

# Planning Guidance for Parish Councillors

12, 17<sup>th</sup> Nov and 3<sup>rd</sup> Dec 2009

**Planning “It’s a minefield”**

**But it does not have  
to be like this!**

# PARISH COUNCIL'S

- What is your role in the planning process?
- How do you find out more information?
- How can you influence decisions?
- Do we take notice of what you say?
- Why are decisions made by officers?
- What is Permitted Development?

# PARISH COUNCIL'S ROLE

- You are consulted on all planning applications
- We want to know your thoughts, ideas and opinions
- You are the eyes and ears in the local area
- You need to concentrate on material issues

# Use our web site

- [charnwood.gov.uk](http://charnwood.gov.uk) is a very useful source of information on planning
- [planningportal.gov.uk](http://planningportal.gov.uk) is a Pandora's Box of national planning guidance

# Application types

- Planning applications
  - Full
  - Outline
  - Reserved Matters
- Listed Building Consent
- Conservation Area Consent
- Advertisement Consent
- Tree Preservation Orders

## Other matters we deal with

- Prior Notifications
  - Telecommunications
  - Agricultural Development
- Details required by condition
- Conservation Area Trees
- Minor non-material amendments
- Permitted development enquiries
- Informal advice



Charnwood

# What We Take Into Account

- National and Local Policies
  - The Development Plan Policy Context
  - [East Midlands Regional Plan](#)
  - [Borough of Charnwood Local Plan](#) (policies saved for 3 years)
- Government Guidance
  - [Planning Policy Statements](#) (PPSs)
  - [Planning Policy Guidance Notes](#) (PPGs)
  - [Circulars](#) and [Ministerial Statements](#)
- Local guidance
  - [Supplementary Planning Documents](#) (SPDs - under LDF)
  - [Supplementary Planning Guidance](#) (SPGs – under Local Plan)
  - [Village Design Statements](#) and
  - [Conservation Area Appraisals](#)
- Then we:
  - Assess the site and the proposals
  - Take into account consultation responses
  - Consider all planning issues material to the application
  - Review site (and local area) history – for consistency



# Material Planning Considerations – cover a range of issues

Highway safety

Flood risk

Appearance and design

Noise, dust, fumes, etc. issues

Loss of light/sunlight

Scale and dominance

Archaeology

Sustainability

Nature conservation

Privacy

Impact on community & other services

Impact on character – trees etc.

Parking provision

# Examples of national guidance 'up-dating' development plan policy

- Unsustainable locations - Settlements lacking reasonable range of facilities (unless for essential local affordable housing) [PPS1](#) [PPS3](#)
- 5 year land supply – from regional plan – need to be aware a SHLAA [PPS3](#) Regional Plan
- Developments of upwards of 15 dwellings must deliver 30% of these as affordable [PPS3](#)
- Major applications must deliver 10% energy via on-site renewable sources [PPS1](#)
- Housing densities must be maximised - 30dph minimum [PPS3](#)
- On site parking must be minimised - to encourage use of alternative forms of transport - 150% average over all housing developments. Commercial developments similarly restricted. [PPS3](#) [PPG13](#) [Manual for streets](#)

# Other material considerations

- When policies conflict they can pull against each other
- Fall-back positions:
  - lawful use could be worse than proposal
  - extant planning decisions to same – or worse - effect
  - permitted development could have the same or worse effect
  - have to consider whether these are reasonably likely
- Policy-conflicting development could be justified if it enables worthy planning-related objective to be delivered
- May have to sacrifice some policy objectives to secure site redevelopment in the public interest
- An Inspector's decision on appeal on same or similar site

# Non-material considerations

Business competition

“Too many already”

Loss of views

Damage to property fears

Where other controls exist

Devaluation of property

Rights of way

Covenants

Other private rights

Personal issues (rarely)

Disturbance during development

Maintenance of property

# CONFUSED!

Hopefully not. But there is more.



