

PANNETT PARK | WHITBY | YO21 1RE
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Dear Councillor,

22 February 2024

You are summoned to a meeting of the **PLANNING & LICENSING COMMITTEE** to be held in Pannett Art Gallery, Pannett Park, Whitby on **Tuesday 27 February 2024 at 6:00pm**, the agenda for which is set out below.

Anne Cowey
Deputy Clerk & Civic Officer

To: Councillors R Dalrymple, G Goodberry, J Harston,
and Mrs N Wilson.

NOTICE OF MEETING – Public Notice of the Meeting is given in accordance with Schedule 12, paragraph 10 (2) of the Local Government Act 1972

AGENDA

1. APOLOGIES

To receive and resolve on apologies for inability to attend.

2. DECLARATION OF INTERESTS

To declare any disclosable pecuniary interests or any other interests which members may have in the following agenda items and attached planning applications and consider any dispensation requests.

3. PUBLIC PARTICIPATION

Standing Orders will be suspended for up to 15 minutes to allow for questions or statements about business items on the agenda, submitted by members of the public (limited to 3 mins per person).

4. PLANNING APPLICATIONS

To consider the attached planning applications – Appendix A.

5. LISTED BUILDINGS

To highlight any concern people may have relating to listed buildings within the Parish of Whitby.

6. LICENSING

- a) To consider any licencing applications for Whitby
- b) To consider and receive an email from NYC Licensing Services regarding pavement licences.

7. CONSULTATION

To consider the attached consultation seeking views on changes to several existing permitted development rights ([consultation seeking views on changes to several existing permitted development rights](#))

Planning Applications to be Considered on 27 February 2024

1	<i>Plan Number</i> 24/013	<i>District Reference</i> ZF24/00056/LB	<i>Road/Street</i> Church Street	<i>Date of meeting</i> 27.02.24
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Case Officer

<i>Applicant</i> Kery Levitt (NYC)	<i>House Name</i> Old Town Hall	<i>Road</i> Church Street	<i>Locality</i>
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<i>Town</i> WHITBY	<i>County</i> North Yorkshire	<i>Post Code</i> YO224AE	<i>Application date</i> 16/02/24
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Installation of secondary glazing to first-floor windows, lighting protection Kery Levitt (NYC), Old Town Hall, Church Street, WHITBY, North Yorkshire, YO224AE and stainless steel socket anchors to West Elevation.

Web link

2	<i>Plan Number</i> 24/014	<i>District Reference</i> ZF24/00127/HS	<i>Road/Street</i> Stainsacre Lane	<i>Date of meeting</i> 27.02.24
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Case Officer

<i>Applicant</i> Mr Paul Storr	<i>House Name</i> Glenholme	<i>Road</i> Stainsacre Lane	<i>Locality</i>
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<i>Town</i> WHITBY	<i>County</i> North Yorkshire	<i>Post Code</i> YO224HU	<i>Application date</i> 16/02/24
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Erection of two storey extension to front elevation. Mr Paul Storr, Glenholme, Stainsacre Lane, WHITBY, North Yorkshire, YO224HU

Web link

3	<i>Plan Number</i> 24/015	<i>District Reference</i> ZF24/00192/FL	<i>Road/Street</i> Church Street	<i>Date of meeting</i> 27.02.24
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Case Officer

<i>Applicant</i> The Middle Earth Tavern (Miss Jill Blackburn)	<i>House Name</i>	<i>Road</i> Middle Earth Tavern	<i>Locality</i> 25.- 26 Church Street
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<i>Town</i> WHITBY	<i>County</i> North Yorkshire	<i>Post Code</i> YO224AE	<i>Application date</i> 16/02/24
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The Middle Earth Tavern (Miss Jill Blackburn), Middle Earth Tavern, 25.- 26 Church Street, WHITBY, North Yorkshire, YO224AE Erection of steel frame to West elevation comprising 6no. Lampposts and lanterns with timber planking, to form attached shelter.

Web link

AGENDA ITEM 6

Good morning,

Further to your recent enquiry, I can confirm that the only pavement licence that the Licensing Authority has issued in Whitby since the 01/09/2023 is PC0087 The Blitz Café.

Please find below a list provided by our Highways department for further details on street café licensed premises.

If you require any further information, please do not hesitate to let us know.

Number	Category		Café Name
2023.24.003	Completed		Costa Coffee
	Private forecourt		Harry's
2023.24.014	Completed		JK's Bar
	Private forecourt		Marine
2023.24.005	Completed		Middle Earth Public House
	Private forecourt		Moon & Sixpence
2023.24.024	Need to Renew		Mr Cooper's Coffee House
	COVID/SBC Licence	Ran out!	No.54 Coffee House & Bistro
	Private forecourt		Outpost 31
	Private forecourt		Sandside Bar
	COVID/SBC Licence	PC0087	The Blitz Café
2023.24.024	Renewed	Insurance	Tiffin - Clays Catering Ltd
	Private forecourt		Truly Scrumptious
2023.24.008	COVID/SBC Licence	Ran out!	Whitby Eats and Treats
	Completed		Whitby Way
	COVID/SBC Licence	Ran out!	Cornish Bakery
	COVID/SBC Licence	Ran out!	Crocodile

Kind regards,
James Niccol
 Technical Licensing Officer (SCA)

Applies to England

Contents

1. [Scope of the consultation](#)
2. [Basic information](#)
3. 1.Introduction
4. 2.Changes to the permitted development rights for householder development
5. 3.Changes to the permitted development rights for building upwards
6. 4.Changes to the permitted development right for demolition and rebuild
7. 5.Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles
8. 6.Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings
9. 7.Public Sector Equality Duty
10. [About this consultation](#)
11. [Personal data](#)

Print this page

Scope of the consultation

Topic of this consultation:

- This consultation contains proposed changes to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It covers the following areas:
 - Changes to certain permitted development rights which enable householders to improve and enlarge their homes.
 - Changes to the building upwards permitted development rights which enable the upward extension of a range of existing buildings.
 - Changes to the permitted development right which allows for the demolition of certain buildings and rebuild as homes.
 - Changes to the permitted development rights which enable the installation of electrical outlets and upstands for recharging electric vehicles.
 - Changes to the permitted development right for the installation of air source heat pumps.

