

48 Lane End Road
Middleton On Sea
West Sussex
PO22 6LT

14/04/2022

Dear Kathryn Welch,

We are the applicants and have put together a response to the comments that have been submitted onto the planning portal.

Application No: M/20/22/HH

Site Address: 48 Lane End Road, Middleton On Sea, PO22 6LT

Description of Works: The construction of an additional storey, rear single storey extension and detached garden building.

Please see below.

Kindest Regards

Daniel Cutts

Planning Application M/20/22/HH - Response to objections

Light

The second storey extension does not exceed the property's original footprint of the property, and so the claim for loss of light is not a valid point. Currently, our property is in the shadow of number 46 Lane end Road, which has already completed a two-storey full-width rear extension that is approximately 4 metres beyond our planned second storey.

The proposed roof on our property is pitched and is exactly the same as we currently have and will be no more than 3.5 metres above the ridge of our neighbours 46 and 50. I believe it is most likely to be around 2 metres, but due to its design, if it does create a shadow at all, it will be negligible and will not negatively impact our neighbours' property.

Privacy Overbearing

The concern of privacy is an interesting point as 50 Lane End Road has an approved planning application (M/55/21/HH) that has a second storey window on the east elevation that would look out onto our rear garden and also on to number 52s garden. It also has two-second storey windows on its north elevation, overlooking 52 Lane End Road. We are confused why 50 and 52 Lane End Road would object to us having the same window level, especially as it has already been done on number 46.

The side elevation does not overlook any of our neighbours. We have made a point of not adding any second storey windows down the side elevations, as this is a rule under the permitted development act of adding an additional storey.

Also, 46 Lane End Road has a rear extension and has added a full-width two-storey rear extension to the property that overlooks our property and can see into the gardens of 40 Lane End Road through to 52 Lane End Road.

There does not appear to be a problem with the loss of sunlight as the sun rises to the rear of our properties and sets in the front. 46 Lane End Road's full-width East elevation two-storey extension, which also sits around 3 or 4 metres further out than the rear of our property, currently blocks our late evening summer sun. 50 and 52 Lane End Roads will not lose any more light due to our development Sitting behind that of number 46.

We are also only planning on going up on the existing building, and the rear extension will be a single storey, so there is no loss of light or privacy using the 45-degree rule. There are no windows in the second storey side elevations. Also, because we are not extending forward of the original footprint for the second storey, the 45-degree rule has no bearing on this application.

We would also like to point out that our property is also overlooked by a property in the Layne in Elmer Sands. When this property went on the market, you could clearly see into our garden from their promotional photos.

Street Scene

The street scene has been mentioned. Yes, the street scene will change, but with the second storey permitted development rights introduced, the policymakers knew this. That is why it is permitted development with "prior approval". We applied for full planning following the advice from Christopher Best (Senior Planning Officer (Compliance)) who said

"My advice is to apply for planning permission, not a prior approval, as the permission for the single-storey extension has not been implemented. The second-storey part of the extension, which could usually be built until prior approval, will likely be approved due to the fall-back position regarding permitted development rights."

We do not need a full planning application to add a second storey to our bungalow, just "prior approval".

Lane End Road is a mixture of bungalows, houses and chalet bungalows. The houses are not altogether, and they are dotted up and down the road on both sides. Furthermore, as times are changing, so should the properties to accommodate the owners' needs. Elmer Sands (adjacent road) was once full of little chalet shacks, and now that has evolved, and every property is different from huge art deco three-storey houses to small bungalows. There have been several bungalows that have been converted into two-storey properties, which also still sit between 2 bungalows, such as planning application M/83/07.

If you walk down Lane End Road, you will see that there are no longer matching pairs of bungalows. Looking at the three pairs of bungalows in a row (44-54 Lane End Road) no pair is identical anymore.

- 46 Lane end Road has an entire rear and side dormer conversion along with a front porch.



- 50 Lane end road has carried out a garage conversion which has changed the look and feel of our property and now no longer looks like a pair of bungalows



- 52 Lane End Road has changed the colours of windows, fascias, and soffits and changed the colour of their roof tiles, making their property stand out.



The property opposite 48 Lane end Road has had a dormer conversion, which can be clearly seen from the road and has dramatically changed the appearance of the property's front elevation.



The moving of the main entrance from the side of the property to the front is purely to give the property balance and is more aesthetically pleasing to look at. It is not out of keeping, as many properties down the road have their front doors on the principal elevation.

Finally on this point (but also relevant to the following two sections), it should be noted that our property is not within a conservation area and it is obviously not listed. So there is no restriction/limitation/obligation upon us to refrain from making changes along the lines of what we have proposed. Despite this, as explained elsewhere in this document, we have still tried to keep our proposal sympathetic to its surroundings.

1950s Character

Further to Mr Edmondsons' complaint of 52 Lane End Road, we have maintained the 1950s appearance by duplicating the ground floor to the second storey including materials, bay windows and using the existing roof structure and tiles. The main roof does not change style, shape or materials. Claims that we will have to knock the whole building down are ludicrous and completely exaggerated.

We have tried to keep our plans in keeping with the original building, but just walking at the north end of the road you can see that number 52 has changed their garage door, windows, fascias and soffits to be a slate grey colour and also changed the colour of their roof tiles(rear) which is not in keeping with the 1950s theme.

There are also a number of other properties that have ignored the claimed 1950s theme and externally smooth rendered and added modern front doors that have once again changed the feel and removed the 1950s theme from the road.



In fact, we know of more neighbours planning on rendering their properties, so even more of the roads 1950s theme will be lost.

"Bungalow road"

If you take a look at the photo below, you will see our property (circled in red), and you can see the start of the houses. These houses (whether you want to call them chalets or not) are considerably taller than our proposed plans but are not that far away in the road that our proposed plans would stand out.



Precedent

It has been mentioned that the approval of our planning application may set a precedent for turning bungalows into houses. Well, yes, but the new permitted development guidelines from The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (attached pdf) have done that already.

For example, when the loft conversion permitted development right came in in the year of 2015 there was a fear that every bungalow would become a chalet but do you see every bungalow being converted? No, absolutely not, and just because we are using our right to expand does not mean that everybody that buys a bungalow on Land End Road will do the same.

