

# **Restrictions on Permitted Development Rights in Conservation Areas**

Certain types of work to buildings and properties can be undertaken without the need to apply for planning permission, this is because of 'Permitted Development Rights' (PDRs) which are given through legislation.

This legislation ([The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (as amended)) is known as the General Permitted Development Order or 'GPDO' that allows for 'Permitted Development'. The list of PDRs are set out under [Schedule 2](#), however, within Conservation Areas (CAs) PDRs are more restricted in comparison to non-designated areas. This is because CAs are included in a group of designations referred to as [Article 2\(3\) land](#) (as set out under Schedule 1, Part 1, Paragraph 1).

Planning authorities also have the power to remove further PDRs by issuing what is known as an 'Article 4 Direction'. Article 4 Directions can be made on any land within a planning authority's area, but they are more likely to be imposed in CAs. When a planning authority makes an Article 4 Direction, it has to notify all owners of land or buildings in the area. It should also be noted that Article 4 Directions can only apply to development which is proposed - they cannot apply to development which has been completed or is in progress.

At the time of the preparation of this document (10/02/2023) the Council has no plans to implement any Article 4 Directions in the potential Caxton Avenue Conservation Area.

Having contacted the Council's heritage consultants they have advised RBC about an initial list of PDRs that are removed by the designation of a CA. Further to this, an officer at RBC has been through the GPDO to double check for any additional PDRs that would be removed by the designation of a CA at Caxton Avenue / Coombelands Lane.

The information set out in this document is correct as of 10/02/2023, and thus any future changes to the GPDO made by Central Government may change this list, or details within it.

Below is a list of citations from Schedule 2 of the GPDO, which relates to PDRs. Therefore, the following types of development / works would have to be granted planning permission by the Council before being able to be undertaken. There is also a summary of these at the end of this document.

## **Part 1: Development within the curtilage of a dwellinghouse**

Class A. The enlargement, improvement or other alteration of a dwellinghouse.

What this class allows:

The enlargement, improvement or other alteration of a dwellinghouse.

Removal of the PD right through the GPDO:

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- a) 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;

- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;

#### Class AA - enlargement of a dwellinghouse by construction of additional storeys

What this class allows:

AA. The enlargement of a dwellinghouse consisting of the construction of—

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Removal of the PD right through the GPDO:

Development is not permitted by Class AA if—

...

- (b) the dwellinghouse is located on—
- (i) article 2(3) land; or

#### Class B – additions etc to the roof of a dwellinghouse

What this class allows:

The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Removal of the PD right through the GPDO:

B.1 Development is not permitted by Class B if—

...

- (f) the dwellinghouse is on article 2(3) land

#### Class E – buildings etc incidental to the enjoyment of a dwellinghouse

What this class allows:

The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Removal of the PD right through the GPDO:

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

### Class G – chimneys, flues etc on a dwellinghouse

What this class allows:

The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Removal of the PD right through the GPDO:

Development not permitted

G.1 Development is not permitted by Class G if—

...

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse

### Class H – microwave antenna on a dwellinghouse

What this class allows:

The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Removal of the PD right through the GPDO:

Development is not permitted by Class H if—

...

(e) in the case of article 2(3) land, it would consist of the installation of an antenna—

(i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;

...

(iii) on a building which exceeds 15 metres in height

## **Part 2: Minor Operations**

There are no restrictions relating to Article (2)3 land in [Schedule 2 Part 2 – Minor operations](#). This covers a number of areas including:

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

C. The painting of the exterior of any building or work.

D. The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

E. The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

F. The installation, alteration or replacement on a building of a closed-circuit television camera to be used for security purposes.

## **Parts 3 -10**

[Part 3 of the GPDO](#) relates to changes of use, and thus is not particularly relevant to the potential Caxton Avenue Conservation Area as all the properties are in residential use, thus is unlikely to change and there are already covenants restricting what they can be used for.

[Part 4 of the GPDO](#) relates to temporary uses and this is not relevant to the potential Caxton Avenue Conservation Area. The only restriction set by a Conservation Area relates to commercial film making.

[Part 5 of GPDO](#) relates to caravan sites and recreational camping sites, and thus is not relevant to the potential Caxton Avenue Conservation Area, particularly as there is a restrictive covenant in relation to caravans etc. covering the properties.

[Part 6 of the GPDO](#) relates to agriculture and forestry (as businesses / industries), and thus is not relevant to the potential Caxton Avenue Conservation Area.

[Part 7 of the GPDO](#) relates to non-domestic extensions, alterations etc., and thus is not relevant to the potential Caxton Avenue Conservation Area. The restrictions from this section will however be included in the summary at the end of this document.

[Part 8 of the GPDO](#) relates to transport (e.g., railways, ports, inland waterways, airports etc.) related development, and thus is not relevant to the potential Caxton Avenue Conservation Area.

[Part 9 of the GPDO](#) relates to development relating to roads. The only section in it that relates to Article (2)3 land is in relation to toll roads and their operation, and thus is not relevant to the potential Caxton Avenue Conservation Area.

[Part 10 of the GPDO](#) relates to repairs to services (in this case sewers, mains, pipes, cables or other apparatus) and there are no restrictions to these PDRs, including from Article (2)3 land.