Scope of this consultation:

- This consultation seeks views on proposals relating to permitted development rights.
- We are seeking views on proposed changes to the permitted development rights which allow householders to enlarge their homes, make alterations or extensions to the roof, and construct buildings incidental to the enjoyment of the main house, such as bin and bike stores.
- We are proposing amendments to certain rights that allow for the upward extension of a range of existing buildings and allow for the demolition of certain buildings and rebuild as homes. The proposed changes will increase the scope of buildings that can benefit from the right. We are also seeking views on whether the prior approval process for these permitted development rights can be simplified or streamlined to improve efficiency.
- We are consulting on changes to the permitted development rights that allow for the installation of off-street electric vehicle charging infrastructure. This includes amending the rights to allow the installation of wall-mounted and upstand electrical outlets within 2 metres of a highway and the installation of larger upstands. We are also seeking feedback on whether permitted development rights should allow units for equipment housing or storage cabinets.
- Finally, the consultation seeks views on proposed changes to the permitted development right that allows for the installation of air source heat pumps on domestic premises.

Geographical scope:

- These proposals relate to England only.

Impact assessment and Public Sector Equality Duty:

- The consultation seeks views on any potential impacts on businesses, local planning authorities and communities from the proposed measures. The government is mindful of its responsibility to have regard to the potential impact of any proposals on the Public Sector Equality Duty, and therefore views are additionally sought on whether there are any impacts arising from these measures on those with a protected characteristic.

Basic information

Body/bodies responsible for the consultation:

- The Department for Levelling Up, Housing and Communities.

Duration:

- This consultation will last for 8 weeks from 13 February 2024 to 9 April 2024.

Enquiries:

- For any enquiries about the consultation please contact:
- PDRconsultation2024@levellingup.gov.uk

How to respond:

- You may respond by [completing an online survey](#)
- We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies, and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.
- Alternatively, you can email your response to the questions in this consultation to PDRconsultation2024@levellingup.gov.uk.
- If you are responding in writing, please make it clear which questions you are responding to.
- Written responses should be sent to:
 - Planning Development Management
Department for Levelling Up, Housing and Communities
Planning Directorate
3rd Floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF
- When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:
 - your name
 - your position (if applicable)
 - the name of organisation (if applicable)
 - an address (including postcode)
 - an email address
 - a contact telephone number

1. Introduction

- The government is committed to ensuring that the planning system is efficient, effective and responsive. Permitted development rights provide flexibilities and planning freedoms to different users, including householders and businesses. They are an important tool to support growth by providing certainty and removing the time and money needed to submit a planning application.
- Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (“the General Permitted Development Order”). They are subject to limitations and conditions to manage impacts and protect local amenity.
- We want to support householders to make the changes they need to meet today’s living demands and maximise the usability of space within their homes. There are a range of permitted development rights that allow for enlargements, improvements and alterations to homes. This consultation proposes amendments to these permitted development rights to ensure that they are fit for purpose and provide the flexibility needed for householders to alter or extend their homes.
- We want to further support the gentle densification of our towns and cities through upward extensions to buildings. There is an existing suite of permitted development rights that allow for upwards extensions to a range of buildings including mixed use, commercial and residential buildings. We are seeking feedback on changes to increase the scope of buildings that can benefit from these permitted development rights and support the delivery of new homes.
- We are also seeking views on changes to the existing permitted development right for the demolition of certain buildings and their rebuild as homes. We want to maximise the number of homes that can be delivered through this permitted development right and are therefore consulting on changes to broaden the scope of buildings that can benefit from the right and allow for a larger rebuild footprint.
- In addition, this consultation seeks feedback on the existing prior approvals in relation to the building upwards and demolition and rebuild permitted development rights, to seek views on whether they can be streamlined to increase housing delivery and reduce burdens on local planning authorities.
- We are consulting on changes to the existing permitted development rights that allow for the installation of electrical outlets and upstands for recharging electric vehicles. This will provide householders and businesses with greater certainty and further facilitate the roll-out of electric vehicle charge points. We are also seeking feedback on whether permitted development rights should allow for units necessary for the operation of electric vehicle charge points such as equipment housing or storage cabinets.

- Finally, we are consulting on changes to the existing permitted development right that allows for the installation of air source heat pumps on domestic premises.

2. Changes to the permitted development rights for householder development

- 1. The householder permitted development rights allow householders to undertake a broad range of works to improve, extend and alter their homes without the need to submit a planning application. The rights allow for the enlargement of a dwellinghouse such as rear or side extensions as well as alterations and extensions to the roof. The rights are subject to limitations and conditions to control impacts and protect local amenity. The householder permitted development rights are set out in Part 1 of the General Permitted Development Order 2015 (as amended).
- 2. We are proposing amendments to certain householder permitted development rights. The changes aim to provide further flexibility to householders and growing families so that they can alter and extend their homes. We want to ensure that the permitted development rights are flexible to different living styles and maximise the number of households that can make use of the rights.
- 3. We are therefore consulting on changes to allow more householders to erect larger extensions, loft extensions, and make additions and alterations to the roof; and providing further flexibilities to permit bin and bike stores in front gardens.