Opportunity for elderly or disabled

There will still be bungalows for sale and as already pointed out, Middleton on Sea and Felpham are filled with bungalows but what is lacking in Middleton on Sea is good-sized family homes with the garden space to bring up a family. This is all we are trying to do, create a nice place for our two children to enjoy.

Consulting neighbours

Before we submitted plans, I spoke to number 46 Lane End Road and explained our plans, and he said he was not worried as it would not affect him in the slightest, and we have his blessing to do what we feel we need.

Furthermore, we spoke to Mr Martlew of 50 Lane End Road about our plans before they were submitted, and he said he was not bothered. I made it clear that this was not going to be a loft conversion because we had already discussed at length that a loft conversion would not provide adequate height. I am over 6ft tall and my two children could possibly be as tall if not taller than me in the future. We are trying to build a forever family home, not a temporary stop gap.

We believe that we would not have any impact on number 52 Lane End Road, as the reality is that it is too far from our property for the extension to have a significant impact on number 52 (or any impact at all), so we thought that a discussion with number 52 was unnecessary. We would also like to point out that we have made it quite clear that a loft conversion was not on the cards, especially after learning about the second storey permitted development.

No properties of the road have added an additional storey, changing the height and appearance of the buildings from the front elevation.

Walk past 48 Lane End Road towards 46 Lane End Road, and you can clearly see a huge side elevation dormer. Look across the road from 48 Lane End road, and you can see dormers and windows on the front elevation that go down the side elevations of the property, clearly changing the front elevation of their properties. Both properties have previously been mentioned above with photographs.

Garden Room Near Rife

The Garden room is not over the rife at all. As riparian owners, we are permitted to build up to the rife's bank and have the right to "enjoy" the rife, but we have to maintain and keep our section of the rife clear. This is something that I have relentlessly been doing, and I can honestly say my part of the rife is clear and tidy.

Before the garden room is constructed, there will be engineers' reports to make sure that there is no impact on the effectiveness of the rife. We have also allowed access into the rife to ensure it is kept clean and clear.

The Second Storey Permitted Development Legislation

We have attached a copy of this legislation in full (.pdf) but here is a link <https://www.legislation.gov.uk/ukxi/2020/755/made> also.

To Conclude

It is quite clear from the comments that the residents of Lane End Road who have objected are not aware of the new permitted development rights introduced in September of 2020.

Adding another storey to any house is considered to be permitted development (not requiring planning permission)

For the bungalow to be allowed as permitted development, it has to comply with the following

- Is not a building containing one or more flats, or a flat contained within such a building
- Was constructed between 1 July 1948 and 5 March 2018
- Has not already had additional storeys added to it
- Is not on Article 2(3) land* or a site of special scientific interest
- Was not changed to be used as a house (from a previous non-residential use) under permitted development rights.

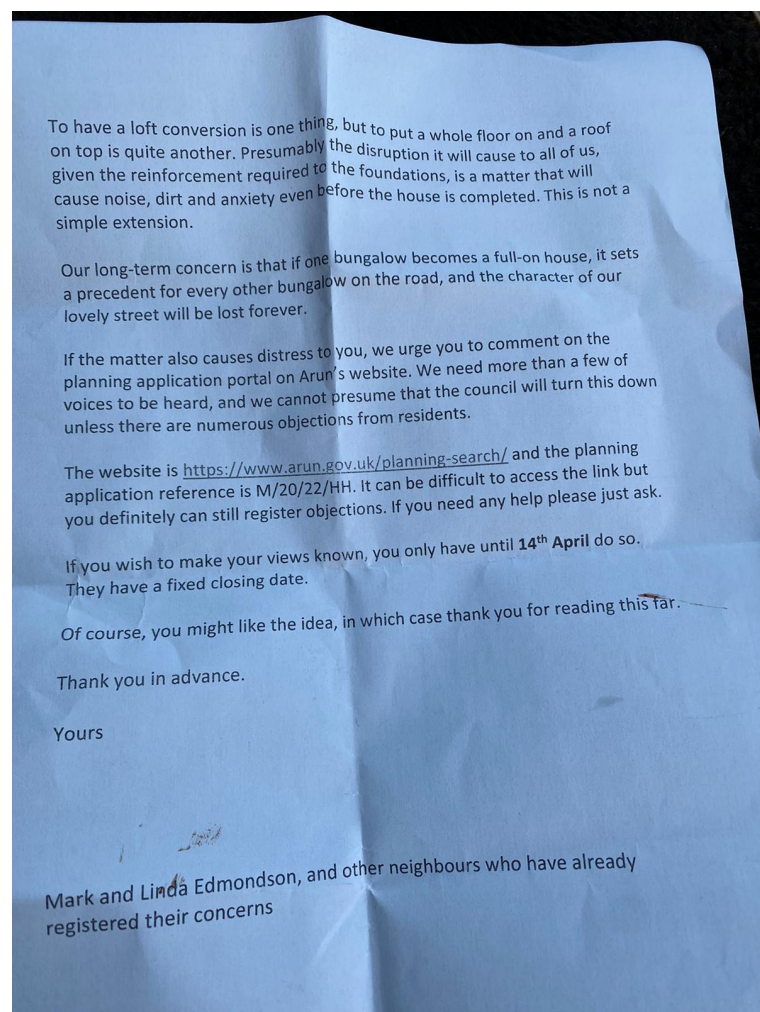
As stated above 48 Lane End Road passes all of these requirements.

The adding of a second storey can be carried out no matter whether the property is attached, detached or even a mid-terrace property. Under permitted development, we can go up to 3.5 metres above the attached property's roofline, and we are not exercising this full right.

Our planning application has been designed sympathetically to ensure it complies with the existing permitted development rights to extend or alter the external appearance of the materials used to construct the additional storeys. These materials are of a similar appearance to that of the existing bungalow.

This new second storey permitted development legislation was introduced to encourage people to extend their existing dwelling to accommodate growing families; it clearly states in

Lane end road was a very friendly road, but since this planning application, we have discovered that one disgruntled household has been leafleting the other neighbours encouraging them to object. (I have attached the document for your records.)



ARUN DISTRICT COUNCIL M/20/22/HH

However, there have only been a handful of objections as I write this, and two are from the very people who distributed the letter. Considering most of Lane End Road (which is very long) received this letter, I think this concludes that a majority of the road is not affected by this planning application.

