

Permitted Development Rights (Extension) Bill [HL]

[AS INTRODUCED]

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Schedule – Permitted Development Rights

[AS INTRODUCED]

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Make provision to extend permitted development rights to allow householders to improve and extend their residential properties; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Permitted development rights

- (1) Subject to section 4, the Schedule lists additional permitted development rights that are available to any householder (“the new permitted development rights”) as long as the building regulation compliance required is adhered to, and the planning authority is provided with a written report from a building surveyor, on completion of the work, to that effect. 5
- (2) New permitted development rights do not apply to listed buildings.

2 Planning authority requirements

- (1) A planning authority may impose design requirements in relation to the new permitted development rights but these may not have the effect of making such development unreasonably impracticable or uneconomic. 10
- (2) A planning authority may require measures as specified in regulations to be made by the Secretary of State to be taken to slow the run-off of rainwater from any property which is taking advantage of a new permitted development right. 15
- (3) A planning authority may impose requirements as specified in regulations to be made by the Secretary of State on the structural safety of any building which is the subject of a new permitted development right.
- (4) A planning authority may impose a standard of insulation or energy efficiency of any building which is the subject of a new permitted development right either— 20
 - (a) such that the building performs at a level equal to its current performance, or

- (b) if the development results in an increase of more than a percentage in floor area specified in regulations to be made by the Secretary of State, to standards specified in those regulations.
- (5) A planning authority may impose reasonable requirements (such as the installation of a green roof) on additional roof areas resulting from a new permitted development right to offset the additional urban heat island effect, or may impose a charge, as specified in regulations to be made by the Secretary of State, if such measures are not taken. 5
- (6) The planning authority may impose a charge specified in regulations to be made by the Secretary of State to cover the costs of providing additional infrastructure if the work under the new permitted development right provides additional rooms in excess of the number specified in those regulations. 10
- (7) A planning authority may not impose any restrictions on a new permitted development right other than as set out in subsections (1) to (6).
- 3 Permitted development rights: restrictions** 15
- (1) A new permitted development may not—
- (a) erase a right of way or easement,
 - (b) infringe on a right to light,
 - (c) substantially reduce daylight or sunlight amenity or the irradiance received by existing solar panels, or 20
 - (d) infringe on any other private right (such as a covenant)
- without the agreement of all other parties concerned, which may not be unreasonably withheld.
- (2) The planning authority must provide on request advice to the householder on whether the matters in subsection (1) apply to the property, for a fee specified in regulations to be made by the Secretary of State, and must copy that advice to all others it perceives to be affected. 25
- 4 Permitted development rights: flood zones**
- Residential buildings within flood zones 2 and 3 which are well serviced by public transport (as specified by regulations made by the Secretary of State) may only make use of the new permitted development rights if the property is simultaneously modified to be flood resilient to a standard specified in regulations to be made by the Secretary of State. 30
- 5 Regulations**
- (1) Regulations under this Act are to be made by statutory instrument. 35
- (2) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- 6 Extent, commencement and short title**
- (1) This Act extends to England and Wales only.

- (2) This Act comes into force at the end of the period of six months beginning with the day on which it is passed.
- (3) This Act may be cited as the Permitted Development Rights (Extension) Act 2024.

SCHEDULE

PERMITTED DEVELOPMENT RIGHTS

- 1 The following are new permitted development rights –
- (a) raising the eaves and ridge height of a building by up to one metre;
 - (b) modifying the shape of the roof to hip, gable or mansard; 5
 - (c) side extensions or rear extensions to the full height of the house that do not –
 - (i) extend more than four metres from the house as it existed on 1 January 1974 or the date when the house was first built, whichever is the later, 10
 - (ii) take up more than 25% of the area of land around the house, and
 - (iii) extend within three metres of a back boundary, except with the agreement of the relevant neighbouring landowners, which may be unreasonably withheld; 15
 - (d) rear extensions that extend the property by a maximum of eight metres for detached houses or six metres for semi-detached and terraced houses, not exceeding a height of three metres at the eaves on the boundary and a maximum height of four metres;
 - (e) raising a party wall (and only a party wall) to 0.15 metres above the three metres on the side walls; 20
 - (f) adding a floor (with an area of less than 200 square metres unless it is to form a separate dwelling) to a bungalow;
 - (g) increasing the height of a building to no more than four stories in town centres; 25
 - (h) adding the following modifications –
 - (i) air-source heat pumps;
 - (ii) solar panels that do not rise more than 0.15 metres above the roof finish surface;
 - (iii) electric vehicle charging points. 30
- 2 In connection with the new permitted development rights –
- (a) a party wall can be raised to 0.15 metres above the highest point of the sloping front or back roof angle;
 - (b) the eaves may be additionally raised if required to protect a neighbouring property; 35
 - (c) a party wall may be raised despite the householder not being the sole owner of the wall.

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Lord Lucas

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