The enlargement, improvement or other alteration to homes

- 4. An existing permitted development right (under Class A of Part 1) provides for the enlargement, improvement or other alteration to a dwellinghouse. This right allows for the construction of single-storey rear extensions, two-storey rear extensions and single-storey side extensions (see illustration A). The right is subject to limitations and conditions, which vary depending on the type of dwellinghouse being extended or the type of extension. For example, a larger single-storey rear extension cannot extend beyond the rear of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse or by more than 6 metres in any other case.

Illustration A – the existing permitted development right allows the construction of a single-storey rear extension, a two-storey rear extension and a single-storey side extension

- Single-storey rear extension

- Two-storey rear extension

- Single-storey side extension

- 5. We are proposing a number of changes to this permitted development right to provide householders with further flexibility to undertake larger extensions. This will ensure that the right continues to allow growing families to enlarge and alter their homes.

- 6. At present, the permitted development right allows for smaller and larger single-storey rear extensions. A smaller single-storey rear extension cannot extend beyond the rear of the original dwellinghouse by more than 4 metres if a detached house, or by more than 3 metres in any other case. Where a dwellinghouse is not on article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites) or on a site of special scientific interest, single-storey rear extensions can be larger; they cannot extend beyond the rear of the original dwellinghouse by more than 8 metres if a detached house, or by more than 6 metres in any other case. Larger single-storey rear extensions are subject to the neighbourhood consultation scheme to allow local planning authorities to assess the impact of the proposed development on the amenity of their property.

- 7. The permitted development right also allows for rear two-storey extensions. In the case of a rear two-storey extension, it cannot extend beyond the rear of the original dwellinghouse by more than 3 metres. In addition, where the extension or enlarged part of the house has more than a single storey, it must be a minimum of 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged. A rear two-storey extension is not permitted where the dwellinghouse is on article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites).

- 8. Single-storey side extensions cannot have a width greater than half the width of the original house. A single-storey side extension is not permitted where the dwellinghouse is on article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites).

- 9. We are proposing a number of amendments to the permitted development right to provide householders with further flexibility to undertake larger improvements, extensions and alterations to their homes without the need to submit a planning application. These changes will help to provide more living

space to growing families and, furthermore, help to reduce burdens on local planning authorities. We are proposing:

- a) smaller single-storey rear extension:
 - i) in the case of a detached house, increase the maximum depth permitted from 4 metres to 5 metres,
 - ii) in the case of all other houses, increase the maximum depth permitted from 3 metres to 4 metres.
- **Q.1** Do you agree that the maximum depth permitted for smaller single-storey rear extensions on detached homes should be increased from 4 metres to 5 metres?

- Yes
- No
- Don't know

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

- Yes
- No
- Don't know

- Please provide your reasons.

- b) two-storey rear extension:
 - i) increase the maximum depth permitted from 3 metres to 4 metres,
 - ii) amend the limitation that extensions must be a minimum of 7 metres from the boundary of its curtilage (which is opposite the rear wall of the house being enlarged) so that it only applies if the adjacent use is residential. This limitation would not apply where the adjacent use is non-residential.
- **Q.3** Do you agree that the maximum depth permitted for two-storey rear extensions should be increased from 3 metres to 4 metres?

- Yes
- No
- Don't know

- Please provide your reasons.

- **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?

- Yes
- No
- Don't know

- Please provide your reasons.

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

- Yes
- No
- Don't know

- Please provide your reasons.

- 10. The permitted development right also requires that extensions (which includes any extensions delivered under this permitted development right or under a separate planning permission) and other buildings must not exceed 50% of the curtilage of the dwellinghouse. Broadly speaking, curtilage means the land which serves and forms part and parcel of the house. We are proposing to remove this limitation to provide householders with further flexibility to extend their homes to suit their needs. This would mean that extensions could cover more than 50% of the curtilage of the dwellinghouse.

- **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?

- Yes
- No
- Don't know

- Please provide your reasons.

- 11. Under the permitted development right, a single-storey rear extension or single-storey side extension can be up to 4 metres in height. We are not proposing

to amend this limitation as it provides a sensible safeguard against overdevelopment.

- 12. The permitted development right requires that the height of the enlargement, improvement or alteration cannot exceed the height of the highest part of the roof of the existing dwellinghouse. It also requires that the height of the eaves of the enlargement, improvement or alteration cannot exceed the height of the eaves of the existing dwellinghouse. We appreciate that there may be circumstances where the extended part of the house may need to be higher than the right currently permits, for instance, to allow for higher ceiling heights. We consider that where a rear two-storey extension is not visible from the street, the visual and amenity impacts may be limited. Therefore, we are proposing to amend these limitations so that they only apply where a two-storey rear extension is visible from the street. If a rear two-storey extension is not visible from the street, then it is proposed that the highest part of the alteration can be as high as the highest part of the existing roof, excluding any chimney (see illustration B below).

Illustration B – the proposed increase to the maximum depth and height of a two-storey rear extension |

- Proposed increase to the maximum depth and height of a two-storey rear extension

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

- Yes
- No
- Don't know

- Please provide your reasons.

• 13. The permitted development right requires that where a dwellinghouse is in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites), development is not permitted if it would consist of, or include, the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles. We are not proposing any changes to this limitation as it provides a safeguard against visual impacts.

• 14. The permitted development right requires that, in all cases, the materials used in any exterior work (other than those used in the construction of a conservatory) must be of a similar appearance to those on the exterior of the existing house. It is important that any home alterations are well designed and congruent with the original house. However, it may be the case that alternative

materials would be more appropriate in the construction of an extension, for example, where modern sustainable materials are preferred. As such, we are seeking feedback on whether this limitation is fit for purpose, including whether regard should be given to local design codes.