We have lived in Middleton On Sea for the last ten years and have planned to settle here for the foreseeable future. We have invested in the area and seen it grow from strength to strength, and we feel there is nowhere else better to bring up our two very young children.

Finding a family home in the heart of Elmer was an 18-month long struggle, and we had to compromise a lot, and all seemed lost because of the exceptional uplift in the property market. We could see ourselves getting priced out of Middleton On Sea quickly and decided to explore our options and seek professional help and guidance.

After Lots of research, it became clear that the introduction of the second storey extension permitted development right was going to be the ticket for us to be able to buy a run down and tired property and make it into a very special lifelong family home for our growing family. Furthermore, allowing elderly grandparents to visit and stay with us, so they can also watch our two children grow up.

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

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STATUTORY INSTRUMENTS

2020 No. 755

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

Made

20th July 2020

Laid before Parliament

21st July 2020

Coming into force

at 9.00 a.m. on 31st August 2020

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61, 108(2A) and 333(7) of the Town and Country Planning Act 1990⁽¹⁾, makes the following Order.

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 and comes into force at 9.00 a.m. on 31st August 2020.

Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

2. The Town and Country Planning (General Permitted Development) (England) Order 2015⁽²⁾ is amended in accordance with articles 3 and 4.

Amendments to Part 1 of Schedule 2

3.—(1) Part 1 of Schedule 2 (permitted development rights - development within the curtilage of a dwellinghouse) is amended as follows.

(2) After Class A (enlargement, improvement or other alteration of a dwellinghouse) insert—

"Class AA - enlargement of a dwellinghouse by construction of additional storeys

Permitted development

AA. The enlargement of a dwellinghouse consisting of the construction of—

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey,

immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted

AA.1. Development is not permitted by Class AA if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the dwellinghouse is located on—
 - (i) article 2(3) land; or
 - (ii) a site of special scientific interest;
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
- (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
- (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—
 - (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
 - (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

- (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (i) any additional storey is constructed other than on the principal part of the dwellinghouse;
- (j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or
- (k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions

AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
- (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and
- (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

(3) The conditions in this sub-paragraph are as follows—

- (a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—
 - (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
 - (ii) the external appearance of the dwellinghouse, including the design and architectural features of—
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway;
 - (iii) air traffic and defence asset impacts of the development; and
 - (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012⁽³⁾ issued by the Secretary of State;
- (b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;
- (c) the development must be completed within a period of 3 years starting with the date prior approval is granted;
- (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
- (e) that notification must be in writing and include—
 - (i) the name of the developer;
 - (ii) the address of the dwellinghouse; and
 - (iii) the date of completion.

Procedure for applications for prior approval

AA.3.—(1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)

(2) The application must be accompanied by—

- (a) a written description of the proposed development, including details of any works proposed;
- (b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
- (c) a plan which is drawn to an identified scale and shows—
 - (i) the existing and proposed elevations of the dwellinghouse, and
 - (ii) the position and dimensions of the proposed windows.

(3) The local planning authority may refuse an application where, in its opinion—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act⁽⁴⁾, such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

- (a) describes the proposed development, including the maximum height of the proposed additional storeys;
- (b) provides the address of the proposed development; and
- (c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.

(6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

(7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

(8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012⁽⁵⁾ issued by the Secretary of State.

(9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.

(11) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

- (a) assessments of impacts or risks;
- (b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019(6); and
- (c) details of proposed building or other operations.

(12) The local planning authority must, when determining an application—

- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and
- (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

(14) The development must be carried out in accordance with the details approved by the local planning authority.

(15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Interpretation of Class AA

AA4.—(1) For the purposes of Class AA—

“defence asset” means a site identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of the powers conferred by article 31(1) of the Procedure Order or any previous powers to the like effect(7);

“detached”, in relation to a dwellinghouse, means that the dwellinghouse does not—

- (a) share a party wall with another building; or
- (b) have a main wall adjoining the main wall of another building;

“principal part”, in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition;

“semi-detached”, in relation to a dwellinghouse, means that the dwellinghouse is neither detached nor a terrace house;

“technical sites” has the same meaning as in the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002(8);

“terrace house” means a dwellinghouse situated in a row of three or more buildings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the building on either side; or
- (b) if it is at the end of a row, it shares a party wall with, or has a main wall adjoining the main wall of, a building which fulfils the requirements of paragraph a.

(2) In Class AA references to a “storey” do not include—

- (a) any storey below ground level; or
- (b) any accommodation within the roof of a dwellinghouse, whether comprising part of the original dwellinghouse or created by a subsequent addition or alteration, and accordingly, references to an “additional storey” include a storey constructed in reliance on the permission granted by Class AA which replaces accommodation within the roof of the existing dwellinghouse.”.

(3) In Class B (additions etc to the roof of a dwellinghouse), in paragraph B.1 (development not permitted)(9)—

- (a) at the end of sub-paragraph (f) omit “or”;
- (b) at the end of sub-paragraph (g) insert—

“; or

- (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).”.

(4) In paragraph I (interpretation of Part 1), in the definition of “terrace house”, before “means” insert “, except in Class AA (enlargement of a dwellinghouse by construction of additional storeys).”.

Amendments to Part 20 of Schedule 2

4.—(1) Part 20 of Schedule 2 (permitted development rights - construction of new dwellinghouses)(10) is amended as follows.

(2) In Class A (new dwellinghouses on detached blocks of flats)—

- (a) in sub-paragraph (c) of paragraph A (permitted development), for “access and egress to” substitute “access to and egress from”;
- (b) in paragraph A.1 (development not permitted)—

- (i) for sub-paragraph (e) substitute—

“(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

- (i) 3 metres; or
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;”;

- (ii) for sub-paragraph (g) substitute—

“(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case).”;

- (iii) for sub-paragraph (h) substitute—

“(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;”;

- (iv) in sub-paragraph (I), for “new building” substitute “extended building”.

(3) After Class A insert—

“Class AA - new dwellinghouses on detached buildings in commercial or mixed use

Permitted development

AA.—(1) Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which sub-paragraph (2) applies, together with any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

(2) This sub-paragraph applies to a building which is—

- (a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the Use Classes Order, or as a betting office, pay day loan shop or launderette;
- (b) in a mixed use combining—
 - (i) two or more uses within paragraph (a); or
 - (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, together with one or more uses within paragraph (a).

