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## **Householder Permitted Development Rights**

### **Kincraig CC response**

#### **Q1. Do you agree with this change from floor area to development footprint/ ground area?**

'Yes'. Re Para 2.1 '... increase in the size of the original dwelling house . . .' clarify the definition of 'original' i.e., does it mean the current footprint or that before an extension was added. Also applies at Para 2.2 . We would welcome the intension to produce illustrated guidance – Para 2.3. [Now realise that a definition is given in the Draft HPD, Section 2 – however the above is a clear example of where an illustration would be useful.]

#### **Q2. Do you agree with the new approach to principal, side and rear elevations?**

'No' This would exclude a front sun lounge or wet area even if 20 m from a road. Why shouldn't a south facing house, particularly in open country, not have a sun lounge?

#### **Q3. Do you believe that issues regarding road safety are sufficiently addressed by the restrictions on PDR set out in Article 3 of the draft Householder Permitted Development Order and the height limit of 1 metre within 5 metres of a road?**

'Yes'.

#### **Q4. Do you agree with the overall limit on development of the curtilage (excluding the original dwelling) of 40%?**

'Yes'.

#### **Q5. Do you agree with the additional limit on the development of rear curtilage of 40%?**

'Yes'.

#### **Q6. Do you agree with an absolute limit of 60 square metres?**

'Yes'.

#### **Q7. Do you agree with the additional conditions and restrictions on householder PDR in conservation areas contained in the draft Householder Permitted Development Order?**

'Yes'.

#### **Q8. Do you agree with the additional conditions and restrictions on householder PDR within the curtilage of listed buildings as set out in the draft householder permitted development order?**

'Yes'.

**Q9. Should there simply be no permitted development in relation to conservation areas or the curtilage of listed buildings?**

‘No’ – we would not be happy with a blanket restriction as it very much depends on the circumstances. There will occasions when development should be allowed.

This is an example where ‘not covered here’ only means that a possible development is not covered by this set of legislation, not that something cannot be done *per se* – only that an approach to the Planning Authority will be needed, which may result in a Planning Application being necessary.

**Q10. Should additional statutory restrictions be placed on householder PDR within World Heritage Sites?**

‘No’.

**Q11. If so, what level of control should be applied (e.g. similar to that for conservation areas or a total restriction)?**

Same as for conservation areas.

**Q12. Do you have any comments on the extent of designated areas where restrictions will apply?**

Should only apply if the site is *within* a designated area (and not when adjacent to one).

**Q13. In your experience, do planning authorities treat the addition of ramps and handrails to the exterior of houses to assist the elderly or disabled people as requiring an application for planning permission?**

‘Yes’ but a PDO can (will?) automatically require an input at the Building Warrant stage.

**Q14. Do respondents believe that replacement and alteration of existing windows in flats, without altering the overall size of the window opening should be permitted development?**

‘Yes’.

**Q15. Do respondents believe there should be specific PDR to allow flagpoles to be erected within the curtilage of a dwelling house?**

‘Yes’ but no more than three (EU, UK & National say).

**Q16. If so, what controls should there be on the height of flagpoles and on their location, with particular regard to designated areas?**

Within reason depending on the site and proximity to other dwellings another case for an illustration.

Would Christmas Lights – in particular excessive (define) Christmas Lights or similar come into the frame here?

*Questions on Classes - Q17 (Classes 1-12)*

- **Are the grant of permission and the restrictions and conditions clear?**

‘Yes’.

- **Will these controls release a significant number of proposals (see paragraph 1.3) from the planning application process?**

We hope they will!

- **Will these PDR provide adequate controls on amenity?**

‘Yes’.

- **Are there any changes to the controls which might mean significant further reduction in planning applications without undermining amenity?**

These proposals should go some way to reducing the Planning workload.

**Q18. Do respondents agree with the addition of requirements on drainage to PDR for new and replacement hard surfaces over an area of 5 square metres between the principal elevation and the road?**

‘Yes’.

**Q19. Do respondents think the changes to permitted development rights as drafted will achieve the Scottish Government's aim of removing a significant amount of householder development from the planning application process?**

‘Yes’.

**Q20. If not, what particular alterations to the draft Householder Permitted Development Order might significantly reduce the number of householder planning applications?**

These proposals are an improvement on existing ones – lets see how they work in practice and revisit later if necessary.

**Q21. What effects might any suggested changes have on amenity issues?**

Very little on amenity as such, by far the biggest impact will be the reduction in frustration with the ‘Red Tape’ associated with the current planning process.

**Q22. Do respondents believe that the provisions of the draft Householder Permitted Development Order pay sufficient regard to the impact on local amenity?**

‘Yes’.

**Q23. If not, what particular alterations to the draft Householder Permitted Development Order might address some or all of these issues?**

No comment.

**Q24. What particular issues would you like to see addressed in the guidance accompanying the changes to householder permitted development rights?**

We would like to see proactive support from Planning Officials to guide people towards PDO – sadly lacking on occasions at the present time.

**Q25. Are there any costs or benefits not identified in the draft RIA?**

No comment. (But note that RIA is not listed in the Glossary.)

**Q26. If so, do you have any information or can you suggest sources of relevant information on these costs and/ or benefits?**

No comment.

**Q27. Are there any potential impacts on particular societal groups that we should be aware of in finalising the order?**

‘No’.

**Further (Kinncraig) comments:**

The PDO should also apply to small commercial properties which often include the residence of the proprietor. Currently there seems to be a ‘presumption against’ by the Planning Authorities which the cynically minded might put down to reduced funding arising from fewer applications coming forward during a period of recession and a need to replace ‘lost’ income!

Looking ahead to the end of the consultation and the production of new guideline literature, please give consideration to including the following:

- a) that any proposal which falls outside the parameters given here should be referred to the Planning Authority (i.e. that just because it is not covered here, does not mean that the idea cannot be taken forward, only that it may need Planning Consent);
- b) that the system still requires reference to Building Control *before work begins* and may require a Building Warrant;
- c) recognises that the revised regulations will probably still be confusing to many ordinary citizens, so help should be available *before any work is undertaken*. The first hour of such advice should be free of charge.