

## **Permitted Development (PD) and matters that the Council can take into account in determination of prior approval applications**

### **Background:**

National policies allow certain changes of use and works to take place under permitted development. In some instances, no application is required and in others "Prior Approval" is required. Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.

*5.6 In the case of conversions from office to residential use the only determining factors are;*

- *the impact of development on transport and highways*
- *contamination risks on the site*
- *flooding risks on the site.*

*Issues such as loss of residential amenity cannot be a consideration in the determination of the application. Flood risk and contamination are factual and cannot be changed by discussion. Impact of a development on highways and transport can only justify a refusal where the impact is severe, in accordance with national policy. Essex County Council, as the highway authority, provide advice in relation to this aspect. There is therefore very little that the Committee can actually influence. It is therefore suggested that applications for Prior Approval are delegated to Officers to make the decision."*

It was agreed by Planning Committee that a summary of the matters within the scope of each category of such applications would be provided for member guidance to assist with briefing interested parties on the regulations pertinent to each application category. This briefing note is intended to provide Councillors and members of the public with a summary of this background information.

### **Summary of Matters relevant to PD Prior Approval Applications by class under**

#### **SCHEDULE 2 of the GPDO 2015 (as amended) (The Order)**

There are a considerable number of different categories of permitted development granted by order of the Secretary of State. This is in effect a blanket national conditional planning permission. In some cases, no further application is required to be submitted and the council may have no further involvement e.g. permitted change from a dwelling to a small HMO. In some cases, applicants may still choose to apply for a certificate of lawful development to confirm that the development is lawful. In such cases a strict legal interpretation is required on the facts and representations received cannot influence the outcome.

In many cases an application for 'prior approval' may be required and the order sets out the matters that the Local Planning Authority (lpa) must take into account. Listed below are the most commonly used categories of permitted development (including changes of use) together with the relevant processes and prescribed matters that are applicable to the consideration of applications for prior approval under the order.

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

##### **Class AA – Enlargement of a dwellinghouse by construction of additional storeys.**

## Permitted Development

- 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.

## **PROCESS**

Application for prior approval:

- a) before beginning the development, the developer must apply to the local planning authority for prior approval as to —
  - i. impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
  - ii. the external appearance of the dwellinghouse, including the design and architectural features of —
    - aa. the principal elevation of the dwellinghouse, and
    - bb. any side elevation of the dwellinghouse that fronts a highway;
  - iii. air traffic and defence asset impacts of the development; and
  - iv. whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;
- b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.

## **Part 3 Permitted Changes of Use**

Where changes of use are proposed that require an application for 'prior approval' to be submitted to the lpa then para. W applies, which requires:

Procedure for applications for prior approval under Part 3

W.—The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required. In relation to development proposed under Class M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses; Where the Environment Agency is required to be consulted, a site-specific flood risk assessment, together with any fee required to be paid. Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

The local planning authority may refuse an application where, in the opinion of the authority—

- a) the proposed development does not comply with, or
- b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions,

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

- a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
- b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

6. Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency [F15](#) where the development is—

- a) in an area within Flood Zone 2 or Flood Zone 3; or
- b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency

7. The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

8. The local planning authority must give notice of the proposed development—

- a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
  - i. describes the proposed development;
  - ii. provides the address of the proposed development;
  - iii. specifies the date by which representations are to be received by the local planning authority; or
- b) by serving a notice in that
  - i. on any adjoining owner or occupier; and
  - ii. where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building

9. The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

- a) assessments of impacts or risks;
- b) statements setting out how impacts or risks are to be mitigated; or
- c) details of proposed building or other operations.

10. The local planning authority must, when determining an application—

- a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
- b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and
- c) in relation to the contamination risks on the site—
  - i. determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012 and

- ii. if they determine that the site will be contaminated land, refuse to give prior approval.
- 11. The development must not begin before the occurrence of one of the following—
  - a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
  - c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- 12. The development must be carried out—
  - a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.
- 13. The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

**Class A Change of use of a Casino, Betting office, pay day loan shop or hot food takeaway to commercial, business and service**

**A.1.** Development under Class A is permitted subject to the condition that, before beginning the development, the developer provides written notification to the local planning authority of the date on which the use of the building will change

**Class L Dwellinghouse to small HMO (up to 6 persons) and vice-versa**

Class L – small HMOs to dwellinghouses and vice versa

Permitted Development

- L. *Development consisting of a change of use of a building—*
  - a) *from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;*
  - b) *from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.*

