-established local plan policies.

The proposed permitted development rights should not apply where design codes have been applied to streets, sites or locations by LPAs. Prior approval will be necessary to establish conformity.

Additions to the roof including roof extensions (Class B and C of Part 1)

Additions to the roof including roof extensions (Class B of Part 1)

Q.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?

No

Please provide your reasons:

The key requirements are that roof extensions are sympathetic to the style of the building and in keeping with the character of the locality and do not result in overlooking, for which obscure glass may be needed as a condition.

Q.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?

Yes

Please provide your reasons:

If that applies only to rear extension it is probably acceptable.

For clarity in legal interpretation, "amended to only apply" should be expressed by the Government as 'amended to apply only'.

Q.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?

No

Please provide your reasons:

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

Yes

Please provide your reasons:

Other alterations to the roof including roof windows (Class C of Part 1)

Q.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?

Yes

Please provide your reasons. If you have answered yes, please provide your alternative suggestion and any supporting evidence.:

Q.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

Please provide your reasons.:

The difference between the proposal and the existing right seems to be a distinction without a difference. This question does not make sense.

Buildings etc incidental to the enjoyment of a dwellinghouse (Class E of Part 1)

Buildings etc incidental to the enjoyment of a dwellinghouse (Class E of Part 1)

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

Yes

Please provide your reasons.:

They should be no higher than the front fence of the property which should be raised to the height of the bin store of 1.5 metres if necessary. As it is proposed to allow such cabinets by PDR in front gardens of Conservation Areas, there should be planning consideration of the size, materials and colour in all cases and conformance with Conservation Area Management Plans. Timber construction stained dark green may be the preferred style. There should be a permeable area for the run-off from such stores to drain sustainably rather than add water to local drains and sewers.

Q.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)?

Yes

Please provide your reasons.:

For the reasons in the consultation paragraph 31.

Q.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?

Yes

Please provide your reasons.:

However, these dimensions are far too big for terraced housing; particularly the proposed 2m width. Conflicts are likely with local plan policies that stores should be appropriate in terms of scale, positioning and design. This would best be dealt with via design codes. The size and appearance of the cabinets should be controlled by Prior Approval.

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

Yes

Please provide your reasons.:

Stores should not have openings to the highway, with the risk that doors are left open and obstruct pavements etc.

Buildings etc incidental to the enjoyment of a dwellinghouse (Class E of Part 1)

Q.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?

No

Please provide your reasons.:

For the reasons set out in para 36 of the consultation.

Q.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?

Yes

Please provide your reasons.:

### Impact assessment

Q.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

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights your comments relate to.:

For LPAs, there are the potential conflicts with policies in local plans and dealing with conflicts between neighbours. For communities, we are not sure, but see answer to Q.21

Changes to the permitted development rights for building upwards (Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20)

Do you want to complete this section?

Yes

The upward extension of buildings (Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20)

Q.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)?

Yes – amended to an alternative date

Please provide your reasons. If you have chosen an alternative date, please specify.:

Amended to exclude any pre-1918 buildings.

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

No

Please provide your reasons. If you have responded yes, please provide your suggestion and justification, and specify which right(s) you are referring to.:

Because the Government in its publications and planning decisions has placed emphasis on context and character and area design codes. Local Authorities should be funded properly so that Prior Approval would not be “burdensome”.

Construction of new dwellinghouses on a freestanding block of flats (Class A of Part 20)

Q.27 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)?

Yes

Please provide your reasons.:

It has allowed for poorly-designed extensions, both in external appearance and in the space and facilities provided for residents. Also, the increased height may have implications for speedy and safe exit if there are fires.

Q.28 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

Please provide your reasons.:

There have been far too many cases where existing residents (renters as well as leaseholders) have suffered years of disruption and damages to their flats.

## Impact assessment

Q.29 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?

Yes

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights your comments relate to.:

Any changes could have an impact on adjoining or included residents or businesses. Local Authorities could have their planning policies and masterplan for areas adversely affected by any permitted development and their communities could find they have no opportunity to comment. LPAs should be in charge of development, not building owners.

## Changes to the permitted development rights for demolition and rebuild (Class ZA of Part 20)

Do you want to complete this section?

Yes

## Changes to the permitted development rights for demolition and rebuild (Class ZA of Part 20)

Q.30 Do you agree that the limitation restricting the permitted development right to buildings built on or before 31 December 1989 should be removed?

No

Please provide your reasons.:

Extending the range of buildings to which the right applies will simply lead to more poorly-designed new buildings.

Q.31 If the permitted development right is amended to allow newer buildings to be demolished, are there any other matters that should be considered?

Yes

Please provide your reasons.:

The embodied carbon in the existing building to be demolished should be taken into account if the building could be adapted for alternative uses.