• **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?

- Yes
- No
- Don't know

• Please provide your reasons.

• 15. At present, the permitted development right allows for a rear and side extension, however, it does not permit a “wrap around” extension which extends across the rear and side elevation (see illustration C below). Wrap around extensions are not currently permitted due to the conditions and limitations of the right, for example, extensions are not currently permitted where they extend beyond a side wall and are more than half the width of the original building.

• 16. Wrap around extensions can provide householders with further flexibility for new room usage, support open plan living and increase access to natural light and outdoor space. We are seeking feedback on whether permitted development rights should allow for single-storey wrap around L-shaped extensions (which extend across the rear and one side of a home).

Illustration C – wrap around L-shaped extensions

• The permitted development right currently allows for a rear and side extension

• We are consulting on whether the permitted development right should allow for a single-storey wrap around L-shaped extension (which extends across the rear and one side of a home).

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

- Yes
- No
- Don't know

• Please provide your reasons.

• **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
- No
- Don't know

• Please provide your reasons.

• 17. We are not proposing any other changes to the permitted development right under Class A of Part 1. We would, however, be interested in your views on whether any of the other limitations under Class A of Part 1 could be amended to further support home extensions and alterations.

• **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
- No
- Don't know

• Please provide your reasons.

Additions to the roof (including roof extensions)

• 18. An existing permitted development right (under Class B of Part 1) allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. The right is subject to limitations and conditions, including that it does not apply where the dwellinghouse is in article 2(3) land (which includes conservation areas, World Heritage Sites, National Parks, the Broads and Areas of Outstanding Natural Beauty). We are proposing changes to this permitted development right so that roof space can be maximised to provide additional living space for householders.

• 19. Under the permitted development right, any additional roof space created must not exceed the cubic content of the original roof space by more than 40 cubic metres in the case of a terrace house or 50 cubic metres in all other cases. Resulting roof space means the roof space as enlarged, taking into account any enlargement to the original roof space (whether delivered under this permitted development right or under a separate planning permission).

• 20. We consider that the limit on the volume of additional roof space created could restrict the extent of loft extensions, meaning that the space is not maximised in all cases. We propose that this limitation is removed so that householders can convert as much of their loft space as is available.

• **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?

- Yes
- No
- Don't know

• Please provide your reasons.

- 21. The permitted development right requires that the enlargement is constructed so that, other than in a hip-to-gable enlargement or an enlargement that joins the original roof to the roof of a rear or side extension, it is set back at least 20 centimetres from the original eaves. To maximise the available loft space, we are consulting on amending this requirement so that it only applies where visible from the street, and that where the enlargement is not visible from the street, then it can be up to the original eaves with no set back (see illustration D below).
- 22. The permitted development right does not apply if, as a result of the works, the dwellinghouse would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. We are not proposing to change this limitation because it provides a safeguard to limit visual and amenity impacts.

Illustration D – set back proposal for loft extensions

- The permitted development right currently requires that any enlargement must be set back at least 20 centimetres from the original eaves.
- It is proposed that the existing limitation that any enlargement must be set back at least 20 centimetres from the original eaves is amended so that it only applies where the loft extension is visible from the street. Where the enlargement is not visible from the street, then it can extend up to the original eaves with no set back.
- **Q.13** Do you agree that the existing limitation requiring that any enlargement must be set back at least 20 centimetres from the original eaves is amended to only apply where visible from the street, so that enlargements that are not visible from the street can extend up to the original eaves?

- Yes
- No
- Don't know

• Please provide your reasons.

• 23. The permitted development right currently requires that any part of the dwellinghouse cannot, as a result of the works, be higher than the highest part of the existing roof. The highest part of the roof means the ridge line of the main roof (even though there may be other ridge lines at a lower level) or the highest part of the roof where the building has a flat roof. Chimneys, firewalls, parapet walls and other protrusions above the main roof ridge line are not taken into account when considering the height of the highest part of the roof of the existing dwellinghouse.

• 24. Due to the current limitations on the maximum height of the roof extension, we understand that many householders are either changing the internal height of ceilings, which incurs a large cost, or are required to submit a planning application to increase the height of the roof. We are therefore seeking feedback on whether this limitation should be amended to allow the ridge height of the original roof to increase by up to 30 centimetres in height. This would allow householders to make modest extensions to the roof.

• **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?

- Yes
- No
- Don't know

• Please provide your reasons.

• 25. This permitted development right only applies to “dwellinghouses”, which means that it does not apply to flats. For the purposes of Part 1 of the General Permitted Development Order 2015 (as amended), a dwellinghouse does not include buildings containing one or more flats or a single flat contained within a building. We think that where a flat has loft space, the permitted development right should apply so that modest roof extensions can be made to provide additional living space in flats.

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

- Yes
- No
- Don't know

• Please provide your reasons.

Other alterations to the roof (including roof windows)

- 26. An existing permitted development right (under Class C of Part 1) allows for other alterations to the roof of a house. The right does not allow for alterations which would enlarge the roof (covered by Class B of Part 1), but it would, for example, allow for the installation of roof windows or lights. This permitted development right applies in article 2(3) land which includes conservation areas, World Heritage Sites, National Parks, the Broads and Areas of Outstanding Natural Beauty).
- 27. At present, the alteration can extend up to 0.15 metres beyond the plane of the roof slope. We are proposing that this limitation should be amended so that it only applies where the alteration takes place on a roof that fronts a highway, as the visual and amenity impacts are likely to be minimal on other elevations (see illustration E below). Where the alteration takes place on a roof slope that does not front a highway, we are seeking feedback on an alternative size limit.