**Development not permitted**

- L.1 Development is not permitted by Class L if it would result in the use—
  - a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or
  - b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

**PROCESS**

No application for prior approval is required and no conditions beyond a) and b) above to be considered

### **Class MA Class E Employment Uses to Dwellinghouses**

**MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.**

#### **PROCESS**

Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- a) transport impacts of the development, particularly to ensure safe site access;
- b) contamination risks in relation to the building;
- c) flooding risks in relation to the building;
- d) impacts of noise from commercial premises on the intended occupiers of the development;
- e) where—
  - i. the building is located in a conservation area, and
  - ii. the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- h) where the development involves the loss of services provided by—
  - i. a registered nursery, or
  - ii. a health centre maintained under section 2 or 3 of the National Health Service Act 2006 the impact on the local provision of the type of services lost and
- i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

3. An application for prior approval for development under Class MA may not be made before 1 August 2021.

The provisions of paragraph W (prior approval – see above) of this Part apply in relation to an application under this paragraph

### **Class Q – Agricultural buildings to dwellinghouses**

Where the development proposed is development under Class Q before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- a) transport and highways impacts of the development,
- b) noise impacts of the development,
- c) contamination risks on the site,
- d) flooding risks on the site,
- e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,

- f) the design or external appearance of the building and
- g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

and the provisions of paragraph W (prior approval- see above) of this Part apply in relation to that application.

### **Class R – Agricultural buildings to a flexible commercial use**

R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order—

- a) Class B8 (storage or distribution) of Schedule 1;
- b) Class C1 (hotels) of Schedule 1; or
- c) Class E (commercial, business or service) of Schedule 2.

### **PROCESS**

where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- i. transport and highways impacts of the development;
- ii. noise impacts of the development;
- iii. contamination risks on the site; and
- iv. flooding risks on the site,

and the provisions of paragraph W (prior approval- see above) apply in relation to that application.

### **Part 6 Agricultural development**

Class A – agricultural development on units of 5 hectares or more

#### Permitted Development

A. *The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—*

- a) *works for the erection, extension or alteration of a building; or*
- b) *any excavation or engineering operations,*

*which are reasonably necessary for the purposes of agriculture within that unit.*

development consisting of—

- a) the erection, extension or alteration of a building;
- b) the formation or alteration of a private way;
- c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or
- d) the placing or assembly of a tank in any waters,

### **PROCESS**

The developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

*Class B – agricultural development on units of less than 5 hectares*

Permitted Development

Class B. *The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of—*

- a) *the extension or alteration of an agricultural building;*
- b) *the installation of additional or replacement plant or machinery;*
- c) *the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;*
- d) *the provision, rearrangement or replacement of a private way;*
- e) *the provision of a hard surface;*
- f) *the deposit of waste; or*
- g) *the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,*

*where the development is reasonably necessary for the purposes of agriculture within the unit.*

Development consisting of the extension or alteration of a building situated on article 2(4) land (national park or specified parishes (N/A CBC) or the provision, rearrangement or replacement of a private way on such land is permitted subject to—

**PROCESS**

The developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building as extended or altered or the siting and means of construction of the private way

**Part 20 Construction of New Dwellinghouses**

Class ZA - Demolition of buildings and construction of new dwellinghouses in their place  
Permitted Development

ZA.—1. Development consisting of works for the demolition of one or other of—

- a) any building comprising a single purpose-built detached block of flats, and
- b) any other single detached building, comprising premises established—
  - i. for office use falling within Class B1(a) of the Schedule to the 1987 Order,
  - ii. for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or
  - iii. for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order,

or for any combination of them,  
existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

2. The building in question is to comprise one or other of—

- a) a purpose-built detached block of flats, or
- b) a purpose-built detached dwellinghouse.

## PROCESS

Where any development under Class ZA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- a) transport and highways impacts of the development;
- b) contamination risks in relation to the new building;
- c) flooding risks in relation to the new building;
- d) the design of the new building;
- e) the external appearance of the new building;
- f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;
- g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;
- h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;
- j) the impact of the development on heritage and archaeology
- k) the method of demolition of the old building;
- l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and
- m) any—
  - i. air traffic and defence asset impacts of the development, and
  - ii. impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State,

## Class A - New dwellinghouses on detached blocks of flats

### Permitted Development

**A.** Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

- a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

## PROCESS

Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- a) transport and highways impacts of the development;
- b) air traffic and defence asset impacts of the development;
- c) contamination risks in relation to the building;
- d) flooding risks in relation to the building;

