Changes to Various Permitted Development Rights
Historic England Consultation Response

Historic England is the government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response to the consultation on changes to various permitted development rights (PDRs).

We have restricted our response to those questions covering matters which have a greater bearing on the historic environment.

Detailed Response

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?

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

We do not support the proposal to allow extensions up to rear boundary of a property, irrespective of the use of the adjacent property. Such a change could result in impacts on the settings of adjacent listed buildings, scheduled monuments, and/or other designated heritage assets. This would increase the risk of harm to the significance of those heritage assets.

The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires decision makers to have special regard to the desirability of preserving the setting of listed buildings and section 102 of the *Levelling-up and Regeneration Act 2023*, when implemented, will extend this duty to a wider range of designated heritage assets. This duty is echoed in the great weight that should be given to an asset's conservation in the *National Planning Policy Framework* (NPPF. December 2023), and it is difficult to see how these proposed changes would comply with those duties in all cases.

Some of the proposals contained in this consultation have the potential to undermine the government's ambitions for improving design quality in the built environment and could result in inappropriate additions/alterations to the housing/building stock. In addition to increasing the risk of harm to designated heritage assets, some of the

proposals (involving groundworks) will also increase the risk to undesignated archaeology, a risk which is currently managed, to some degree, through the normal planning system.

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, to some extent.

The requirement for materials to be of a similar appearance generally means that historic elements, such as windows, are broadly replicated (e.g. in conservation areas) where this PDR applies. There is, however, a degree of ambiguity and for protected areas, such as article 2(3) land, it would be preferable for materials to match those of the existing dwellinghouse.

Removal of this requirement could have an impact on the character or appearance of conservation areas and/or the significance/Outstanding Universal Value (OUV) of World Heritage Sites (WHSs).

We recognise that there may be circumstances where the use of alternative materials may be appropriate. However, this is best assessed in protected areas, such as article 2(3) land, through the submission of a planning application. This approach provides the necessary safeguards against inappropriate development which could be harmful to the significance of designated heritage assets and other protected areas.

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?

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)?

Whilst rooflights (extending up to 0.15m from the roof plane) may have a limited impact on some conservation areas and WHSs, there will be instances where the roof slopes not facing a highway contribute to the character or appearance of a conservation area or the significance/OUV of a WHS. We are therefore concerned regarding the potential relaxation of this PDR on elevations not fronting a highway. It is unclear from the consultation whether the intention of the possible changes (to the dimension allowed) is to facilitate rooflights which project further than 0.15m or whether it is to allow more significant projections, such as dormer windows. We would be especially concerned if this was increased to a dimension which allowed the introduction of dormer windows under a PDR.

The PDR requiring changes to roof forms which cannot be higher than the highest part of the original roof often means that roof extensions sit below the ridge line of the existing roof allowing the roof plane to be “read" clearly as a roof plane. There are concerns, on design grounds, that allowing changes to roof forms which are as

high as the highest part of the original roof would result in poorer quality development coming forward.

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

No.

We recognise that there may be some instances when it is desirable to hide unsightly bins or provide covered bike stores (which cannot be kept anywhere other than to the front of a property) and that these could be provided with minimal harm to those designated heritage assets. However, there will be many cases where that is not the case and allowing new structures forward of the principal elevation will potentially harm the character or appearance of conservation areas and the significance/OUV of WHSs. We therefore recommend that the proposal to remove this limitation in article 2(3) land is not taken forward and the need for a planning application is retained, to allow impacts on the historic environment to be assessed by local planning authorities.

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

No.

There are instances where development to the sides or rear of a dwellinghouse (i.e. not fronting a highway) will have an impact on the significance of those protected areas, and the need for a planning application to assess those impacts should be retained.

The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires decision makers to have special regard to the desirability of preserving the setting of listed buildings and pay special attention to the preservation or enhancement of conservation areas. Section 102 of the *Levelling-up and Regeneration Act 2023*, when implemented, will extend this duty to a wider range of designated heritage assets, including the OUV of WHSs. This duty is echoed in the great weight that should be given to an asset's conservation in the NPPF, and it is difficult to see how these proposed changes would comply with those duties in all cases.

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?

We support the exclusion of scheduled monuments from this PDR. We would also recommend exclusion of other designated heritage assets, such as Registered Parks and Gardens.

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)?

We note that PDRs relating to upward extensions of buildings do not apply in article 2(3) land. This is welcome. However, we are concerned that, outside those areas, the existing PDR can allow upward extensions within the setting of designated heritage assets without a robust assessment of those impacts. Taking more buildings into scope, by removing the 1948 date, would increase the risk of harm to the setting of designated heritage assets.

Additionally, there may be non-designated heritage assets of significance, in the 1930-1948 period, which might be impacted on by an extension to this PDR. Introducing a different cut-off date to other PDRs will also create potential inconsistencies in the GPDO.