# What we have covered

- Your ROLE
- Finding information
- Policy

# Do we listen?



- We listen to all contributions made to aid the decision process
- **BUT**
- we have to reach a balanced judgement
- Unfortunately decisions do not always result in everyone being happy with the outcome



Charnwood

# Your comments

- Ensure you only include material issues
- Use points with concise explanation
- Comments should be the views of the Council (not individuals)
- Individuals or small groups of members can assess and produce comments on behalf of the Council

# Delegation



- Targets to make decisions expediently
- 95% applications delegated by Council to Director
- We have to follow procedures, set in constitution
- Ward Councillors have right to request but need clear reasons, no need if officer recommendation OK

# Committee Decisions

- Parishes can make verbal representations to committee
- 5 minutes
- [Guidance on web site](#)
- Need to identify request in initial comments
- Should not raise new issues
- No new material can be presented

# Borough Council Decision

- Planning permission should be granted unless contrary to policy or other material considerations indicate otherwise

# Granting permission

- Granting permission - subject to conditions
  - Conditions can only be imposed to avoid a refusal
- six tests must all be satisfied:
  - Need
    - refusal if not imposed or
    - for enforcement if breached
  - relevance to planning, not for ulterior purpose
  - relevance to the development being permitted
  - enforceable – for any later action, breach must be apparent
  - precise - to ensure requirements are clear and can be carried out
  - reasonable – must not be unduly restrictive

# Refusing permission

- Reasons for refusal must be based strictly on planning criteria:
  - the development plan
  - environmental impact and amenity
  - highway safety, flood risk, impact on historic buildings, etc

# Appeals

- Appeals can be against refusals, non determination within time periods and conditions
- Parishes are advised of all appeals
- You are invited to add further comments (except on new householder appeals)
- if informal hearing or public inquiry you can attend and address the Inspector.

# PERMITTED DEVELOPMENT



Charnwood

# Permitted Development

- 1<sup>st</sup> October 2008 new legislation for householder PD rights
- 'Self Assessment System'.
- Extensive advice available on web site and Planning Portal.
- If written confirmation is required, need to submit an application for a certificate of (proposed) Lawful Development (£75.00 for householder development)

# Single storey extension

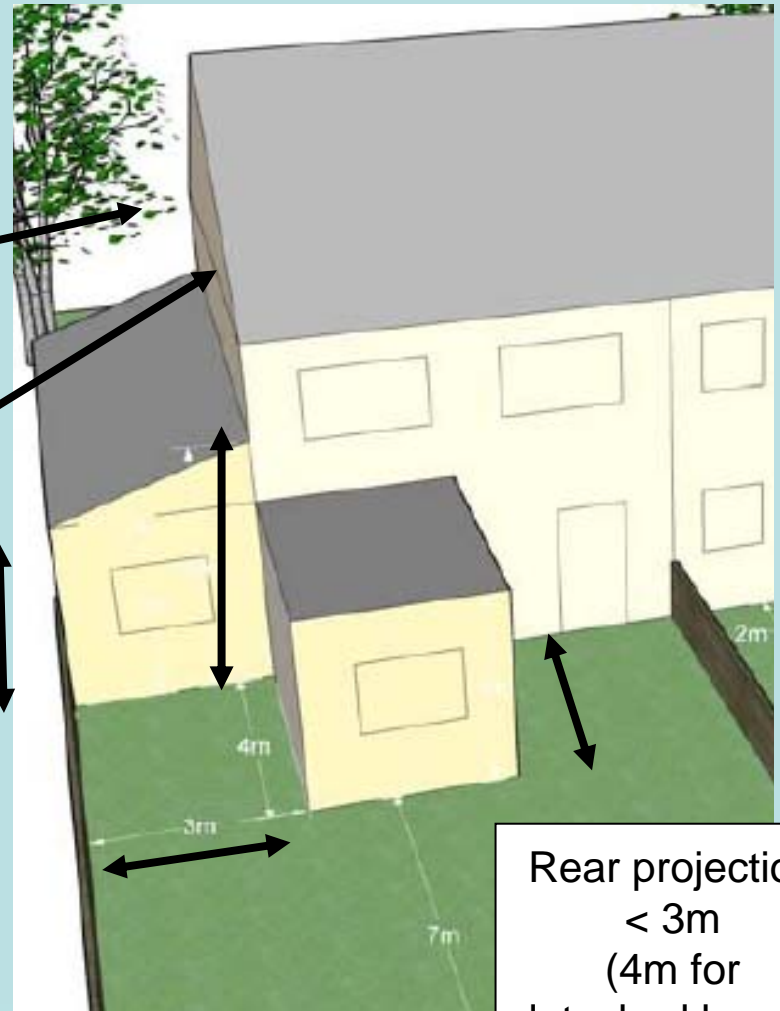
Not allowed on elevation that: fronts a highway  
AND is principal or side elevation (so allowed on rear elevation that fronts a highway)