Illustration E – the proposal to allow alterations to extend up to 0.15 metres beyond the plane of the roof slope where the roof fronts a highway

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

- Yes
- No
- Don't know

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

• 28. The permitted development right does not apply where the highest part of the alteration would be higher than the highest part of the original roof. To provide further flexibility to householders to make alterations to their homes, we are seeking feedback on whether this limitation should be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney).

• **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)?

- Yes
- No
- Don't know

• Please provide your reasons.

Buildings etc incidental to the enjoyment of a dwellinghouse

- 29. An existing permitted development right (under Class E of Part 1) allows for a building or enclosure, swimming or other pool in the curtilage of a dwellinghouse where it is required for a purpose incidental to the enjoyment of the dwellinghouse. It also allows for a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.
- 30. The permitted development right includes a limitation that no part of the building can be in front of the principal elevation of the dwellinghouse. Where a dwellinghouse is in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites), then all of the building etc must be behind the dwellinghouse.
- 31. We understand that houses that only have front gardens (and no rear garden) or those that have limited external access to their rear gardens, such as homes in the middle of a row of terraced houses, are unable to install bin or bike stores in their front gardens under the permitted development right. This can lead to “bin blight” with wheelie bins dominating front gardens and impacting on the local amenity of residential streets. We are proposing to allow bin and bike stores in front gardens under this permitted development right (see illustration F below). To increase the number of households who can benefit from the right, we are proposing that bin and bike stores can also be constructed 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). We are not proposing that any other outbuilding or structures are permitted in front gardens.
- 32. These amendments would allow for modest development on a front elevation, therefore it may be necessary to include additional limitations on the size or materials of bin or bike stores to minimise visual and amenity impacts. We are proposing that bin and bike stores can only be constructed in front gardens if they are no more than 2 metres in width, 1 metre in depth and 1.5 metres in height.
- 33. We would welcome your views on whether there are any other planning matters that should be considered, such as materials, if bin or bike stores were permitted in front gardens.

Illustration F – proposal to permit a bin or bike store in the front elevation of a dwellinghouse

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

- Yes
- No

- Don't know

• Please provide your reasons.

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

- Yes
- No
- Don't know

• Please provide your reasons.

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

- Yes
- No
- Don't know

• Please provide your reasons.

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

- Yes
- No
- Don't know

• Please provide your reasons.

• 34. The permitted development right permits outbuildings in the curtilage of a dwellinghouse in Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites. In these cases, where development is situated more than 20 metres from any wall of the dwellinghouse, it is not permitted if the total area of ground covered by development would exceed 10 square metres (see illustration G below).

• 35. We are seeking feedback as to whether this limitation should be removed to provide householders with further flexibility to construct outbuildings incidental to the enjoyment of their home. As the permitted development right does not allow outbuildings on land that is in front of the dwellinghouse, this change would only apply to outbuildings to the rear of the dwellinghouse.

- 36. We recognise that removing this limitation could allow larger structures closer to the property boundary in protected landscapes, including National Parks. This could give rise to visual and amenity impacts in these areas. Section 5(1) of The National Parks and Access to the Countryside Act 1949 sets out the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks, and promoting opportunities for public understanding and enjoyment of those areas. The Levelling Up and Regeneration Act requires that, in exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park. As such we are seeking feedback on this amendment before making any changes.

Illustration G – in Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites where buildings, enclosures, pools or containers are situated more than 20 meters away from a dwellinghouse (shown as the hatched area) then the maximum total area of ground covered is 10 square metres

- **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?

- Yes
- No
- Don't know

- Please provide your reasons.

- 37. The permitted development right currently applies where the dwellinghouse or land within its curtilage is designated as a scheduled monument. We consider that it would be more appropriate 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. Therefore, we are proposing that the permitted development right is amended so that it does not apply to scheduled monuments.

- **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
- No
- Don't know

- Please provide your reasons.

Impact assessment

- 38. We would welcome your view on the likely impact of these proposals.

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

- Yes
- No
- Don't know

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

3. Changes to the permitted development rights for building upwards

The upward extension of buildings

• 39. An existing suite of permitted development rights (under Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20) allow for the upward extension of buildings to create new homes and provide additional living space for growing families. These rights apply to a range of different buildings including mixed use, commercial and residential buildings. The rights are subject to limitations and conditions, for example, they do not apply in article 2(3) land which includes conservation areas, World Heritage Sites, National Parks, the Broads and Areas of Outstanding Natural Beauty. The permitted development rights were introduced in 2020 and we are now keen to review them to ensure that they are fit for purpose and provide sufficient flexibility.

• 40. The permitted development rights do not apply if the building being extended was constructed before 1 July 1948. We are proposing that the limitation that the building being extended must have been constructed after 1 July 1948 could be amended to an alternative date, e.g. not apply to buildings constructed after 1930, or removed entirely so that there is no limit. This change would bring more buildings into scope that can benefit from the rights.

• 41. The permitted development rights also allow for local consideration of planning matters through prior approval which consider a range of matters such as external appearance. We recently consulted, in a separate [permitted development rights consultation](#) which closed in September 2023, on whether permitted development rights with existing design or external appearance prior approvals should allow for consideration of local design codes where they are in place locally. At the time of this consultation being published, a decision has not yet been made on this proposal.

- 42. We have received feedback that the existing prior approvals can be too burdensome and limit the use of the right. To further support housing delivery, we are therefore seeking feedback on the effectiveness of the prior approval and whether the prior approvals process can be streamlined or simplified. We are not proposing any changes to prior approval matters that relate to safety, including the impacts on air traffic, defence assets and fire safety where the building is over 18 metres.

