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Town and Country Planning (General Permitted Development) Amendment No.2, England, Order 2008

On 1st October new regulations were introduced changing the rules controlling what can be built without the need for formal planning permission. The main change is the removal of the previous limitation on cubic capacities (i.e. 50 cubic metres for a terraced dwelling, 70 cubic metres for any other dwelling). This is now replaced by the following specific rules.

In order to be sure that planning permission is not required, you will need to comply with all of the criteria for the relevant class.

Class A

Permitted Development - The enlargement, improvement and other alteration of a dwelling house.

- A.1**
- a) If the total area of the land developed exceeds 50% of the curtilage (all land within the residential boundary) then planning permission is required for any further development (this excludes the ground area of the original dwelling house).
 - b) The proposed permitted development should not exceed the height of the highest part of any of the existing dwelling.
 - c) The eaves of the proposed development cannot exceed the height of the current eaves of the dwelling.
 - d) Planning permission would be required if:
 - (i) the proposal is beyond the front line of the dwelling house which fronts the highway.
 - (ii) it is an extension to the principal elevation or the side elevation fronting the highway.
 - e) Planning permission is not required for an extension providing it is:
 - (i) no more than 4 metres beyond the rear wall of the original dwelling house in the case of a detached dwelling, or 3 metres on any other style of dwelling regardless of any previous extensions.
 - (ii) The extension should not exceed 4 metres in height.



- f) A two storey extension is permissible without planning permission provided that
 - (i) it does not extend beyond 3 metres of the rear wall of the original dwelling
 - (ii) it is no closer than 7 metres to any boundary or curtilage of the dwelling from the rear wall of the completed extension.
- g) The most logical interpretation is that an extension within 2 metres of the boundary cannot exceed 3 metres in height to the eaves.
- h) Extensions to the side elevation of a dwelling house would be permissible provided that they do not exceed 4 metres in height, do not create more than 1 storey and do not have a greater width than half the width of the original dwelling house.
- i) Development not allowed under class A includes the following types of construction: verandas, balconies or raised platforms, or the installation, alteration or replacement of aerials or antennas, chimneys, flues, SVP's or alterations to any part of the roof of a dwelling house.

A.2 Additional restrictions relate to Areas of Outstanding Natural Beauty, Conservation areas (described as Article 1(5) land). These specifically include:

- a) The exclusion of any cladding of the exterior of the dwelling house with stone, artificial stone, pebble dash, render, timber, plastic or tiles.
- b) Extensions beyond the side elevation of the original dwelling house cannot be undertaken as described in h) above.
- c) Single storey rear extensions are only permissible within this class.

Conditions

A.3 Development is permitted by Class A subject to the following additional Conditions:

- a) All external materials should have a similar appearance to those used in the exterior of the existing dwelling.
- b) Obscured glazing is required on the side elevation or roof slope of the dwelling house and secondly no opening part of that window can occur below 1.7metres from the floor of the room in which the window is installed.
- c) Roof pitches that are two storeys should as far as practicable be the same roof pitch as the original dwelling house.

Class B

Permitted Development – Additions or alterations to roofs.

B.1 Roof extensions are permissible subject to complying with the following criteria:

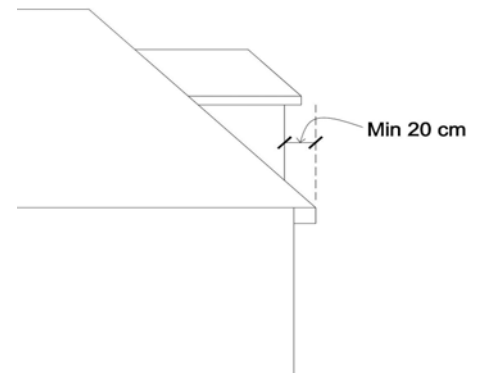
- a) The works should not exceed the highest part of the existing roof.
- b) Dormer windows are not permissible on the principle elevation and those fronting the highway, planning permission is required.

- c) The cubic content of the additional roof space should not exceed the content of the original roof space by 40 cubic metres in the case of the terraced house, or 50 cubic metres in the case of any other dwelling.
- d) Development not allowed under class B includes the following types of construction: verandas, balconies or raised platforms, or the installation, alteration or replacement of aerials or antennas, chimneys, flues & SVP's.

Conditions

B.2 a) All materials should be similar in appearance to that of the existing dwelling house.

- b) The purpose of this condition relates to dormer windows and specifically relates to the requirement that the face of the dormer window should be not less than 20cm back from the eaves of the original roof. We believe that the principle of this is to set the dormer window back behind the existing wall of the dwelling house and to allow the continuation of the eaves in front of the dormer window. The precise definition of eaves is not clear, particularly with regard to the point of measurement for the 20cm and will be subject to case law clarification.



