

# Royal Institute of British Architects

## Response to Department for Levelling Up, Housing and Communities consultation on changes to various permitted development rights

April 2024

The Royal Institute of British Architects is a global professional membership body driving excellence in architecture. We serve our members and society in order to deliver better buildings and places, stronger communities and a sustainable environment. Being inclusive, ethical, environmentally aware and collaborative underpins all that we do.

RIBA welcomes the opportunity to respond to this consultation on proposed changes to permitted development rights (PDR).

Relying on PDR, rather than undertaking a proactive and strategic approach to placemaking to bring about changes to the planning system and planning processes, contravenes the National Planning Policy Framework which states that “strategic policies should set out an overall strategy for the pattern, scale and design quality of places”.<sup>1</sup> This requires a comprehensive injection of resource into the planning system, to ensure that all local planning authorities (LPAs) are able to access the skills and capacity needed to prioritise high-quality design and holistic approaches to placemaking.

As such, RIBA recommends that the Government should:

- Comprehensively resource LPAs to enable them to take a proactive, strategic approach to creating and maintaining homes and places.
- Introduce a National Retrofit Strategy – a long-term plan and investment programme for upgrading the energy efficiency and resilience of our housing stock.
- Bring forward the promised consultation on the approach and interventions to mainstream the measurement and reduction of embodied carbon in the built environment.
- Remove the limitation on heat pumps needing to be at least one metre from property boundaries if the boundary is not to a neighbouring property or garden.
- Remove the limitation on blocks of flats installing more than one air source heat pump.

**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?**

No.

We do not agree that this should be amended to only apply if adjacent buildings are in residential use. There are many occasions where a building which is not residential may be brought into residential use and as such, would then be compromised by such an amendment.

**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.

As above, as building use and typology is subject to change, we do not think that this amendment would be appropriate.

**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?**

No.

Members have raised concerns that this amendment could lead to an automatic reduction in amenity space without qualitative review. Most house typologies derive from a considered balance between built curtilage and plot size to support a healthy domestic environment, which is vital in terms of quality of life.

An unintended consequence of removing restrictions to allow well-considered, appropriate large ground floor extensions might easily be an increase in low-quality ones with compromised light, ventilation and amenities. This is of concern in many circumstances, including those where such extensions would be used to add capacity to multiple occupancy dwellings.

Members have also recommended that there should be more guidance for local planning departments to determine what is appropriate with regards to applications of this nature.

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

Yes.

We agree with such an amendment. In cases where both side and rear extensions fall under existing permitted development rights, it is sensible to avoid using overstretched LPA resource on an application for the corner of the extension only.

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

No.

**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.

However, members felt that it is unlikely that such an amendment would ease space and headroom restrictions as implied in the text of the consultation.

In the typical UK vernacular, the eaves of a house tend to project about 200mm past the face of the external wall, so the face of a new dormer would generally be flush with the external wall face below. In the rare circumstance where this is not the case, there would be further aesthetic considerations with regards to the placement of the gutter or additional pipes.

**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.

We support this measure, but only in non-conservation areas.

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

Yes.

Extending Class B of Part 1 so that the existing provision also applies to flats with access to loft space is a sensible measure.

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

Yes.

We welcome proposed changes to PDR that would allow for the provision for bin and bike stores in front gardens. Removing barriers for people being able to cycle is a vital part of encouraging active travel. Access to cycling infrastructure, including proper bike storage, is likely to have a positive impact on this.

However, as laid out in the consultation, consideration of whether additional limitations should apply to limit visual and amenity impacts is integral.

**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.

RIBA conservation experts raised concerns that removing this limitation would lead to more compromise on traditional buildings in protected landscapes, and lead to development being allowed near Areas of Outstanding Natural Beauty, National Parks and World Heritage Sites without needing to receive full planning permission.

As such, the requirement to meet the standard to be approved for planning permission should be maintained.

**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.

The view of RIBA expert members is that a date is irrelevant compared to considering the quality or special architectural or historic interest of the property.

**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.

There is a concern about the negative environmental impact of this proposed PDR. As the consultation points out this could lead to newer buildings being demolished. If we are to reach our net zero goals, we must prioritise the reuse of existing buildings rather than simply knocking them down.

The carbon emissions from a building's energy use make up only a portion of the carbon emitted across its entire lifecycle. There are significant carbon emissions embodied in the materials used to produce, operate and maintain buildings.

However, currently there is no requirement to calculate or limit the embodied carbon of a building. Instead of a PDR, which could incentivise demolition, we must phase in requirements for the consistent assessment and reporting of whole life carbon and set targets for embodied carbon and these should be regulated. This will ascertain whether buildings should be reused, retrofitted or demolished. Whole life carbon targets should be aligned with those that will be set out in the UK Net Zero Carbon Buildings Standard.

In the short term, the Government must bring forward the promised consultation on the approach and interventions to mainstream the measurement and reduction of embodied carbon in the built environment.

For the reasons above, this limitation should not be removed.

**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.

Other matters worthy of consideration include traffic plans for construction sites, the contextual setting of the building and ensuring the replacement structure is high-quality and, as mentioned above, the environmental impact of demolition.

As outlined in Question 30, instead of amending the PDR which could result in more demolition, we must phase in requirements for the consistent assessment and reporting of whole life carbon and set targets for these. This will ascertain whether buildings should be reused, retrofitted or demolished. Whole life carbon targets should be aligned with those that will be set out in the UK Net Zero Carbon Buildings Standard.

**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.

Having said this, we also urge the department to consider the quality of the building as a key metric, rather than looking at the date alone.

**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.

RIBA welcomes moves to enable further heat pump installation, a vital move to help us reach net zero. However, this should only be removed when the boundary is a road rather than an adjacent garden or property.

There should also be clear upper limits to noise to ensure that it does not result in unacceptable levels of disturbance for residents.

While we support the removal of the one-metre rule, the Government must not rely on low carbon heating technology as the sole solution to decarbonise our housing stock.

The Government must bring forward a National Retrofit Strategy which also addresses the fabric efficiency in energy inefficient homes across the country.

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

Yes.

With 5.4 million households in England and Wales living in flats, maisonettes or apartments,<sup>ii</sup> moving to decarbonised forms of heat is vital if we are to reach net zero. With this in mind, we welcome this change, which takes into account the different living arrangements and property types across the country.

However, heat pumps alone should not be the solution to decarbonising our flats. Improving fabric efficiency is key to ensure higher heat pump performance and lower running costs. To achieve this,

we will need a National Retrofit Strategy which addresses funding and incentivises, while also upskilling workers across the country.

**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.

While we agree that it is sensible that more than one flat in a block should be able to benefit from the introduction of this permitted development right, this must be balanced with concerns regarding the practical and aesthetic considerations of one building installing multiple heat pumps. To mitigate this, we agree that prior approval must be gained.

**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?**

As above, the extension of such a permitted development right should be balanced with wider concerns. These include aesthetic concerns but also accessibility concerns. Installation of multiple heat pumps should not act to inhibit accessibility of buildings and the surrounding outdoor space.

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<sup>i</sup> [https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

<sup>ii</sup> [https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingenglandandwales/censuses2021#:~:text=In%202021%2C%2021.7%25%20\(5.4,other%20mobile%20or%20temporary%20structure.](https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingenglandandwales/censuses2021#:~:text=In%202021%2C%2021.7%25%20(5.4,other%20mobile%20or%20temporary%20structure.)