Development not permitted

AA.1. Development is not permitted by Class AA if—

- (a) above ground level, the building is less than three storeys in height;
- (b) the building was constructed before 1st July 1948 or after 5th March 2018;
- (c) on 5th March 2018 the building was in a use other than—
 - (i) a use or mixed use within paragraph AA(2)(a) or (b); or
 - (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;
- (d) the additional storeys are constructed other than on the principal part of the building;
- (e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;
- (f) the new dwellinghouses are not flats;
- (g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);
- (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;
- (i) development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (j) development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (k) in the case of Class AA(1)(b) development there is no existing plant on the building;
- (l) in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
- (m) development under Class AA(1)(c) would extend beyond the curtilage of the existing building;
- (n) development under Class AA(1)(d) would—
 - (i) extend beyond the curtilage of the existing building;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or
- (o) the land or site on which the building is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

Conditions

AA.2.—(1) Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;

- (e) the external appearance of the building, including—
 - (i) the design and architectural features of—
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012⁽¹¹⁾ issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) In sub-paragraph (1)(h), "commercial premises" means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

(3) Any development under Class AA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(4) Any development under Class AA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(6) The notification referred to in sub-paragraph (5) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(7) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Class AB - new dwellinghouses on terrace buildings in commercial or mixed use

Permitted development

AB.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building to which sub-paragraph(2) applies, where that development comprises—

- (a) up to two additional storeys, in the case of an existing building consisting of two or more storeys;
- (b) one additional storey, in the case of an existing building consisting of one storey,

together with any development under sub-paragraph (3).

(2) This sub-paragraph applies to a building which is—

- (a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the Use Classes Order, or as a betting office, pay day loan shop or launderette;
- (b) in a mixed use combining—
 - (i) two or more uses within paragraph (a); or
 - (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, together with one or more uses within paragraph (a).

(3) Development consisting of any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

AB.1. Development is not permitted by Class AB if—

- (a) the building was constructed before 1st July 1948 or after 5th March 2018;
- (b) on 5th March 2018 the building was in a use other than—
 - (i) a use or mixed use within paragraph AB(2)(a) or (b); or
 - (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;
- (c) the additional storeys are constructed other than on the principal part of the building;
- (d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;
- (e) the new dwellinghouses are not flats;
- (f) the height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres;
- (g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case);

- (h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than—
 - (i) 3.5 metres, where the existing building consists of one storey; or
 - (ii) 7 metres, where the existing building consists of more than one storey;
- (i) the existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise;
- (j) development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (k) development under Class AB(3)(a) would consist of engineering operations other than works within the existing curtilage of the building to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (l) in the case of Class AB(3)(b) development there is no existing plant on the building;
- (m) in the case of Class AB(3)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
- (n) development under Class AB(3)(c) would extend beyond the curtilage of the existing building;
- (o) development under Class AB(3)(d) would—
 - (i) extend beyond the curtilage of the existing building;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or
- (p) the land or site on which the building is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

Conditions

AB.2.—(1) Where any development under Class AB is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building, including—
 - (i) the design and architectural features of —
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under paragraph AB(3)(c) or (d);
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012⁽¹²⁾ issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) In sub-paragraph (1)(h), "commercial premises" means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment..

(3) Any development under Class AB is permitted subject to the condition that the development must not include a window in any wall or roof slope forming a side elevation of the building.

(4) Any development under Class AB is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(5) Any development under Class AB is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(6) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(7) The notification referred to in sub-paragraph (6) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and

- (8) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Permitted development

together with any development under sub-paragraph (2).

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (c) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

- (a) the building was constructed before 1st July 1948 or after 5th March 2018;
- (b) on 5th March 2018 the building was in a use other than—
 - (i) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
 - (ii) a use or mixed use within paragraph AA(2)(a) or (b) of this Part;
- (c) the additional storeys are constructed other than on the principal part of the dwellinghouse;
- (d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (e) the new dwellinghouses are not flats;
- (f) the height of the highest part of the roof of the extended building would be greater than 18 metres;
- (g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part;
- (h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (i) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on permission granted under Class AA of Part 1 or otherwise;
- (j) development under Class AC(2)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (k) development under Class AC(2)(a) would consist of engineering operations other than works within the existing curtilage of the dwellinghouse to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (l) development under Class AC(2)(b) would extend beyond the curtilage of the existing dwellinghouse;
- (m) development under Class AC(2)(c) would—
 - (i) extend beyond the curtilage of the existing dwellinghouse;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing dwellinghouse; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing dwellinghouse; or
- (n) the land or site on which the dwellinghouse is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;

- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building, including—
 - (i) the design and architectural features of—
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under paragraph AC(2)(b) or (c);
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;
- (h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012⁽¹³⁾ issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class AC is permitted subject to the following conditions—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) following the development, the roof pitch of the principal part of the building must be the same as the roof pitch of the principal part of the existing dwellinghouse; and
- (c) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.

(3) Any development under Class AC is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(4) Any development under Class AC is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(6) The notification referred to in sub-paragraph (5) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(7) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Class AD - new dwellinghouses on detached buildings in use as dwellinghouses

Permitted development

AD.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a detached building in use as a single dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order, where the development comprises—

- (a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys;
- (b) one additional storey, in the case of an existing dwellinghouse consisting of one storey,

together with any development under sub-paragraph (2).

(2) Development consisting of any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (c) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

AD.1. Development is not permitted by Class AD if—

- (a) the building was constructed before 1st July 1948 or after 5th March 2018;
- (b) on 5th March 2018 the building was in a use other than—
 - (i) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
 - (ii) a use or mixed use within paragraph AA(2)(a) or (b) of this Part;
- (c) the additional storeys are constructed other than on the principal part of the dwellinghouse;
- (d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (f) the new dwellinghouses are not flats;
- (g) the height of the highest part of the roof of the extended building would be greater than 18 metres;
- (h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (i) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under Class AA of Part 1, or otherwise;
- (j) development under Class AD(2)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

- (k) development under Class AD(2)(a) would consist of engineering operations other than works within the existing curtilage of the dwellinghouse to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (l) development under Class AD(2)(b) would extend beyond the curtilage of the existing dwellinghouse;
- (m) development under Class AD(2)(c) would—
 - (i) extend beyond the curtilage of the existing dwellinghouse;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing dwellinghouse; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing dwellinghouse; or
- (n) the land or site on which the dwellinghouse is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

Conditions

AD.2.—(1) Where any development under Class AD is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building, including—
 - (i) the design and architectural features of —
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) including the impact of any works under paragraph AD(2)(b) or (c);
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;
- (h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012⁽¹⁴⁾ issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class AD is permitted subject to the following conditions—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) following the development, the roof pitch of the principal part of the building must be the same as the roof pitch of the principal part of the existing dwellinghouse; and
- (c) the development must not include a window in any wall or roof slope forming a side elevation of the building.