- c) Windows created in side elevations within the roof space should be obscured glazed and once again opening windows should be greater than 1.7 metres above the floor of the room in which the window is installed.

Interpretation of Class B

B.3 Previous enlargements of the roof would be required to be taken into account, in this class only, with regard to the calculation of resulting roof space.

Class C

Permitted Development – Rooflights & other alterations to a roof.

- C.1** a) Insertion of roof lights would not be permitted if they exceed 150mm beyond the plane of the original roof when measured perpendicular to the external surface of the original roof.
- b) The highest part of the rooflight cannot exceed the highest part of the original roof.
- c) Development not allowed under class C includes the installation, alteration or replacement of chimney, flue or soil vent pipe along with the installation of solar photovoltaics or solar thermal equipment.

Conditions

C.2 This condition is the same as for dormer windows i.e. obscured glazing is required to side elevations and openable areas would not be permitted below 1.7 metres above floor level.

Class D

Permitted Development - Porches

D.1 This part of the permitted development regulations has remained unchanged. Porches are permitted provided they do not exceed 3 square metres when measured externally, are not

greater than 3 metres in height and are not within 2 metres of a boundary curtilage of the dwelling house fronting the highway.

Class E

Permitted Development – Outbuildings, enclosures, pools & fuel containers.

- E.1** a) Construction of outbuildings is allowed covering up to 50% of the total area of the curtilage of the original dwelling house excluding the ground area of the original dwelling house, as was allowed by the previous legislation. However they have removed the limitation that these buildings should be greater than 5 metres from the original dwelling house. There is now no restriction on the distance between the original dwelling house and the outbuildings.
- b) The outbuilding or enclosure must not be situated on land in front of the principal elevation. There is no precise definition given for principal elevation and it is likely that this will be subject to case law clarification.
- c) The building may only be one storey high.
- d) The limits to the outbuildings are that they should be no greater than 4 metres in height with a traditional pitched roof, 2.5 metres in the case of a building or enclosure within 2 metres of the boundary of the curtilage of the dwelling house and 3 metres in any other case i.e. mono pitched roofs.
- e) Heights of eaves should not exceed 2.5 metres.
- f) Development not allowed under class E if sited within the curtilage of a listed building.
- g) Development not allowed under class E includes the following types of construction: verandas, balconies or raised platforms.
- h) Construction of additional dwellings or microwave antennae are not permitted under class E.
- j) The capacity of a container (e.g. oil) greater than 3.500 litres would require planning permission.
- E.2** In the case of the curtilage of dwellings which lie within the following areas: World Heritage Sites, National Parks, Areas of Outstanding Natural Beauty and The Norfolk Broads any outbuilding, enclosure, pool etc. located more than 20m from any wall of the dwelling must be less than 10 square meters in floor area, i.e. extremely small. However outbuildings are allowed within a zone up to 20m from the rear wall of the dwelling in these areas.
- E.3** In the case of Article 1(5) land, i.e. conservation areas, Areas of Outstanding Natural Beauty you are also not allowed enclosures or buildings between the side of the dwelling house and the boundary of the curtilage.

Class F

Permitted Development - Hardsurfacing

- F.1** Hard surfaces are permitted but if they exceed 5 square metres and are located between the dwelling and the highway consideration must be given to drainage by either the use of porous materials or the provision of gullies into a permeable or porous area.

Class G

Permitted Development – Chimneys, flues and SVP's.

G1 a) Development is permitted provided that the height of the chimney etc. does not exceed that of the highest part of the roof by more than 1 metre.

b) In the case of Article 1(5) land i.e. Areas of Outstanding Natural Beauty, Conservation areas, chimneys are not permissible on elevations that either front the highway from the principle elevation or the side elevation of the dwelling house.

Class H – Microwave antennas

This is not covered by this explanatory document.

In general a greater degree of flexibility is envisaged under the general permitted development order, especially in cases where properties have been extended up to their limits under planning permission.

The general permitted development order has been written in the style and manner which is particularly relevant to dwellings within urban locations. Dwellings within rural, countryside and greenbelt locations would appear to have considerable flexibility particularly when properties have not been extended beyond their original rear or side walls. There is also some confusion as to which you would consider to be the principle elevations or rear and side walls which will be clarified in the future with test cases. For the avoidance of doubt either written confirmation from the Council or a Certificate of Lawfulness should be considered before commencement of any construction works.

This is our interpretation of the Permitted Development Order and clarification should be sought in all individual cases from ourselves.

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