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

- Yes – removed entirely
- Yes – amended to an alternative date
- No
- Don't know

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

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

- Yes
- No
- Don't know

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

Construction of new dwellinghouses on a freestanding block of flats

- 43. One of the existing building upwards permitted development rights allows for the construction of new dwellinghouses on a freestanding block of flats (under Class A of Part 20). The right allows for the construction of up to two additional storeys (up to 7 metres in height) where the maximum height of the extended building is no more than 30 metres in height.

- 44. The permitted development right for building upwards on a freestanding block of flats currently includes a requirement that 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. The prior approval also requires the consideration of the impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of the light.

- 45. We have received feedback that this permitted development right can impact on leaseholders who own a flat within a block of flats where the freeholder is undertaking an upward extension. We are therefore seeking feedback on the effectiveness of this permitted development right, and in particular, whether any of the existing limitations impact on leaseholders who own a unit within the block of flats. This will provide important evidence so that we can understand any impacts and, if necessary, consider further safeguards.

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

- Yes
- No
- Don't know

- Please provide your reasons.

- **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?

- Yes
- No
- Don't know

- Please provide your reasons.

Impact assessment

- 46. We would welcome your view on the likely impact of these proposals.

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

- Yes
- No
- Don't know

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

4. Changes to the permitted development right for demolition and rebuild

- 47. An existing permitted development right (under Class ZA of Part 20) 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. It permits the demolition of detached buildings that are blocks of flats or detached buildings in use as offices, research and development and industrial processes that fell within use class B.1(c) on 12 March 2020. This permitted development right was introduced in 2020 to increase housing delivery by replacing older vacant residential and certain commercial buildings that were no longer suitable for their original use. The right is subject to limitations and conditions, for example, it does not apply in article 2(3) land which includes conservation areas, World Heritage Sites, National Parks, the Broads and Areas of Outstanding Natural Beauty.
- 48. The permitted development right does not apply if the original building was constructed after 31 December 1989. We are consulting on whether this limitation should be removed so that buildings built after this date can benefit from the permitted development right. This will increase the number of buildings in scope and allow for more new homes to be delivered through this permitted development right. Whilst removing the current limitation would bring more buildings into scope, newer buildings could be demolished. We are interested in your views on the benefits of this amendment and whether there are any other matters that should be considered.
- 49. The permitted development right does not currently include a limit on the maximum age of an original building that can be demolished. We are testing whether the permitted development right should not apply to older buildings. To protect older buildings, we propose that a new limitation is introduced so that the permitted development right does not apply to buildings built before 1930.
- 50. The permitted development right currently also requires that the new building retains the footprint of the original building. We are seeking views on whether the rebuild footprint should be allowed to extend beyond the footprint of the original building. We are consulting on allowing for larger rebuild footprints where the original building was in use as an office, or for research and development or industrial processes.
- 51. An existing permitted development right, Class A of Part 7, allows for extensions or alterations of an establishment in a commercial, business or service use (Use Class E). This includes offices, research and development and industrial processes and allows such premises to extend, subject to conditions and limitations. Under Class A of Part 7, the gross floorspace of the original building cannot increase by more than 50% or 100 square metres (whichever is the lesser). To be aware, in a separate [permitted development right consultation](#) which closed in September 2023, we had proposed to increase the

maximum size of extensions permitted from no more than 50% or 100 square metres (whichever is the lesser) to no more than 100% or 200 square metres of floorspace (whichever is the lesser). At the time of this consultation being published, a decision has not yet been made on this proposal.

- 52. We are proposing that the new rebuild footprint can benefit from the flexibilities provided in the Class A of Part 7 permitted development right but only at the time when the rebuild takes place. This would allow for an increase in the overall footprint of the new building.
- 53. The permitted development right also allows for local consideration of planning matters through prior approval. We are not proposing any changes to prior approval matters that relate to safety, including the impacts on air traffic, or defence assets. However, we have received feedback that the existing prior approval can be too burdensome and limit the use of the right. To support housing delivery, we are seeking feedback on the effectiveness of the prior approvals and whether the existing prior approval could be streamlined or simplified.

• **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?

- Yes
- No
- Don't know

• Please provide your reasons.

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

- Yes
- No
- Don't know

• Please provide your reasons.

• **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 1930
- Yes – it should not apply to buildings built before an alternative date
- No
- Don't know

- Please provide your reasons. If you have chosen an alternative date, please specify.
- **Q.33** Do you agree that the Class ZA rebuild footprint for buildings that were originally in use as offices, research and development and industrial processes should be allowed to benefit from the Class A, Part 7 permitted development right at the time of redevelopment only?

- Yes
- No
- Don't know

- Please provide your reasons.
- **Q.34** Do you think that prior approvals for the demolition and rebuild permitted development right could be streamlined or simplified?

- Yes
- No
- Don't know

- Please provide your reasons and examples where possible.

Impact assessment

- 54. We would welcome your view on the likely impact of these proposals.
- **Q.35** Do you think that any of the proposed changes in relation to the Class ZA of Part 20 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

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

5. Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles

- 55. Existing permitted development rights (under Class D and E of Part 2) allow for the installation of electric vehicle (EV) charging infrastructure in an area

lawfully used for off-street parking. The rights allow for the installation, alteration or replacement of a wall-mounted electrical outlet and an upstand with an electrical outlet mounted on it for the purpose of recharging EVs. The rights are subject to limitations and conditions, for example, they do not apply in the curtilage of listed buildings or within a site designated as a scheduled monument. They do however apply in article 2(3) land, which includes conservation areas, World Heritage Sites, National Parks, the Broads and Areas of Outstanding Natural Beauty.