(3) Any development under Class AD is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(5) The notification referred to in sub-paragraph (4) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(6) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.”.

(4) In paragraph B (procedure for applications for prior approval under Part 20)—

- (a) in sub-paragraph (2)(a)—
 - (i) for “Class A” substitute “any of Classes A to AD”;
 - (ii) for “paragraphs A.(a) to (d)” substitute “paragraph A(a) to (d), AA(1)(a) to (d), AB(3)(a) to (d), AC(2)(a) to (c), or AD(2)(a) to (c) (as the case may be)”;
- (b) in sub-paragraph (2)(d), for the words from “that” to the end, substitute “(that is, additional to any dwellinghouses in the existing building)”;
- (c) in sub-paragraph (2)(e), for the words from “the flats” to the end, substitute “any flats and any other premises in the existing building”;
- (d) in sub-paragraph (12)(b), for “the flats within existing block of flats” substitute “any flats and any other premises within the existing building”.

(5) In paragraph C (interpretation of Part 20)—

- (a) at the end of the definition of “purpose-built” omit “and”;
- (b) after that definition insert—

““row”, in relation to a terrace building, means the row of two or more terrace buildings of which it forms part, where each building in the row—

- (a) shares a party wall with, or has a main wall adjoining the main wall of, the building on either side; or

(b) if it is the end of a row—

- (i) in the case of a row comprising more than two buildings, it shares a party wall with, or has a main wall adjoining the main wall of, a building which fulfils the requirements of paragraph (a); or
- (ii) in the case of a row comprising only two buildings, it shares a party wall with, or has a main wall adjoining the main wall of, the other building in the row;";

(c) in the definition of "technical sites" omit "Annexe 1 of";

(d) after the definition of "technical sites" insert—

"terrace building" means a building which is not detached.";

(e) the existing text becomes sub-paragraph (1), and after that sub-paragraph insert—

"(2) In Part 20 references to a "storey" do not include—

(a) any storey below ground level; or

(b) any accommodation within the roof of a building, whether comprising part of the original building or created by a subsequent addition or alteration,

and accordingly, references to an "additional storey" include a storey constructed in reliance on the permission granted by this Part which replaces accommodation within the roof of the existing building.".

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Christopher Pincher

Minister of State

Ministry of Housing, Communities and Local Government

20th July 2020

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (the "2015 Order") ([S.I. 2015/596](#)).

Article 3 amends Part 1 of Schedule 2 to the 2015 Order to introduce a new permitted development right, Class AA, and makes consequential amendments to existing provisions of Part 1. Article 3(2) inserts the new Class AA, which permits the enlargement of a dwellinghouse by the construction of new storeys on top of the highest existing storey of the dwellinghouse. Two storeys may be added if the existing dwellinghouse is two or more storeys tall, or one additional storey where the dwellinghouse consists of one storey. For this purpose "storey" is defined so as to exclude any storey below ground level, and any living space within the roof of the dwellinghouse. The new permitted development right is subject to a number of limitations and conditions which are set out in paragraphs AA.1 and AA.2, including a requirement for prior approval from the local planning authority in relation to certain matters.

Article 3(3) amends Class B in Part 1 of Schedule 2 to provide that, where a dwellinghouse has been enlarged in reliance on the new right introduced by this Order, the dwellinghouse cannot then have the benefit of the development right granted by Class B, which permits additions or alterations to the roof. Article 3(4) amends the definition of "terrace house" in Part 1 so that it does not apply for the purposes of new Class AA (which includes a separate definition of that term).

Article 4 amends Part 20 of Schedule 2 to introduce four new permitted development rights, as Classes AA, AB, AC and AD, and makes consequential amendments to existing provisions of Part 20. Article 4(2) makes minor clarificatory amendments to existing Class A to ensure consistent use of terminology throughout Part 20. Article 4(3) inserts new Classes AA to AD, each of which allows work for the construction of new flats on top of the highest existing storey of certain buildings. Class AA permits construction of up to two new storeys of flats on top of detached buildings in commercial or mixed use, including where there is an element of residential use. Class AB permits the construction of new flats on top of terrace buildings (including semi-detached buildings) in commercial or mixed (including residential) use; two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey. Class AC permits the construction of new flats on top of terrace dwellinghouses (including semi-detached houses); two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey. Class AD permits the construction of new flats on top of detached dwellinghouses; two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey. The new permitted development rights are subject to a number of limitations and conditions, including a requirement for prior approval from the local planning authority in relation to certain matters.

Article 4(4) amends paragraph B of Part 20, which sets out the procedure for applications for prior approval under Part 20, to ensure that it works in relation to such applications under new Classes AA to AD. Article 4(5) makes consequential amendments to paragraph C, which sets out definitions for the purposes of Part 20.

A copy of the Secretary of State's directions on protected views may be viewed online at <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> and a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A copy of the National Planning Policy Framework may be viewed online at <https://www.gov.uk/government/publications/national-planning-policy-framework--2> and a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A copy of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 may be viewed online at <https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002> and a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector will be published at www.legislation.gov.uk and copies may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street London, SW1P 4DF.

(1) [1990 c. 8](#). Amendments have been made to section 59 which are not relevant to this Order. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 ([c. 27](#)) and section 152 of the Housing and Planning Act 2016 ([c. 22](#)). Section 108(2A) was inserted by section 189 of the Planning Act 2008 ([c. 29](#)). Amendments have been made to section 333 which are not relevant to this Order.