## **Part 11: Heritage and demolition**

Class B: demolition of buildings

What this class allows:

Any building operation consisting of the demolition of a building.

Removal of the PD right through the GPDO:

Development is not permitted by Class B if—

...

(b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area).

## **Parts 12-13**

[Part 12 of the GPDO](#) relates to development by Local Authorities, and thus is not relevant to the potential Caxton Avenue Conservation Area and none of the land in the area is owned by such a body.

[Part 12A of the GPDO](#) relates to development by Local Authorities and Health Service bodies, and thus is not relevant to the potential Caxton Avenue Conservation Area and none of the land in the area is owned by such a body.

[Part 13 of the GPDO](#) relates to water and sewerage undertakings, and there are no restrictions in relation to Article 2(3) land.

#### **Part 14: Renewable energy**

There are restrictions on the installation of solar panels on non-domestic buildings under multiple classes of [Part 14 of the GPDO](#) in terms of:

- installing them on the roof or wall which front the highway, or on standalone structures, as
- the installation of flues etc. which are closer to the highway than any existing part of the building or a roof that fronts the highway.

However, the above is not relevant to the Caxton Avenue Conservation Area.

#### **Part 15: Power related development**

[Part 15 of the GPDO](#) relates to power (e.g., gas and electricity supplies). The only restrictions that relate to article 2(3) land are for the extension of buildings where this would increase its cubic size by over 10% of the original, or where the floorspace of the original building would exceed 500sqm. This is not relevant to the potential Caxton Avenue Conservation Area.

#### **Part 16: communications**

[Section 16 of the GDPO](#), whilst having a number of restrictions on article 2(3) land, these primarily relate to the communications operators, as opposed to residential homeowners. However, the restrictions are as follows:

- Masts cannot be more than 25m high from the ground.
- Dishes installed cannot exceed 0.6m and antenna cannot be more than 3m and there cannot be more than three installed since 21/08/2013. They also cannot be installed, altered or replaced, unless it meets a specific set of criteria / in certain circumstances.

There are some restrictions on dwellinghouses, namely:

Development not permitted: electronic communications apparatus installed, replaced or altered on a dwellinghouse

...

(5) Development consisting of the installation, alteration or replacement of any electronic communications apparatus on a dwellinghouse or within the curtilage of a dwellinghouse is not permitted by Class A(a) if that apparatus—

...

(e) is on article 2(3) land and would be located—

- (i) on a chimney;
- (ii) on a building which exceeds 15 metres in height;
- (iii) on a wall or roof slope which fronts a highway

## **Part 17: Mining and mineral exploration**

[Part 17 of the GPDO](#) relates to mining and mineral exploration and thus is not relevant to the potential Caxton Avenue Conservation Area.

## **Part 18: Miscellaneous development**

[Part 18 of the GPDO](#) relates to:

- a local or private Act of Parliament,
- an order approved by both Houses of Parliament, or
- an order under section 14 or 16 of the Harbours Act 1964
- Development on land used as an amusement park

Therefore, it is not relevant to the potential Caxton Avenue Conservation Area

## **Part 19: Development by the Crown or for national security purposes**

[Part 19 of the GPDO](#) relates to Crown Land and national security measures and thus is not relevant to the potential Caxton Avenue Conservation Area.

## **Part 20: Construction of New dwellinghouses**

[Section 20 of the GPDO](#) relates to a number of permitted development rights that have been granted in recent years that allowed for the conversion / demolition of various uses to enable the provision of new homes. Conservation Areas were generally excluded from these PDRs and thus this would not be relevant to the potential Caxton Avenue Conservation Area, as any proposal for new homes would be entirely new or result in the loss of an existing property, and there are no non-residential uses in the area that could be converted into dwelling houses.

One of the rights in this section enables further homes to be added onto existing residential terraces or detached homes, but the former are not present in the potential CA, and thus, again, that would not apply in this area. The latter however would be removed, so stand-alone properties would not be able to add additional properties above the existing ones if the CA were to be designated.

## **Summary**

In summary, the following PDRs are removed by the designation of a CA:

- Changes to the exterior of a building (cladding)
- Side extensions
- Rear extensions (above a single storey)
- Changes to the roof of a building (including the installation of dormers)
- Outbuildings etc. to the side of dwellinghouses
- Chimney, flue or soil and vent pipe on a wall or roof slope fronting highway and forming principal/side elevation of the dwellinghouse
- Antennas on a chimney, wall or roof slope facing onto and visible from highway
- Change of Use of retail / betting office / pay loan shop to dwelling
- Change of use of building from agricultural use to dwelling
- Extensions / alterations to a shop / financial or professional services establishment
- Extensions to an office building

- Total or substantial demolition of an unlisted building or structure, including boundary walls on the highway over one metre and buildings with a volume over 115 cubic metres.
- Solar panels and associated equipment (including flues etc.) would be installed on the on a roof slope, wall or standalone structure which fronts a highway / is closer to the highway than the existing building on a non-domestic building.
- Buildings for the purposes of power supplies cannot be extended by more than 10% (cubically) and the original building cannot be more than 500sqm.
- The erection of new buildings arising from the demolition or conversion of existing commercial properties
- The erection of additional homes on top of existing terraces or detached residential properties
- Putting up advertisements or commercial signage