- 56. The government supports the rollout of EV charging points. As set out in the [Net Zero Strategy](#), we will make sure that any changes to the planning system support our efforts to combat climate change and help bring greenhouse gas emissions to net zero by 2050. This includes supporting the transition to zero emission cars and vans. The recently introduced zero emission vehicle (ZEV) mandate, combined with the commitment to end the sale of new diesel and petrol cars and vans in 2035, is the most ambitious national regulatory framework for ZEVs anywhere in the world.
- 57. Reliable and comprehensive charging infrastructure is needed to support this transition. The majority of EV charging takes place at home and we expect this to continue. As the number of EVs on the road increase, government must ensure that legislative frameworks support charge point installations in a timely and affordable manner.
- 58. The current permitted development rights include limitations on the size and location of the outlet. For wall-mounted outlets, covered by Class D of Part 2, the permitted development right does not apply where outlets would face onto and be within 2 metres of a highway. For electrical upstands, covered by Class E of Part 2, the permitted development right does not apply where the installation would be within 2 metres of a highway. To provide further flexibility to individuals and organisations wishing to install EV charging outlets, we are proposing to remove these limitations so that wall-mounted outlets and upstands can be installed anywhere within an area lawfully used for off-street parking.
- 59. Under Class E of Part 2, electrical upstands can be up to 1.6 metres in height within the curtilage of a dwellinghouse or a block of flats, or in any other case they can be up to 2.3 metres in height. Industry stakeholders have pointed to the need to increase the height of upstands to accommodate a larger power supply, separate power modules and the potential need for internal battery storage for high powered chargers (HPCs). We are therefore proposing an 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.

- 60. We are also consulting on whether permitted development 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. We are proposing that the right would be subject to the following limitations and conditions:

- only apply in non-domestic, off-street ground level car parks
- allowing for the installation of no more than one unit per car park
- allowing units up to a maximum size of 29 cubic metres
- allowing units up to a maximum of 3 metres in height
- units would not be permitted within 5 metres of the highway or within 10 metres of the curtilage of residential development

- 61. The government is also interested in feedback on how permitted development rights could further contribute to the rollout of EV charging infrastructure. We are therefore seeking views on how permitted development rights could support future EV rollout and charge point delivery. This may include how permitted development rights could be used to accommodate the full range of associated infrastructure (e.g. energy infrastructure and canopies) and industry innovation (e.g. next generation chargers).

- **Q.36** Do you agree that the limitation that wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

- Yes
- No
- Don't know

- Please provide your reasons.

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

- Yes
- No
- Don't know

- Please provide your reasons.

- **Q.38** Do you agree that the maximum height of electric upstands for EV recharging should be increased from 2.3 metres to 2.7 metres where they would be installed in cases not within the curtilage of a dwellinghouse or a block of flats?

- Yes

- No
- Don't know

• Please provide your reasons.

• **Q.39** Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

- Yes
- No
- Don't know

• Please provide your reasons.

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

- Yes
- No
- Don't know

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

• **Q.41** Do you agree with the other proposed limitations set out at paragraph 60 for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres?

- Yes
- No
- Don't know

• Please provide your reasons.

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

- Yes
- No
- Don't know

• Please provide your reasons.

Impact assessment

- 62. We would welcome your view on the likely impact of these proposals.

• **Q.43** Do you think that any of the proposed changes in relation to the Class D and E of Part 2 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

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

6. Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings

- 63. Heating in buildings is one of the biggest sources of greenhouse gas emissions in the UK, accounting for 23% of total emissions. Consequently, the UK government is putting in place policies to support the installation of 600,000 heat pumps a year by 2028 to support the decarbonisation of heating.
- 64. To help facilitate heat pump deployment, an existing permitted development right allows for the installation of air source heat pumps on domestic premises (under Class G of Part 14) subject to certain limitations and conditions.
- 65. The Department for Energy Security and Net Zero commissioned an independent review of [air source heat pump noise emissions, planning guidance and regulations](#), which was completed in October 2023 (“the review”). A consortium, led by WSP and including acoustic experts, conducted a systematic review of existing planning standards for air source heat pumps to determine the impact that heat pump noise has on the public and to better understand whether planning rules are acting as a barrier to heat pump deployment. The review produced several recommendations for changes to the permitted development right for air source heat pumps in England and this consultation is seeking views on these changes.

Changes to the Microgeneration Certification Scheme

- 66. The permitted development right requires that the installation is compliant with the Microgeneration Certification Scheme (MCS) 020 Planning Standard (or an equivalent standard). The MCS certifies low-carbon products and installations used to produce electricity and heat from renewable sources. The MCS 020 Planning Standard outlines the noise assessment used to determine whether an air source heat pump is compliant with the noise limit.
- 67. The review produced recommendations to improve the accuracy of the MCS 020 noise assessment document. Based on the findings of the research, MCS held a consultation on changes to the MCS 020 document, which closed on 26 January 2024. The changes under consideration for MCS 020 include improving the definition of a solid barrier, background noise level assumptions and updated guidance on location. This should strengthen the noise assessment used for the permitted development right. Further details of the [MCS 020 consultation](#) can be found on the MCS website.
- 68. Through this consultation, we are seeking views on proposals to make several changes to the limitations associated with the permitted development right for air source heat pumps.

Changes to the permitted development right

- 69. The existing permitted development right for air source heat pumps requires that all parts of the development must be at least 1 metre from the property boundary.
- 70. The review noted that the existing limitation requiring that an air source heat pump must be installed at least 1 metre away from the property was a blunt proxy for noise and that, from a noise control perspective, is not necessary as long as there is an upper limit on the noise at the nearby receptor.
- 71. MCS have undertaken a consultation based on the findings of the review to strengthen the noise assessment document that installations under the permitted development right must be compliant with.