(2) [S.I. 2015/596](#), which has been amended by S.I.s [2016/332](#), [2016/765](#), [2016/1040](#), [2016/1154](#), [2017/391](#), [2017/619](#), [2017/1011](#), [2017/1012](#), [2018/119](#), [2018/343](#), [2019/907](#), [2020/330](#), [2020/412](#) and [2020/632](#).

(3) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

- (4) See the definition of "the Act" in article 2 of [S.I. 2015/596](#).
- (5) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.
- (6) <https://www.gov.uk/government/publications/national-planning-policy-framework--2> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.
- (7) Joint Circular 01/2003 issued on 27th January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.
- (8) Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27th January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.
- (9) Paragraph B.1 was amended by [S.I. 2020/632](#).
- (10) Part 20 of Schedule 2 was inserted by [S.I. 2020/632](#).
- (11) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, Sw1P 4DF.
- (12) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, Sw1P 4DF.
- (13) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, Sw1P 4DF.
- (14) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, Sw1P 4DF.

EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) (NO. 2) ORDER 2020

2020 No. 755

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (“the General Permitted Development Order”) to introduce a permanent permitted development right to allow existing houses to be extended to provide more living space by constructing additional storeys.
- 2.2 This Order also introduces permanent permitted development rights to allow the construction of additional storeys on free standing blocks and on buildings in a terrace that are houses or in certain commercial uses, and in mixed uses with an element of housing, to create additional self-contained homes. This means that a full application for planning permission is not required for these types of development, while at the same time allowing for local consideration of key planning matters.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.
- 3.3 The instrument does not have any minor or consequential effects outside England as it applies only to development in England.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 Under Part 3 of the Town and Country Planning Act 1990 (“the 1990 Act”) planning permission is required for the development of land. Planning permission may be granted on application to a local planning authority or by a development order made under the 1990 Act.
- 6.2 This Order amends the General Permitted Development Order which grants planning permission for a range of specific classes of development, subject to certain limitations and conditions. Planning permission granted under the General Permitted Development Order is known as a “permitted development right”. The effect is that an application for planning permission does not need to be made to the local planning authority, although in some cases permitted development rights require the local planning authority to approve certain key planning matters before development can proceed. This is known as “prior approval”.

7. Policy background

What is being done and why?

- 7.1 Permitted development rights have an important role to play in the planning system. They provide a more streamlined planning process with greater planning certainty, while at the same time allowing for local consideration of key planning matters through a light-touch prior approval process. Permitted development rights can incentivise certain forms of development by providing developers with a greater level of certainty, within specific planning controls and limitations. They provide for a wide range of development and include measures to incentivise and speed up housing delivery.
- 7.2 Following the consultation, *Planning Reform: Supporting the high street and increasing the delivery of new homes* (October 2018), which closed in January 2019, legislative changes are being made to introduce new permitted development rights to allow the extension of existing homes and to allow existing buildings to extend upwards to construct additional self-contained homes. These measures will support economic recovery from the Covid-19 outbreak by encouraging development.
- 7.3 These provisions are the second phase of permitted development rights relating to the upward extension of buildings. A new right (Class A to Part 20 of Schedule 2 to the General Permitted Development Order) allowing existing purpose-built detached blocks of flats to extend upwards to create new self-contained homes was introduced by S.I. 2020/632, which was laid on 24 June 2020 and comes into force on 1 August 2020. The rights introduced by this Order to allow an extension of up to 2 additional storeys on existing homes and commercial buildings will provide more certainty for homeowners and developers seeking additional living-space or wanting to create new homes, as well as for local authorities.
- 7.4 This Order amends Schedule 2 to the General Permitted Development Order as follows:

Permitted development right to extend existing homes

- 7.5 Article 3 of this Order introduces a permanent permitted development right in Part 1 of Schedule 2 of the General Permitted Development Order to allow existing houses which are detached, semi-detached or in a terrace to be extended upwards to provide additional living space by constructing additional storeys. This could provide more

space for growing families, or to accommodate elderly relatives, without having to move house.

- 7.6 The right allows the construction of up to 2 additional storeys on the topmost storey of a detached house of 2 storeys or more, or 1 additional storey on a detached house of 1 storey, above ground level. In a terrace of 2 or more houses (which includes semi-detached houses) it also allows the construction of up to 2 additional storeys on the topmost storey of a house of 2 storeys or more, or 1 additional storey on a house of 1 storey above ground level. Existing accommodation in the roof space of the existing house, including a loft extension, is not considered as a storey for the purposes of this right. The right allows engineering operations necessary for the construction of the additional storeys.
- 7.7 The right is subject to a maximum height limit for the newly extended house of 18 metres, and where the house is in a terrace its height cannot be more than 3.5 metres higher than the next tallest house in the terrace. To prevent overlooking a window cannot be installed in a wall or roof slope of a side elevation of an additional storey built under this right. As with existing permitted development rights to extend or alter houses the external appearance of the materials used in the construction of the additional storeys must be of similar appearance to that of the existing house.
- 7.8 The right applies to houses built since 1 July 1948 (being those granted planning title under the current planning system) and 28 October 2018 when the proposal to introduce a permitted development right to extend existing houses upwards was first announced.
- 7.9 Homes extended using this right cannot be in use as a small house in multiple occupation, or change to that use. This means that an application for planning permission would be required for a home extended under the right to construct additional storeys to become a house in multiple occupation.
- 7.10 The right does not apply in Conservation Areas, National Parks and the Broads, areas of outstanding natural beauty, or sites of special scientific interest.
- 7.11 Given the potential impact on neighbours during the construction of the additional storeys and any engineering works to strengthen the building, the developer must prepare a report setting out the proposed hours of operation and how they intend to minimise any adverse impacts of noise, dust, vibration and traffic movements during the building works on occupiers of the building and neighbouring premises before commencing works under these rights.
- 7.12 The right is subject to obtaining prior approval from the local planning authority, which will consider certain matters relating to the proposed construction of additional storeys. These are consideration of the impact on the amenity of neighbouring premises, including overlooking, privacy and overshadowing; the design, including the architectural features of the principal elevation of the house, and of any side elevation which fronts a highway; and the impacts a taller building may have on air traffic and defence assets and on protected vistas in London.
- 7.13 The local planning authority will notify any adjoining owners or occupiers of the proposed development, as well as consulting with Historic England, the Mayor of London and London boroughs on protected views or the operator of a defence asset or aerodrome, the Civil Aviation Authority and Secretary of State for Defence if required. Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, prior approval cannot be

granted for development if an operator of a site, the Civil Aviation Authority or Secretary of State for Defence has responded to the consultation on the application indicating that that the development should not proceed.

