



DEPARTMENT OF LEVELLING UP, HOUSING & COMMUNITIES

## **CHANGES TO VARIOUS PERMITTED DEVELOPMENT RIGHTS**

PUBLIC CONSULTATION: 19 FEBRUARY-09 APRIL 2024

The Builders Merchants' Federation is the trade association for businesses in the building materials' supply chain in the UK & Ireland. Since 1908, it has represented builders, plumbing & heating and other merchants and manufacturers who make and deliver building materials, home improvement products and renewable energy systems. Our 950 members have combined annual sales over £44 billion and employ more than 208,000 workers in all 4 home nations.

### OVERVIEW

The BMF represents a major supply chain that has existed for centuries. Our members perform a vital function in distributing primary materials and value-added goods from ports, quarries, brickworks, sawmills and factories to where they are used all year round.

The BMF welcomes the chance to contribute given our unique position - namely that buildings (especially housing) are not erected - nor are properties (especially homes) repaired maintained or improved - without these materials & products our members.

The BMF is an economic trade association that does not stray far into social policy. Apart from general remarks, the BMF confines itself to what it knows best. Not all questions answered. We are not a technical organisation but can support contributions & conclusions our members will make.

### 1. INTRODUCTION

The BMF has been involved in previous consultations about extending existing PDRs or introducing new rights. The BMF supports the general direction of Permitted Development in planning policy and broadly supports these proposals. Merchants view a thriving property market as integral to boosting local economies. Policy that enables property owners to increase their living space via extensions or conversions is welcome in the pursuit of urban densification.

But we do not advocate a free-for-all. It may prove sensible to put a time limit on certain PDRs in the face of strong opposition from various stakeholders. There is a case to keep some existing conditions and stipulations. But we ask for agreed changes to be confirmed and introduced as smoothly as possible. Customers of merchants & property owners can then bring forward and complete un-contentious projects that conform to the current rules & regulations as amended.

### 2. CHANGES TO THE PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLDER DEVELOPMENT

#### **The enlargement, improvement or other alteration to homes**

The BMF notes the increasing use of Permitted Development Rights in recent years to support the delivery of new homes and increased living space. PDRs are already allowed for changes of use between the use classes. Some latitude in planning policy is desirable to let business and property

owners adapt quickly to changing circumstances. Taking a fresh look at permitted development for extensions is worthwhile - the proposals in paragraph 4 to 9 are logical.

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.

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.

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.

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.

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 - in certain cases, it may not be desirable where manufacturing or industrial premises are - perhaps by reason of smells, dust, noise, intrusive lighting and night-time or weekend working.

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 ?

Question not answered - no strong preference.

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. The BMF notes it is not proposed to change current limits that apply to designations for protected habitats or landscapes. Value-add services that merchants offer include (among other) brick matching and technical advice on alternative/comparable materials. We do not favour local design codes because our members are experts in sustainable solutions and applications that can overcome any qualms about exterior appearance.

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, and we see no reason to insist on local design codes. In certain districts, it is both obvious and desirable to use local slate (Lake District) or stone (the Cotswolds) to support local suppliers and uphold aesthetic beauty.

Paras 15 & 16: these proposals are logical but will doubtless attract opposition by other respondents. The DLUHC will have to take care in striking a balance between competing interests of property owners and local residents - if such works prove contentious or overly provocative.

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

Yes.

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

Question not answered.

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 ?

Question not answered.

### **Additions to the roof (including roof extensions)**

Optimising existing roof space, lofts or attics is logical. As we saw during Covid-19, many people who worked from home used roof space as temporary offices - notably for Zoom or Teams' video-meetings - because they were out-of-the-way and afforded some peace and quiet. Another popular use is creating playrooms for children.

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.

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.

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. These proposals are logical but will doubtless attract opposition by other respondents. The DLUHC will have to take care in striking a balance between competing interests of property owners and local residents - if such works prove contentious or overly provocative.

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

Question not answered.

### Other alterations to the roof (including roof windows)

The BMF is a strong supporter of allowing the installation of roof windows, lights & sun-tunnels - both for ventilation and natural daylight reasons - and to reduce overheating.

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.

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 - alterations that protrude above the highest part of the original roof is a step too far - allowing alterations to be level (as described) is logical.

### **Buildings etc incidental to the enjoyment of a dwelling house**

These proposals for bin or bike stores in the front garden under a PDR are logical. It supports other government policy on encouraging more cycling (especially in towns & cities). It also should lessen incidents of bins being overturned by scavenging animals (especially foxes) or people causing mischief - and thus littering or mess. We see no implications for the materials likely to be used.

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

Yes.

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.

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.

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

Question not answered.

Paras 34-36: these proposals are logical but will doubtless attract opposition by other respondents. The DLUHC will have to take care in striking a balance between the competing interests of property owners and local residents - if such works prove contentious or overly provocative.

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 ?

Question not answered.

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 ?

Question not answered.

## Impact assessment

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, these proposals are logical given the urgent need for increased living space, bin & bike cabinets, etc. But some projects could be substantial in size, and the impact of changing their use will inevitably attract opposition by other respondents. Local authorities will doubtless seek to control them or argue that these PDRs should be managed through prior approvals.

### 3. CHANGES TO THE PERMITTED DEVELOPMENT RIGHTS FOR BUILDING UPWARDS

#### The upward extension of buildings

No-one wants a repeat of bad high-rise housing from the past. But the BMF believes better use can be made of existing buildings. Allowing existing property to be extended upwards, for limited number of storeys, up to the height of adjoining buildings, without needing prior approval, is worth pursuing.

