

Cambridge City Council

Record of Executive Decision

Response to Government Consultation: Changes to various permitted development rights

Decision of: Executive Councillor for Planning, Building Control and Infrastructure

Reference: 24/URGENCY/P&T/4

Date of decision: 22/03/24

Date Published on website: 09/04/24

Decision Type: Non-Key

Matter for Decision:

- a. To agree to submit the response to the open consultation on changes to various permitted development rights as set out in Appendix 1.
[Appendix 1 ROD: Open consultation on changes to permitted development rights \(ccc.local\)](#)
- b. To agree delegated authority is given to the Joint Director for Planning and Economic Development to agree any minor amendments to the response in order to finalise the joint response.

Why the Decision had to be made (and any alternative options):

To provide feedback on the consultation reflecting issues relevant to Greater Cambridge.

An alternative option would be to not respond to the consultation. However, if no response is made by Cambridge City and South Cambridgeshire District Councils, DLUHC would not be made aware of the Councils' views on the proposed changes to national planning policy.

The Executive Councillor's decision: That the Executive Councillor for Planning, Building Control and Infrastructure agrees:

- a. to submit the response to the open consultation on changes to various permitted development rights as set out in Appendix 1.
- b. that delegated authority is given to the Joint Director for Planning and Economic Development to agree any minor amendments to the response in order to finalise the joint response.

Reason for the decision: To provide feedback on the consultation reflecting issues relevant to Greater Cambridge.

Scrutiny Consideration: The Chair and Spokespersons of Planning and Transport Scrutiny Committee were consulted prior to the action being authorised.

Report: Questions_Response PDR Consultation 2024 is attached as Appendix 1. [Appendix 1 ROD: Open consultation on changes to permitted development rights \(ccc.local\)](#)

Conflict of interest: None.

Comments: No adverse comments were made.

Briefing Paper

The Department for Levelling Up, Housing, and Communities (DLUHC) is seeking views on proposed changes to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Covering changes to:

- certain permitted development rights which enable householders to improve and enlarge their homes.
- the building upwards permitted development rights which enable the upward extension of a range of existing buildings.
- the permitted development right which allows for the demolition of certain buildings and rebuild as homes.
- the permitted development rights which enable the installation of electrical outlets and upstands for recharging electric vehicles.
- the permitted development right for the installation of air source heat pumps.

Feedback is requested via submission of written responses to the answered questions included within the document.

The consultation is open for 8 weeks from the 13 February 2024. Further information can be viewed on the DLUHC website for the consultation: [Changes to various permitted development rights: consultation](#)

Submission Deadline: Tuesday 9 April 2024

Proposed Approach:

- Focused response to those proposals which may affect our current and future Greater Cambridge Local Plan approach and other material concerns for the councils.
- To not respond to call for evidence regarding opinion of effectiveness and application of specific permitted development rights.

Number of Questions:

Total Questions: 53

- Question not responded to: 12, Responded to questions: 41

Important/High-level Proposed Changes which may affect Greater Cambridge current policies and future Local Plan approach:

- Alterations to PD (under Class A of Part 1 which provides for the enlargement, improvement or other alteration to a dwellinghouse) to provide householders with further flexibility to undertake larger extensions:
 - Changes would undermine the Councils' ability to consider proposals against policies in the adopted local plan which seek development that is appropriate to the surrounding context. The extension of the right would limit public participation in the planning process. Changes could lead to overdevelopment and poor design due to lack of scrutiny which is currently possible where proposals are submitted via planning application.
 - We support the consideration to amend the existing requirement in relation to materials used in exterior works outside of conservation areas as this would enable use of better more modern materials.
 - We support amendment to enable single storey wrap around L-shaped extensions as this would lead to better planned internal layouts which would support modern ways of living.
- Alterations to PD (under Class ZA of Part 20 which allows for the demolition of certain single detached buildings and the construction of a block of flats or a single detached dwellinghouse in its place) to:
 - a) remove the limitation restricting the permitted development right to buildings built on or before 31 December 1989.
 - b) introduce a limit on the maximum age of the original building that can be demolished so that right does not apply to buildings built before 1930.
 - c) allow the Class ZA rebuild footprint for buildings that were originally in use as offices, research and development and industrial processes to benefit from the Class A, Part 7 permitted development right at the time of redevelopment only. This would allow for an increase in the overall footprint of the new building.
 - Changes would increase the number of buildings in scope making it easier for change of use not subject to consideration through planning application, and so undermine the Councils' ability to consider proposals against policies in the adopted local plan. Proposals should be considered via a planning application in order to protect the health and amenity of future occupiers and surrounding uses, to ensure high quality design and to ensure delivery of good placemaking outcomes (including delivery of beautiful places). Could undermine the NPPF's aim to deliver beautiful places as would impact on the Councils ability to reject poor quality design and ability to ensure the environmental sustainability of development and reduce the involvement of local communities as supported via traditional planning application process.