- 7.14 The local planning authority is required to make a decision on an application for prior approval under the right within 8 weeks. The right does not provide a default deemed consent if the local planning authority fails to make a decision within this time, reflecting the significance of the matters under consideration including the potential impacts of the proposed development on the amenity of neighbours and on air and defence safety. If a decision has not been made within 8 weeks there is a right of appeal to the Secretary of State for non-determination of the prior approval application.

Permitted development rights for the construction of new homes

- 7.15 Article 4 amends Part 20 of Schedule 2 of the General Permitted Development Order by introducing 4 new permitted development rights for the construction of new self-contained homes by allowing additional storeys to be constructed on free standing blocks and on buildings in a terrace in certain commercial uses, and in mixed uses with an element of housing. They also allow additional storeys to be constructed on existing houses which are detached or in a terrace (which includes semi-detached houses) to create new self-contained homes. As set out in the policy paper *Planning for the Future* (March 2020) the introduction of these measures supports key Government priorities and national policy to boost housing delivery. They will increase densities by making effective use of existing buildings avoiding the need to develop greenfield sites. They also form part of the Government's Covid-19 economic renewal package by enabling new homes to be delivered more easily.
- 7.16 National policy, as set out in the revised National Planning Policy Framework¹ (paragraph 118), supports extending commercial and residential buildings upwards to provide new homes, where development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and can maintain safe access and egress for occupiers. These rights deliver the type of development supported by the broader policy.
- 7.17 A new permitted development right (Class AA of Part 20) is introduced to allow existing free-standing buildings in use as shops (Class A1), financial and professional services (Class A2), restaurants and cafes (Class A3), or offices (Class B1(a)), or as betting shops, pay day loan shops or launderettes, or in mixed use within these uses and mixed use with an element of housing, to extend upwards to create new self-contained homes. These are buildings in uses that are already able to change use to residential uses under existing permitted development rights on Part 3 of Schedule 2 of the General Permitted Development Order.
- 7.18 Up to 2 additional storeys of new homes can be constructed on the topmost storey of existing, detached, free-standing commercial or mixed use buildings of 3 storeys or more above ground level. The right is subject to a maximum height limit for the newly extended building of 30 metres. This height limit recognises sensitivities around local amenity and is considered to be practical in terms of carrying out the building works.

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 7.19 This Order also introduces a new permitted development right (Class AB of Part 20) to allow buildings in a terrace (of 2 or more attached buildings) in the uses mentioned in paragraph 7.17 above, to extend upwards to create new self-contained homes.
- 7.20 Up to 2 additional storeys of new homes can be constructed on the topmost storey of a building of 2 storeys or more above ground level, or 1 additional storey on a building of 1 storey above ground level. The overall height of the building when it is extended cannot be greater 18 metres and no more than 3.5 metres higher than the next tallest building in the terrace.
- 7.21 The rights in paragraphs 7.17 and 7.19, to build additional storeys to create new homes on existing commercial buildings, or buildings in mixed use including with an element of housing, allow engineering operations necessary for the construction of the additional storeys, the replacement or installation of additional plant, construction of safe access and egress and construction of ancillary facilities, if necessary. These rights do not allow for these additional works to be undertaken without the construction of the new storeys and homes.
- 7.22 A further permitted development right (Class AC of Part 20) is introduced by this Order to allow additional storeys to be built on existing houses in a terrace (which includes semi-detached houses) to create new self-contained homes. Up to 2 additional storeys of new homes can be constructed on the topmost storey of a house in a terrace of 2 storeys or more above ground level, or 1 additional storey on a house in a terrace of 1 storey above ground level. The right is subject to a maximum height limit for the newly extended building of 18 metres, and it cannot be more than 3.5 metres higher than the next tallest house in the terrace.
- 7.23 This Order also introduces a new permitted development right (Class AD of Part 20) to allow additional storeys to be built on detached houses to create new self-contained homes. Up to 2 additional storeys of new homes can be constructed on the topmost storey of a detached house of 2 storeys or more above ground level, or 1 additional storey on a detached house of 1 storey above ground level. The right is subject to a maximum height limit for the newly extended building of 18 metres.
- 7.24 The rights in paragraphs 7.22 and 7.23, to build additional storeys on existing houses to create new homes, allow engineering operations necessary for the construction of the additional storeys, safe access and egress and ancillary facilities, if necessary. The rights do not allow for these additional works to be undertaken without the construction of the new storeys. The appearance of the materials used in the construction of the additional storeys must be similar to that of the existing house.
- 7.25 The rights introduced by Article 5 of this Order to construct additional storeys to create additional homes apply to houses and buildings in certain commercial or mixed uses built since 1 July 1948 (being those granted planning title under the current planning system) and before 5th March 2018, when the intention to introduce a permitted development right to build upwards was first announced. Houses and buildings have to have been in one of the relevant uses or mixed uses on 5 March 2018. Existing accommodation in the roof space of the existing commercial building or house, including a loft extension, is not considered as a storey for the purposes of these rights.
- 7.26 Homes created using these permitted development rights cannot change use to a small house in multiple occupation and the right is not available to houses currently in such

a use. This means that an application for planning permission would be required for a home created under the right to become a house in multiple occupation.