Q.32 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

Please provide your reasons. If you have chosen an alternative date, please specify.:

1930 seems an entirely arbitrary date and 1918 may be more suitable.

Q.33 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

Please provide your reasons.:

Allowing additions to the existing floorspace of no more than 100% or 200 square metres of floorspace (whichever is the lesser) would allow for even bigger, poorly-designed new buildings which could affect local permeability and local views. However, some such buildings could have surface car parks and in those cases where that is more than 20% of the plot, development should be covered by a full planning application.

Q.34 Do you think that prior approvals for the demolition and rebuild permitted development right could be streamlined or simplified?

No

Please provide your reasons and examples where possible.:

## Impact assessment

Q.35 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

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

For LPAs and communities, there's the replacement of existing buildings with larger, poorly designed ones.

The loss of offices, research and development and industrial processes in town centres could remove facilities that are necessary as part of the required infrastructure. Class ZA PRD should not have been introduced as it takes away the ability of local authorities, on behalf of their residents and businesses, to control change of use in town centres and the mix of uses for increased footfall and prosperity of businesses.

Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles (Class D and E of Part 2)

Do you want to complete this section?

Yes

Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles (Class D and E of Part 2)

Q.36 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?

Yes

Please provide your reasons.:

Because this applies only to off-street parking areas. However, there should be no trailing charging cables from such areas to vehicles parked in the highway.

Q.37 Do you agree that the limitation that electrical upstands for EV charging cannot be within 2 metres of a highway should be removed?

Yes

Please provide your reasons.:

However, there should be no trailing charging cables from such areas to vehicles parked in the highway.

Q.38 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

Please provide your reasons.:

We note that this does not relate to upstands on the highway, but only to those in places where there is lawful off-street parking. It is probably satisfactory, but 2.7 meters is very high.

Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles (Class D and E of Part 2)

Q.39 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?

Yes

Please provide your reasons.:

However, such units should not be allowed to carry any advertising panels.

Q.40 Do you agree that the permitted development right should allow one unit of equipment housing in a non-domestic car park?

Yes

Please provide your reasons. If you think that the permitted development right should allow for more than one unit of equipment housing or storage cabinet, please specify a suitable alternative limit and provide any supporting evidence.:

The number of parking spaces in off-street car parks for electric vehicles should be no less than 15% now and increase to no more than 60% by 2035 and then increased after that if the demand for such facilities is not met.

Councils are introducing electric vehicle charging facilities in lamp posts in domestic streets.

Q.41 Do you agree with the other proposed limitations set out in the above text for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres?

Yes

Please provide your reasons.:

However, there should be no advertising on such cabinets and they should be soundproofed if there is any noise audible in neighbouring houses

Q.42 Do you have any feedback on how permitted development rights can further support the installation of EV charging infrastructure?

Yes

Please provide your reasons.:

Local authorities should be in control of the installation of any equipment in the public realm or be able to influence their location, as they did for BT Outreach DSLAM cabinets for obstruction and visual impact considerations. Permitted development is not acceptable for EV charging infrastructure other than in off street car parks.

## Impact assessment

Q.43 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

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights your comments relate to.:

For LPAs and communities, there are the problems associated with disputes between neighbours on equipment siting .

Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings (Class G of Part 14)

Do you want to complete this section?

Yes

Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings (Class G of Part 14)

Q.44 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

Please provide your reasons.:

Because they can produce an annoying hum and may need to be shielded from neighbours. They are usually placed on the outside wall of a house, close to the internal units they serve.

Q.45 Do you agree that the current volume limit of 0.6 cubic metres for an air source heat pump should be increased?

No

Please provide your reasons. If you have answered yes, please provide examples of a suitable size threshold, for example, in cubic meters or a height limit, including any supporting evidence.:

Any increase in size should be accompanied by certified dBA noise levels.

Q.46 Are there any other matters that should be considered if the size threshold is increased?

Yes

Please provide your reasons.:

See our response to Q.45

Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings (Class G of Part 14)



Q.47 Do you agree that detached dwellinghouses should be permitted to install a maximum of two air source heat pumps?

Yes

Please provide your reasons.:

But only if combined they meet certified dBA levels.

Q.48 Do you agree that stand-alone blocks of flats should be permitted to install more than one air source heat pump?

Yes

Please provide your reasons.:

Q.49 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

Please provide your reasons.:

Q.50 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

Please provide your reasons.:

Agreements with residents of the block.

Q.51 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?

No

Please provide your reasons.:

## Impact assessment

Q.52 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

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

For LPAs and communities, there are the problems associated with disputes between neighbours on siting and noise.

## Public Sector Equality Duty

Q.53 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)?

Yes

Please provide your reasons.:

For elderly and disabled, there's the impact of poorly-designed buildings that take no account of their needs. See also Q.21