



Planning Development Management
Department for Levelling Up, Housing and Communities
Planning Directorate
3rd Floor, North East
Fry Building
2 Marsham Street
LONDON
SW1P 4DF

9th April 2024

Dear Sir/Madam,

Changes to various permitted development rights: consultation April 2024

Thank you for the opportunity to comment on the above consultation. I am responding on behalf of the Association of Local Government Archaeological Officers, as Convener of the Planning and Legislation Sub-committee for ALGAO England. The Association (ALGAO) is the national body representing local government archaeology services at County, District, Metropolitan, Unitary and National Park authority level. These provide advice to nearly all the District, Unitary and other local government bodies in the country.

ALGAO: England co-ordinates the views of its member authorities (92 in total) and presents them to government and to other national organisations. It also forms the Special Interest Group for Archaeology for the Local Government Association. The range of interests of our members embraces all aspects of the historic environment, including archaeology, buildings and the historic landscape, and our stated aims are to:

- Provide a strong voice for local authority historic environment services and promote these to strengthen and develop their role within local government in delivering local and national government policy.
- Ensure local government historic environment services are included within policy (national and local) for culture and education.
- Ensure that policy aims to improve the sustainable management of the historic environment.
- Promote the development of high standards in the historic environment profession.

ALGAO would like to make the following responses to the 'Changes to various permitted development rights' consultation questions:

Q.1 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on detached homes should be increased from 4 metres to 5 metres?

No. We object to this further increase in the size of extensions allowed as permitted development. There would be an increased risk of harmful impacts on significant archaeological remains including nationally important archaeological remains which are not protected by designation and are expected to be managed through the planning process. There would be a particular risk of such harm within the historic cores of towns and villages, areas adjacent to scheduled monuments, areas where a decision had been made to manage important archaeological remains through the planning process and areas which contain currently unknown important archaeological remains. There should be a thorough review of the impact of existing permitted development rights before any extension is allowed.

Q.2 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on all other homes that are not detached should be increased from 3 metres to 4 metres?

No. See above answer to Q1.

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

No. See above answer to Q1.

Q.4 Do you agree that the existing limitation requiring that extensions must be at least 7 metres from the rear boundary of the home should be amended so that it only applies if the adjacent use is residential?

No. There could be other uses which require consideration of the impact of such extensions.

Q.5 Are there any circumstances where it would not be appropriate to allow extensions up to the rear boundary where the adjacent use is non-residential?

No. See above answer to Q4.

Q.6 Do you agree that the existing limitation that the permitted development right does not apply if, as a result of the works, the total area of ground covered by buildings within the curtilage of the house (other than the original house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original house) should be removed?

No. See response to Q1.

Q.7 Should the permitted development right be amended so that where a two-storey rear extension is not visible from the street, the highest part of the extension can be as high as the highest part of the existing roof (excluding any chimney)?

No comment.

Q.8 Is the existing requirement for the materials used in any exterior work to be of a similar appearance to the existing exterior of the dwellinghouse fit for purpose?

No comment.

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

No. See response to Q1.

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

Yes. They should be subject to planning controls for the reasons outlined in Q1 reply.

Q.11 Do you have any views on the other existing limitations which apply to the permitted development right under Class A of Part 1 which could be amended to further support householders to undertake extensions and alterations?

Yes. We would strongly urge that the impacts of existing permitted development rights are thoroughly reviewed so that the effects of the changes can be evaluated before any further deregulation of the planning process is considered.

Q.12 Do you agree that the existing limitation that any additional roof space created cannot exceed 40 cubic metres (in the case of a terrace house) and 50 cubic metres (in all other cases) should be removed?

No comment.

Q.13 Do you agree that the existing limitation requiring that any enlargement must be set back at least 20 centimetres from the original eaves is amended to only apply where visible from the street, so that enlargements that are not visible from the street can extend up to the original eaves?

No comment.

Q.14 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be replaced by a limitation that allows the ridge height of the roof to increase by up to 30 centimetres?

No. Such increases to the roof line should be subject to planning controls to enable impacts on the historic streetscape to be assessed.

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

No. Such increases to the roof line should be subject to planning controls to enable impacts on the historic streetscape to be assessed.

Q.16 Should the permitted development right be amended so that where an alteration takes place on a roof slope that does not front a highway, it should be able to extend more than 0.15 metres beyond the plane of the roof and if so, what would be a suitable size limit?

No comment.

Q.17 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney)?

No comment.

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

No comment.

Q.19 Do you agree that bin and bike stores should be permitted in front gardens in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites)?

No comment.

Q.20 Do you agree that bin and bike stores in front gardens can be no more than 2 metres in width, 1 metre in depth and up to 1.5 metres in height?

No comment.

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

No comment.

Q.22 Should the existing limitation that in Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites development situated more than 20 metres from any wall of the dwellinghouse is not permitted if the total area of ground covered by development would exceed 10 square metres be removed?

No

It is important that such structures in protected landscapes are thoroughly assessed in terms of the impact on setting and buried archaeological remains.

Q.23 Should the permitted development right be amended so that it does not apply where the dwellinghouse or land within its curtilage is designated as a scheduled monument?

Yes. Such development could have a harmful effect on a scheduled monument, its setting or adjacent important non-designated archaeological remains.

Q.24 Do you think that any of the proposed changes in relation to the Class A, B C and E of Part 1 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

No comment.

Q.25 Do you agree that the limitation restricting upwards extensions on buildings built before 1 July 1948 should be removed entirely or amended to an alternative date (e.g. 1930)?

No comment.

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

No comment.

Q.27 Do you have any views on the operation of the permitted development right that allows for the construction of new dwellinghouses on a freestanding block of flats (Class A of Part 20)?

No comment.

Q.28 Do you agree that the existing limitations associated with the permitted development right for building upwards on a freestanding block of flats (Class A of Part 20) incorporates sufficient mitigation to limit impacts on leaseholders?

No comment

Q.29 Do you think that any of the proposed changes in relation to the Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

No comment.

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

No comment.

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

No comment

Q.32 Do you agree that the permitted development right should be amended to introduce a limit on the maximum age of the original building that can be demolished?

Yes – it should not apply to buildings built before an alternative date.

Significant historical structures could be of relatively recent date e.g. structures from the Cold War or industrial heritage structures from later periods.

Q33 – Q51 No comment.

We would be happy to discuss any of the above in more detail.

Yours sincerely



Lis Dyson
Convener Planning and Legislation Committee
ALGAO England