- 7.27 These rights do not apply in Conservation Areas, National Parks and the Broads, areas of outstanding natural beauty, or sites of special scientific interest or if the house or building is a listed building or a scheduled monument.
- 7.28 Given the potential impact on neighbours during the construction of the additional storeys and any engineering works to strengthen the building, the developer must prepare a report setting out the proposed hours of operation and how they intend to minimise any adverse impacts of noise, dust, vibration and traffic movements during the building works on occupiers of the building and neighbouring premises before commencing works under these rights.
- 7.29 These rights are subject to obtaining prior approval from the local planning authority, which will consider certain matters relating to the proposed construction of additional storeys. These matters are the potential transport and highways impacts; contamination and flood risk; the appearance of the proposed upward extension and the design and architectural features of the principal elevation of the house or building, and of any side elevation which fronts a highway; the impact on the amenity of neighbouring premises, and those in the building being extended, in including overlooking, privacy and overshadowing; the provision of adequate natural light in all habitable rooms of the new homes; impact of noise from existing commercial premises on the intended occupiers of the new homes; the impact on businesses or the use of land in the surrounding area of introducing, or increasing the number of, homes in an the area; and the impacts a taller building may have on air traffic and defence assets and on protected vistas in London.
- 7.30 The local planning authority will notify any owners or occupiers adjoining the proposed development, and of the premises being extended upwards, as well as consulting with the Environment Agency, the highways authority, Historic England, the Mayor of London and London boroughs on protected views and the operator of a defence asset or aerodrome, the Civil Aviation Authority and Secretary of State for Defence if required. Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, prior approval cannot be granted for development where an operator of a site, the Civil Aviation Authority or Secretary of State for Defence has responded to consultation on the application indicating that that the development should not proceed.
- 7.31 The local planning authority is required to make a decision on an application for prior approval under the right within 8 weeks. The right does not provide a default deemed consent if the local planning authority fails to make a decision within this time, reflecting the significance of the matters under consideration including the potential impacts of the proposed development on the amenity of neighbours. If a decision has not been made within 8 weeks there is a right of appeal to the Secretary of State for non-determination of the prior approval application.
- 7.32 All development, whether granted permission following a planning application or through a national permitted development right is legally required to comply with the Building Regulations 2010 (S.I. 2010/2214), as amended (“the Building Regulations”). Where additional storeys and homes are added to a building some aspects of the building as a whole may also be required to be upgraded under Building Regulations.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 The General Permitted Development Order was consolidated in 2015. This is the fifteenth amending instrument to the General Permitted Development Order. There are no current plans for a consolidation.

10. Consultation outcome

- 10.1 The proposal for new homes on existing blocks of flats was included in the *Planning Reform: supporting the high street and increasing the delivery of new homes* consultation published in October 2018. Responses were received from local planning authorities, members of the public, business and interest groups who provided a range of comments. The consultation offered options for building up on residential and certain commercial premises, either allow building up to the height of the highest roofline in a terrace; or to the height of the prevailing roofline in the locality, and to allow additional storeys to be built on top of existing purpose-built free standing blocks of flats. A permitted development right for the latter, allowing 2 additional storeys to be constructed on existing purpose-built detached blocks of flats to create additional homes comes into force on 1 August 2020.
- 10.2 There were 281 responses to the proposal that existing homes should benefit from a permitted development right to extend upwards to provide additional living space, more than half of which did not support it. Those supporting the proposal sought generous limits, including allowing development higher than neighbouring properties, while concerns raised included possible adverse impacts on neighbour amenity and the character of residential areas, an increase in parking, a loss of bungalows and the creation of homes in multiple occupation from family homes.
- 10.3 In considering whether there is a role for a permitted development right to provide additional self-contained homes by extending certain premises upwards more than half of the 326 responses did not support it. Those who did, recognised that increasing density may relieve pressure for additional housing sites, allow for additional homes to be created by transport hubs and in town centres, and reduce the need for development in the green belt. Some concerns were raised about how communities and local planning authorities would have a say over the quality of homes delivered; how access and safety would be addressed; and the impact on the existing occupiers and neighbours of the premises being extended.
- 10.4 Respondents sought to ensure development reflected the character of an area, had access to natural light and does not have a negative impact on neighbouring premises. Of the 269 responses on the range of matters proposed for prior approval consideration there was considerable support for the proposals to mitigate the impact of a permitted development right. There was also support for local communities to be able to comment on prior approval applications.
- 10.5 A summary of responses to the consultation and the government's responses was published in May 2019, and is available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachme>

[nt_data/file/799220/Government_Response_to_Planning_Reform_Consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/799220/Government_Response_to_Planning_Reform_Consultation.pdf).

These views have shaped the permitted development rights to allow existing houses to be extended upwards and to create new self-contained homes by allowing additional storeys to be constructed on certain commercial buildings and house, and we have sought to address concerns, where possible, in the conditions and through the prior approval process, as set out in section 7 above.

11. Guidance

- 11.1 There are no plans to issue specific statutory guidance for this instrument. However, the Ministry of Housing, Communities and Local Government will update *Permitted development rights for householders: technical guidance* on the rights which allow the improvement and extension of homes, which is available at <https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>. It has also issued a circular letter to building control bodies reminding them of the building and fire safety requirements, including restrictions on the use of combustible materials, for the whole building when additional residential storeys are added. It is available at <https://www.gov.uk/government/collections/building-regulations-divisional-circular-letters>.

12. Impact

- 12.1 The impact on business, charities or the voluntary bodies of the permitted development rights to build upwards to construct additional homes is to reduce the cost and time burden of having to submit a full planning application in more cases. Owners of buildings to which these permitted rights apply will also benefit from land value uplift.
- 12.2 Homeowners will have a reduction in the costs and time burden of having to submit a full planning application to extend their homes by adding new storeys and will also benefit from an uplift in the value of their property.
- 12.3 The impact on the public sector is a reduction in administrative cost and time of processing planning applications, where the development would have come forward through an application. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2020 introduced a fee per dwelling for homes constructed under permitted development rights to offset local authorities' costs of considering prior approval applications for this development. The Regulations are available at <http://www.legislation.gov.uk/id/ukdsi/2020/9780348209372>.
- 12.4 A Regulatory Impact Assessment is being prepared for this instrument.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses, who may own properties being extended or are carrying out the construction works to do so.
- 13.2 Overall, the impact of the changes is deregulatory. The permitted development rights to allow certain building upwards is deregulatory in effect, helping to reduce bureaucracy and cost in the planning system.

14. Monitoring & review

- 14.1 This measure will be monitored as part of the Government's package of planning reforms to support economic recovery, with changes made accordingly to ensure the intended outcomes. The Government has announced that it will be considering major and wide-ranging reforms of the planning system. A review clause for this specific measure has therefore not been included.

15. Contact

- 15.1 Julie Shanahan at the Ministry of Housing, Communities and Local Government (Tel: 0303 444 3378 or e-mail: julie.shanahan@communities.gov.uk) can be contacted with any queries on this instrument.
- 15.2 Lucy Hargreaves, Deputy Director for Planning – Development Management, at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Christopher Pincher, Minister of State at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.