Unlike greenfield plots or cleared brownfield sites (where materials can easily be delivered & stored), 'building up' on existing property presents logistical challenges. For example: lorry movements, narrow streets & parked cars and theft. BMF members have expertise in these situations because they act as local consolidation depots and manage the phased delivery of materials & products as they are required - and getting smaller, mixed or repeat loads onsite.

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 strong preference. Other respondents will doubtless present arguments to keep the 1948 date. Some limit on a maximum age may prove irresistible.

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

Question not answered. Property developers will argue for them to be streamlined or simplified - whereas local authorities and civic societies will want prior approvals retained or strengthened.

#### Construction of new dwelling houses on a freestanding block of flats

The BMF is not qualified to comment on these proposals - except to say: (a) other respondents will doubtless present arguments against such moves; and (b) in outer London Boroughs and the suburbs of other towns & cities, there are shopping parades above which is (at least) one storey of flats or maisonettes. These are suitable sites to allow additional storeys to be built.

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) ?

Question not answered.

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 ?

Question not answered.

## Impact assessment

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 ?

Question not answered.

### 4. CHANGES TO THE PERMITTED DEVELOPMENT RIGHT FOR DEMOLITION AND REBUILD

These proposals are logical and relate to current government policy on (a) previously-used or brownfield land and (b) densification in urban areas. For (a) the BMF has just responded to the recent separate DLUHC consultation that closed on 26 March 2024. For (b), it is sensible for property owners and local authorities to occasionally take a fresh look at what residential or commercial buildings they have - what purpose they fulfil - and whether it is better value-for-money to demolish and rebuild them - especially if such properties are empty or under-used.

The BMF recommends that central or local government does not become fixated on the age of buildings. If a building is empty, in a state of disrepair, or whatever, its age is inconsequential. But we recognise arguments that other respondents will doubtless make - like industrial heritage or perhaps a unique design - require attention. Some limit on a maximum age may prove irresistible.

Allowing larger footprints is logical but will doubtless attract opposition by other respondents. The DLUHC will have to take care in striking a balance between the competing interests of property owners and local residents - if such works prove contentious or overly provocative. It would be better if a decision on the earlier consultation described at para 51 can be made and announced.

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 ?

Question not answered - no strong preference.

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 ?

Question not answered.

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 ?

Question not answered.

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 ?

Question not answered.

Q.34 Do you think that prior approvals for the demolition and rebuild permitted development right could be streamlined or simplified ?

Question not answered.

## Impact assessment

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 - these proposals are logical given the urgent need for more imaginative use of the available land & buildings. But projects could be substantial in size, and the impact of changing their use will inevitably attract opposition by other respondents. Local authorities will doubtless seek to control them or argue that these PDRs should be managed through prior approvals.

#### 5. CHANGES TO THE PERMITTED DEVELOPMENT RIGHTS FOR THE INSTALLATION OF ELECTRICAL OUTLETS AND UPSTANDS FOR RECHARGING ELECTRIC VEHICLES

The BMF is not qualified to comment on these proposals - except to say that they support current government policy on electrification of vehicles. Much has been written about the distribution of available EV charge points - the increase in car size - and the strain on existing grid capacity.

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 ?

Question not answered.

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 ?

Question not answered.

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 ?

Question not answered.

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 ?

Question not answered.

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

Question not answered.

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 ?

Question not answered.

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

Question not answered.

#### **Impact assessment**

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 ?

Question not answered.

## 6. CHANGES TO THE PERMITTED DEVELOPMENT RIGHT FOR AIR SOURCE HEAT PUMPS WITHIN THE CURTILAGE OF DOMESTIC BUILDINGS

BMF members make and distribute the materials, products, systems & controls used for low carbon on-site microgeneration. We have for many years given advice to the DLUHC and DESNZ (and their previous incarnations) on heat pumps.

### Changes to the Microgeneration Certification Scheme

It is sensible to take a fresh look at the definitions given - and update current guidance.

### Changes to the permitted development right

The issue here is noise - not the distance.

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 ?

No strong preference.

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

No strong preference.

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

Question not answered.

Paras 75-78: these proposals are logical and recognises possible difficulties with multiple heat pumps on the same property. Other respondents will have views - notably local authorities that will doubtless seek these PDRs to be subject to prior approval.

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

Question not answered.

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

Question not answered.

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 ?

Question not answered.

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 ?

Question not answered.

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 ?

Question not answered.

### **Impact assessment**

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 - these proposals are logical given the urgent need to boost the take-up of low-carbon heating like heat pumps. Noise was an issue that manufacturers have addressed since earlier models first became commonplace. Today's modern heat pumps are quieter. Local authorities will doubtless seek to control them or argue that these PDRs should be managed through prior approvals.

### **7. PUBLIC SECTOR EQUALITY DUTY**

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)?

Question not answered.

### **CONCLUSION**

The BMF welcomes these proposals to make good use of the available land and speed up the completion of much-needed new homes and other buildings. Agreed changes should be confirmed and introduced as quickly and smoothly as possible. Customers of merchants can then bring forward and complete un-contentious projects that conform to the rules. But the BMF recognises that ministers will probably have to take time to issue guidance to local authorities, developers and property professionals.

The BMF wants to see unrelenting determination by central & local government to simplify, streamline and speed up the completion of the range of improvements covered by this consultation. The whole thrust must be implementation to enable BMF members to invest confidently in the materials & products needed - not least, to boost local economic activity.

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