- 72. This limitation has also been identified as an unnecessary barrier to heat pump deployment by other independent reviews. The Climate Change Committee's June 2023 'Progress in Reducing Emissions' Report to Parliament and Sir Patrick Vallance's March 2023 'Review of Pro-Innovation Regulation for Green Industries' both recommended the removal of this limitation. At the Chancellor's Autumn Statement on 23 November 2023, it was announced that the government would consult on removing this limitation.

- **Q.44** Do you agree that the limitation that an air source heat pump must be at least 1 metre from the property boundary should be removed?

- Yes
- No
- Don't know

- Please provide your reasons.

- 73. Separately, the permitted development right requires that the volumetric size of the air source heat pump's outdoor compressor unit (including any housing) must not exceed 0.6 cubic metres. The review noted that the current volume restriction is preventing the development of quieter models for the mass market. By increasing the size of the evaporator, increasing the size of the fan and lowering the fan speed, an air source heat pump could run at a lower speed to help minimise noise levels further, without compromising capacity.

- 74. To facilitate innovation in noise reduction, we are considering whether to increase the current volume or size limitation and are interested in your views on a suitable size threshold.

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

- Yes
- No
- Don't know

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

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

- Yes

- No
- Don't know

• Please provide your reasons.

• 75. The permitted development right does not apply where the development would result in more than one air source heat pump on or within the curtilage of the dwellinghouse or block of flats. We are seeking views on whether this limitation could be amended. For example, where the dwellinghouse is detached, it may be appropriate to allow for up to two air source heat pumps to be permitted, to allow for cascade systems. It may also be appropriate to allow for the installation of more than one air source heat pump on a block of flats so that more than one flat can benefit from the permitted development right.

• 76. One of the proposed changes to MCS 020 is to create a method to manage the noise emissions from multiple heat pumps installed on the same property. Subject to this methodology being successfully developed, we are proposing to allow two air source heat pumps in the curtilage of detached dwellinghouses. We are also seeking feedback on whether to allow more than one air source heat pump on or within the curtilage of a block of flats. To manage impacts, we are seeking feedback on whether, where the development would result in more than one air source heat pump on or within the curtilage of a block of flats, the development should be subject to a prior approval by the local authority with regard to siting. We are seeking feedback on whether any additional limitations may be necessary if multiple air source heat pumps were permitted on a block of flats.

• 77. We would be interested in your views on whether any of the other limitations could be amended to further support the deployment of air source heat pumps. For example, whether the permitted development right should be amended to include air-to-air heat pumps, by removing the condition that “the air source heat pump is used solely for heating purposes”; this condition excludes air-to-air heat pumps which can also provide a cooling function.

• 78. We will continue to maintain existing limitations for more sensitive areas, for example, that the right does not apply where it would be installed on a site designated as a scheduled monument or on a listed building or land within its curtilage. In a conservation area or World Heritage Site, an air source heat pump cannot be installed on a wall or roof which fronts a highway or where it would be installed closer to the highway than the part of the building nearest to that highway.

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

- Yes
- No
- Don't know

- Please provide your reasons.

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

- Yes
- No
- Don't know

- Please provide your reasons.

- **Q.49** Do you agree that the permitted development right should be amended so that, where the development would result in more than one air source heat pump on or within the curtilage of a block flats, it is subject to a prior approval with regard to siting?

- Yes
- No
- Don't know

- Please provide your reasons.

- **Q.50** Are there any safeguards or specific matters that should be considered if the installation of more than one air source heat pump on or within the curtilage of a block of flats was supported through permitted development rights?

- Yes
- No
- Don't know

- Please provide your reasons.

- **Q.51** Do you have any views on the other existing limitations which apply to this permitted development right that could be amended to further support the deployment of air source heat pumps?

- Yes
- No

- Don't know

- Please provide your reasons.

Impact assessment

- 79. We would welcome your view on the likely impact of these proposals.

• **Q.52** Do you think that any of the proposed changes in relation to the Class G of Part 14 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

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

7. Public Sector Equality Duty

- 80. We are required to assess these proposals by reference to the Public Sector Equality Duty contained in the Equality Act 2010. A Public Sector Equality Duty Assessment will be prepared reflecting the detail of the changes to be made prior to any secondary legislation being laid.

- 81. We would welcome your comments as part of this consultation on whether any of the proposed changes could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Marriage or Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

- 82. In providing comments, please make it clear which permitted development right or chapter of this consultation your comment relates to.

• **Q.53** Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Marriage or Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

- Yes

- No
- Don't know

- Please provide your reasons.

About this consultation

- This consultation document and consultation process have been planned to adhere to the [consultation principles](#) issued by the Cabinet Office.
- Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.
- Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.
- If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.
- The Department for Levelling Up, Housing and Communities will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.
- Individual responses will not be acknowledged unless specifically requested.
- Your opinions are valuable to us. Thank you for taking the time to read this document and respond.
- Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Personal data

- The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.
- Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

- The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@levellingup.gov.uk or by writing to the following address:

- Data Protection Officer
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

2. Why we are collecting your personal data

- Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.
- We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

- Please do not share [special category](#) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:
 - race
 - ethnic origin
 - political opinions
 - religious or philosophical beliefs
 - trade union membership
 - genetics

- biometrics
 - health (including disability-related information)
 - sex life; or
 - sexual orientation.
- By ‘criminal offence data’, we mean information relating to a living individual’s criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

- The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.
- Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or ‘criminal offence’ data (terms explained under ‘Sensitive Types of Data’) which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR (‘substantial public interest’), and Schedule 1 paragraph 6 of the Data Protection Act 2018 (‘statutory etc and government purposes’). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

- DLUHC may appoint a ‘data processor’, acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do, we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

- Your personal data will be held for 2 years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

- The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.
- Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: dataprotection@levellingup.gov.uk
- or
- Knowledge and Information Access Team,
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

- We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for 2 years before it is deleted.

[Back to top](#)