- Alteration to PD limitation that the building being extended must have been constructed after 1 July 1948, (under Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20, which allows for the upward extension of buildings to create new homes and provide additional living space) could be amended to an alternative date or removed entirely.
 - Changes could adversely affect character and amenity in established streets. The limitation restricting upwards extensions on buildings built before 1 July 1948 should remain.
- Proposed alteration to PD limitation under Class C of Part 1, (which allows for other alterations to the roof of a house), so it only applies where alteration takes place on roof that fronts a highway.
 - Changes would erode the current safeguard provided by the PD limitation and if amended could have visual and amenity impacts.
- Proposed alteration to PD (Class E of Part 1) to allow bin and bike stores in front gardens (including in front gardens of homes in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites), limited to no more than 2 metres in width, 1 metre in depth and 1.5 metres in height.
 - We support the approach, particularly as could help encourage cycling but as it includes front gardens in article 2(3) land (which includes conservation areas) have noted that the right should consider additional limitations on size and materials to minimise townscape impacts.
- Proposal for PD rights under Class B of Part 1 to apply to flats (currently right only applies to “dwellinghouses”) so that modest roof extensions can be made to provide additional living space in flats:
 - Changes could cause detrimental visual and amenity impacts leading to development that overlooks adjacent properties and/or their private amenity areas, is overbearing or results in a loss of daylight, enclosure or other environmental impacts. Higher density layouts need considerably more assessment as to their effects on neighbouring amenity.

Other Changes

- Alterations to PD (under Class B of Part 1 which allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) to remove current limitations on the additional roof space created so that householders can convert up all available loft space and to allow enlargements which are not visible from the street to extend to the original eaves with no set-back:
 - Changes would cause visual/ amenity impact and impact on design. Could lead to development that overlooks adjacent properties and/or their private amenity areas, is overbearing or results in a loss of daylight, enclosure or other environmental impacts.

- Alteration to PD (Class E of Part 1) so that it does not apply to scheduled monuments. This, to allow for individual consideration of proposals through a planning application where a building etc incidental to the enjoyment of the dwellinghouse would be erected in the curtilage of a dwellinghouse that was designated as a scheduled monument.
 - We support the amendment. A requirement to submit a planning application would be more appropriate to allow for individual consideration of proposals and provide the opportunity for any impact to be assessed on a case by case basis.
- Proposed alterations of PD (under Class D and E of Part 2), to:
 - a) remove limitations so that wall-mounted outlets and upstands can be installed anywhere within an area lawfully used for off-street parking.
 - b) increase to the height of the upstand from 2.3 metres to 2.7 metres for installations that are not within the curtilage of a dwellinghouse or a block of flats.
 - We support the approach as this will allow greater flexibility within often constrained sites to locate the infrastructure within a location that can be utilised most efficiently.
- Proposal that PD rights should allow for the installation of a unit for equipment housing or storage cabinets to support the operation of bigger and more powerful EV upstands (subject to limitations and conditions)
 - We support the approach as it will make installation easier for sites installing large numbers of charge points as allows greater flexibility in design.
- Proposed alterations of PD (under Class G of part 14), to remove limitation that an air source heat pump must be at least 1 metre from the property boundary.
 - We support the approach with proviso that installation is acceptable in terms of noise and emphasise that some form of noise mitigation may be required.