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

We would welcome inclusion of impact on the historic environment, and archaeology (should any groundworks, such as strengthening foundations, be required) as matters requiring prior approval.

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

No.

As set out in our response to Q.25, we are concerned existing PDRs allow demolition and rebuild within the setting of designated heritage assets without a robust assessment of those impacts. Taking more buildings into scope (by reducing or removing any restriction based on the construction date of the existing building) would increase the risk of harm to the significance of designated heritage assets through impacts on their setting.

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?

The introduction of some restriction to prevent demolition of older buildings would be welcome; accepting that the date of construction of a building does not necessarily correspond to its significance as a heritage asset. This would allow a full assessment via the planning application route (as opposed to the prior approval process) of any impacts from their demolition and rebuilding to be assessed. This will provide some safeguard against the loss of non-designated heritage assets, including those on a local list, outside conservation areas in the exercise of this PDR.

If the 1989 limitation were to be replaced with a different age limitation, any date chosen should be consistent with other PDRs and clearly justified. The consultation does not provide a rationale for choosing 1930 and indeed other recent consultations

have chosen differing dates. For example, the recent Street Vote consultation proposed to exclude pre-1918 buildings to safeguard heritage assets.

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?

No.

We do not support the increase of the allowable footprint under this PDR. This would potentially increase the risk of further harm to the setting of designated heritage assets.

The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires decision makers to have special regard to the desirability of preserving the setting of listed buildings and section 102 of the *Levelling-up and Regeneration Act 2023*, when implemented, will extend this duty to a wider range of designated heritage assets, including WHSs. This duty is echoed in the great weight that should be given to an asset's conservation in the NPPF, and it is difficult to see how these proposed changes would comply with those duties in all cases. It will also pose an increased risk of harm to undesignated archaeology.

Class ZA, in its current form, already takes potentially large development outside the planning application process, with inherent risks to the historic environment. We do not support extending this PDR to include the replacement of buildings with ones of a larger footprint, or volume.

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

Prior approval should be retained for heritage and archaeology with regards to class ZA; if anything, the prior approval matters should be strengthened as a mechanism.

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?

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?

If the 2m limitation were to be removed, we recommend that it is retained in article 2(3) land, so any impacts (of charge points within 2m of a highway) in those areas can be assessed via a planning application and to ensure that they are sited and designed in such a way as minimise harm to the historic environment whilst, where possible, enabling their provision.

Alternatively, heritage and archaeology should be included as a prior approval matter in article 2(3) land for charge points fronting a highway in those areas. As a minimum, we recommend that the PDR includes a condition that charging points permitted under class D are sited, as far as reasonably practical, to minimise impacts on the historic environment, including archaeology, and on article 2(3) land in particular.

Assessment of impacts in WHSs should follow UNESCO's Guidance and Toolkit for Impact Assessments in a World Heritage Context.

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?

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

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?

It is somewhat unclear whether questions 39 and 40 (along with question 41) relate the limitations and conditions set out in paragraph 60 of the consultation: e.g. only applying in non-domestic, off-street ground level car parks.

Reasonably sized and located EV charge points should be able to be accommodated in historic areas in many cases. However, we are concerned that the proposals set out in paragraph 60 would allow large installations (up to 29 cubic metres) in potentially sensitive, protected areas, e.g. 3m x 3m x 3m cabinets in rural car parks in the Lake District WHS. We therefore recommend that this PDR would be subject to a limitation in article 2(3) land, so any impacts can be assessed via a planning application.

Assessment of impacts in WHSs should follow UNESCO's Guidance and Toolkit for Impact Assessments in a World Heritage Context.

We recommend that this PDR includes a condition that charging points permitted under class D are sited and designed, as far as reasonably practical, to minimise impacts on the historic environment, including archaeology, and (if necessary) on article 2(3) land in particular.

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

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

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

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

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?

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?

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?

Response to Qs.45-51.

The installation of air source heat pumps on domestic premises (under Class G of Part 14) is subject to certain limitations and conditions, including for listed buildings, scheduled monuments and in conservation areas and WHSs. It is not proposed to alter those limitations and conditions.

However, air source heat pumps installed under Class G of Part 14 have the potential to adversely impact on the setting of nearby designated heritage assets, and any increase in the size, or number, of heat pumps permitted will potentially increase the risk of harm. We recommend that heritage and archaeology are included as matters for prior approval and/or a condition that heat pumps permitted under class G are sited, as far as reasonably practical, to minimise impacts on the historic environment, including archaeology.

If the size of heat pumps permitted under this PDR were to be increased, it would be helpful to provide a maximum size, as currently no limits appear to be proposed. Doing so would help minimise potential impact on heritage assets, as well as giving a greater degree of certainty to residents.

Policy & Evidence: Policy Department

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