- e) the external appearance of the building;
- f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; ..
- h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, .
- i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,; and
- j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

### **Class AA - new dwellinghouses on detached buildings in commercial or mixed use**

#### Permitted Development

AA.—(1) Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which sub-paragraph (2) applies, together with any or all—

- a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases;
- d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

### **PROCESS**

**AA.2.—1.** Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- a) transport and highways impacts of the development;
- b) air traffic and defence asset impacts of the development;
- c) contamination risks in relation to the building;
- d) flooding risks in relation to the building;
- e) the external appearance of the building, including—
  - i. the design and architectural features of—
    - aa. the principal elevation; and
    - bb. any side elevation that fronts a highway; and
  - iii. the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;
- f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

- i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,
- k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,; and
- l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building

### **Class AB - new dwellinghouses on terrace buildings in commercial or mixed use**

**AB.**— 1. Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building to which sub-paragraph(2) applies, where that development comprises—

- a) up to two additional storeys, in the case of an existing building consisting of two or more storeys;
- b) one additional storey, in the case of an existing building consisting of one storey,
- c)

together with any development under sub-paragraph (3).

2. This sub-paragraph applies to a building which is—

- a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the 1987 Order, or as a betting office, pay day loan shop or launderette;
- b) in a mixed use combining—
  - i. two or more uses within paragraph (a); or
  - ii. a use falling within Class C3 (dwellinghouses) of the Schedule to the 1987 Order, together with one or more uses within paragraph (a).

3. Development consisting of any or all—

- a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises, including means of escape from fire, via additional external doors or external staircases;
- d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

### **PROCESS**

**AB.2.**— 1. Where any development under Class AB is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- a) transport and highways impacts of the development;
- b) air traffic and defence asset impacts of the development;
- c) contamination risks in relation to the building;
- d) flooding risks in relation to the building;
- e) the external appearance of the building, including—
  - i. the design and architectural features of —
    - aa. the principal elevation; and
    - bb. any side elevation that fronts a highway; and

- ii. the impact of any works under paragraph AB(3)(c) or (d);
- f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,

## **Class AC - New dwellinghouses on terrace buildings in use as dwellinghouses**

### Permitted Development

AC.1. Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building in use as a single dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order, where the development comprises—

- a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys;
- b) one additional storey, in the case of an existing dwellinghouse consisting of one storey,

together with any development under sub-paragraph (2).

- 2. Development consisting of any or all—
  - a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
  - b) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
  - c) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

## **PROCESS**

**AC.2.—1.** Where any development under Class AC is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- a) transport and highways impacts of the development;
- b) air traffic and defence asset impacts of the development;
- c) contamination risks in relation to the building;
- d) flooding risks in relation to the building;
- e) the external appearance of the building, including—
  - i. the design and architectural features of—
    - aa. the principal elevation; and
    - bb. any side elevation that fronts a highway; and
  - ii. the impact of any works under paragraph AC(2)(b) or (c);
- f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;

- h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

2. Any development under Class AC is permitted subject to the following conditions—
  - a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
  - b) following the development, the roof pitch of the principal part of the building must be the same as the roof pitch of the principal part of the existing dwellinghouse; and
  - c) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.
3. Any development under Class AC is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.
4. Any development under Class AC is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

### **Class AD - New dwellinghouses on detached buildings in use as dwellinghouses**

#### Permitted Development

AD.—1. Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a detached building in use as a single dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order, where the development comprises—

- a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys;
- b) one additional storey, in the case of an existing dwellinghouse consisting of one storey,
- c)

together with any development under sub-paragraph (2).

2. Development consisting of any or all—
  - a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
  - b) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
  - c) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

### **PROCESS**

AD.2.— 1. Where any development under Class AD is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- a) transport and highways impacts of the development;

- b) air traffic and defence asset impacts of the development;
- c) contamination risks in relation to the building;
- d) flooding risks in relation to the building;
- e) the external appearance of the building, including—
  - i. the design and architectural features of —
    - aa. the principal elevation; and
    - bb. any side elevation that fronts a highway; and
  - ii. including the impact of any works under paragraph AD(2)(b) or (c);
- f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;
- h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

- 2. Any development under Class AD is permitted subject to the following conditions—
  - a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
  - b) following the development, the roof pitch of the principal part of the building must be the same as the roof pitch of the principal part of the existing dwellinghouse; and
  - c) the development must not include a window in any wall or roof slope forming a side elevation of the building.

END.