



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

Making Heritage Work

Proposed Changes to Householder
Permitted Development Rights
Planning Improvement Branch
Planning Division
Welsh Assembly Government
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Dear Sirs

PROPOSED CHANGES TO HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Thank you for inviting us to participate in this consultation.

The Institute recognizes the need for change and supports those proposed changes that have emerged from experience of the parallel changes in England. However, we do have some concerns about the potential impacts of the proposals on heritage assets. We had technical difficulty with the write protection settings on the response form so our answers to the questions in it are set out below.

Q1 Do you agree that Part 1 to the GPDO for Wales should be changed to allow householders greater freedom in developing their property?

No. The Institute objected to the corresponding changes when they were proposed in England on the basis of their potential impact on heritage assets. Our view is that, whilst the proposals purport to be based on potential impacts, in reality they are based only on generalizations on the nature of potential impacts. An impact-based approach must take into account local circumstances of which the Institute is particularly concerned about conservation areas and the setting of listed buildings, for both of which (per sections 66 and 72 of the Listed Buildings Act) the proposals provide a very significant reduction of protection.

Q2 Do you agree with the proposed restrictions for householder permitted development rights within World Heritage Sites?

Yes. The Institute supports the addition of WHS to the definition of article 1(5) land.

Q3a Do you agree with the proposed restrictions and conditions for householder extensions in Development Class A? If not, please specify your reason(s) and provide alternative restrictions / conditions.

No. The Institute supports the additional restrictions in respect of article 1(5) land but notes that if WHSs are added to the definition of article 1(5) land they will not need to be specifically referred to at paragraph A2 of the Order. We remain concerned, however, at the lack of protection for the settings of listed buildings. Despite the absence of a provision for this in the GPDO in England, we feel that there is scope for introducing it in Wales. This could be done, perhaps, by applying the prior approval process to proposals within (say) 50m of a listed building.

Despite using the same words as in England, we do not think, in A3(c) that the words "...as far as practicable..." give sufficient clarity as to the extent of the condition.

Q3b Do you agree with the proposed interpretations provided in the draft Amendment Order for Development Class A? If not, please specify your reason(s) and provide alternative interpretations.

Yes. These are quite helpful and would make the Order more readily understood than the English variant.

Q4a Do you agree with the proposed restrictions and conditions for roof extensions in Development Class B? If not, please specify your reason(s) and provide alternative restrictions / conditions.

No. The Institute thinks that there should be a more restrictive regime for article 1(5) land. We would like to see all roof extensions which are visible from a public place excluded.

Q4b Do you agree with the proposed interpretations provided in the draft Amendment Order for Development Class B? If not, please specify your reason(s) and provide alternative interpretations.

Yes. Again, these are quite helpful.

Q5a Do you agree with the proposed restrictions and conditions for roof alterations in Development Class C? If not, please specify your reason(s) and provide alternative restrictions / conditions.

Yes. The Institute thinks the proposals are sensible.

Q5b Do you agree with the proposed interpretations provided in the draft Amendment Order for Development Class C? If not, please specify your reason(s) and provide alternative interpretations.

Yes. Again, these are quite helpful.

Q6a Do you agree with the proposed restrictions for curtilage developments in Development Class E? If not, please specify your reason(s) and provide alternative restrictions / conditions.

No. The Institute supports the proposal to give additional protection to protected areas. However we think that extent of Permitted Development proposed is potentially very damaging to such areas and should be reduced in scale. It seems that Diagram 31 in the Guidance in Annex 2 shows the opposite of what is intended, but the rationale for the restriction is far from clear. The Institute thinks that all article 1(5) land should be

covered by greater restrictions on curtilage development than everywhere else, but that the requirements for landscape heritage areas and conservation areas is different. In National Parks and AONBs curtilages tend to be large and there is great potential harm arising from large buildings at a distance from the dwelling. Hence we support the wording at E2 but think it should be extended to all article 1(5) land. On the other hand, potential for visual harm in conservation areas also lies closer to the dwelling and we think a reduced distance limit of 10m should apply in these.

Q6b Do you agree with the proposed interpretations provided in the draft amendment Order for Development Class E? If not, please specify your reason(s) and provide alternative interpretations.

Yes. These are helpful.

Q7 Do you agree that all new and replacement hard surfacing should be subject to the proposed porous restriction (i.e. porous materials are used or provision is made to direct any water run-off to a surface or area that allows the water to drain naturally) and that they must be permanently maintained? If not, what alternative approach would you suggest.

Yes. Bearing in mind that soil conditions are far from universally conducive to natural drainage, the application to all sites seems inappropriate. But bearing in mind that in these circumstances it is open to developers to make a planning application, we support the proposal.

Q8a Do you agree with the proposed restrictions for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a house in Development Class G? If not, please specify your reason(s) and provide alternative restrictions.

No objection.

Q8b Do you agree with the proposed interpretation provided in the draft amendment Order for Development Class G? If not, please specify your reason(s) and provide an alternative interpretation.

No objection

Q9 Do you have any comments to improve the draft Technical Guidance document at Annex 2? If so please specify the improvements you wish to see.

The technical guidance is helpful and clear.

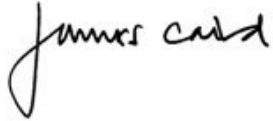
Q10 Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 3?

Yes. It is noteworthy that a measure to deregulate an area of public interest requires such a large amount of guidance to be understandable. The Institute accepts this as a necessary feature but its complexity will continue to result in LPAs being burdened with interpretative and enforcement work arising in cases of uncertainty and misapplication of the rules.

Q11 We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:

No further comments.

Yours faithfully

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive style with a large initial 'J'.

James Caird
Consultant Consultations Co-ordinator