Side windows (upper level) must be:  
a) obscure glazed AND  
b) non-opening

Overall height < 4m

Eaves < 3m  
(if extension within 2m of boundary)

Side projection < ½ width of main house



Rear projection  
< 3m  
(4m for detached house)

# 2 storey extension

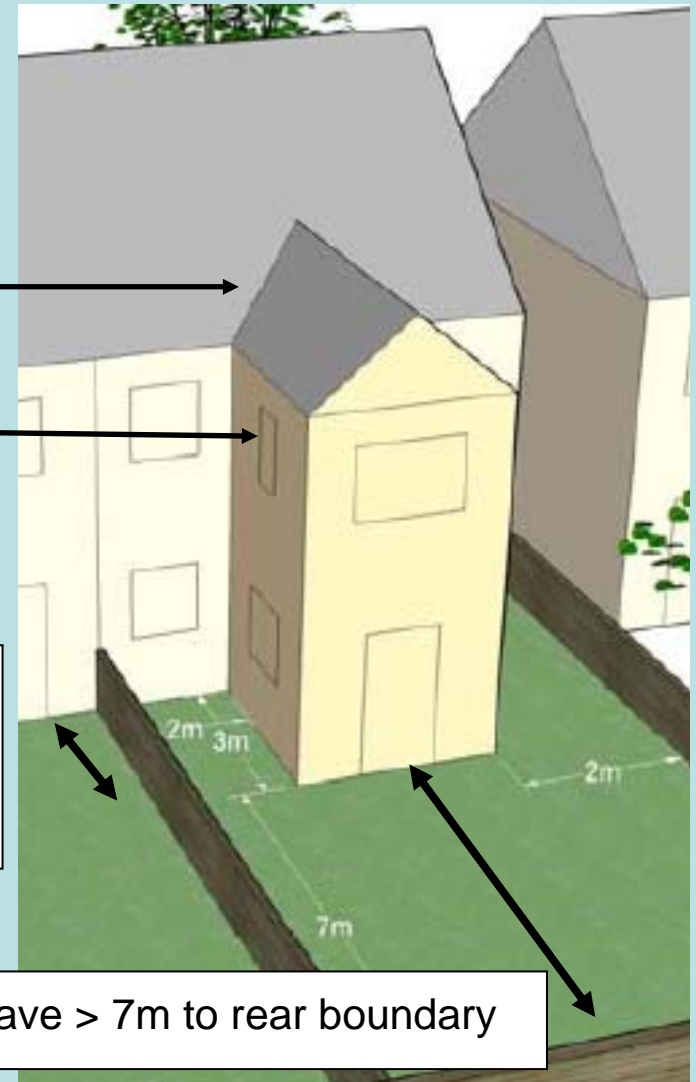
2-STOREY: Same roof pitch as original house

Side windows (upper level) must be:  
a) obscure glazed AND  
b) non-opening

**IMPORTANT NOTE:**  
eaves must be  $< 3\text{m}$  if extension within  $2\text{m}$  of boundary)  
**prevents** 2-storey extensions on most terraced houses

2-STOREY: Rear projection  $< 3\text{m}$  (including for detached houses)

2-STOREY: Must have  $> 7\text{m}$  to rear boundary



# Additional factors

- **Other requirements:**
  - < 50% coverage of garden.
  - Eaves not higher than eaves of main house.
  - Extension not higher than main ridge-line.
  - No two storey side extensions.
  - No veranda, balcony, or raised platform (although a Juliette balcony is ok).
  - Materials to be 'of a similar appearance' to those on existing house (not necessary for conservatories).
- **Conservation Areas:**
  - No cladding.
  - No side extensions.
  - No two storey rear extensions.

# Roof extensions

Not allowed on principal elevation

**WHERE** fronting a highway

(So, where the side or rear of a property fronts a highway, side dormers, hip-to-gables, and rear dormers are now allowed)

## IMPORTANT NOTE:

The example below was permitted under the **previous** Class B. A **similar** dormer would **still** be permitted under the **amended** Class B, **IF** it is subject to some minor changes in the legislation.

Not higher than main ridge-line

Volume Limit:  
40m<sup>3</sup> for terraced house  
50m<sup>3</sup> for semi or detached house

(\*) Must be set back from eaves of original roof by not less than 20cm  
(Hence this dormer would **not** accord with amended Class B)

(\*) Materials to be 'of a similar appearance' to existing house  
(Hence this dormer would **not** accord with amended Class B)

No veranda, balcony, or raised platform  
(although a Juliette balcony is ok)

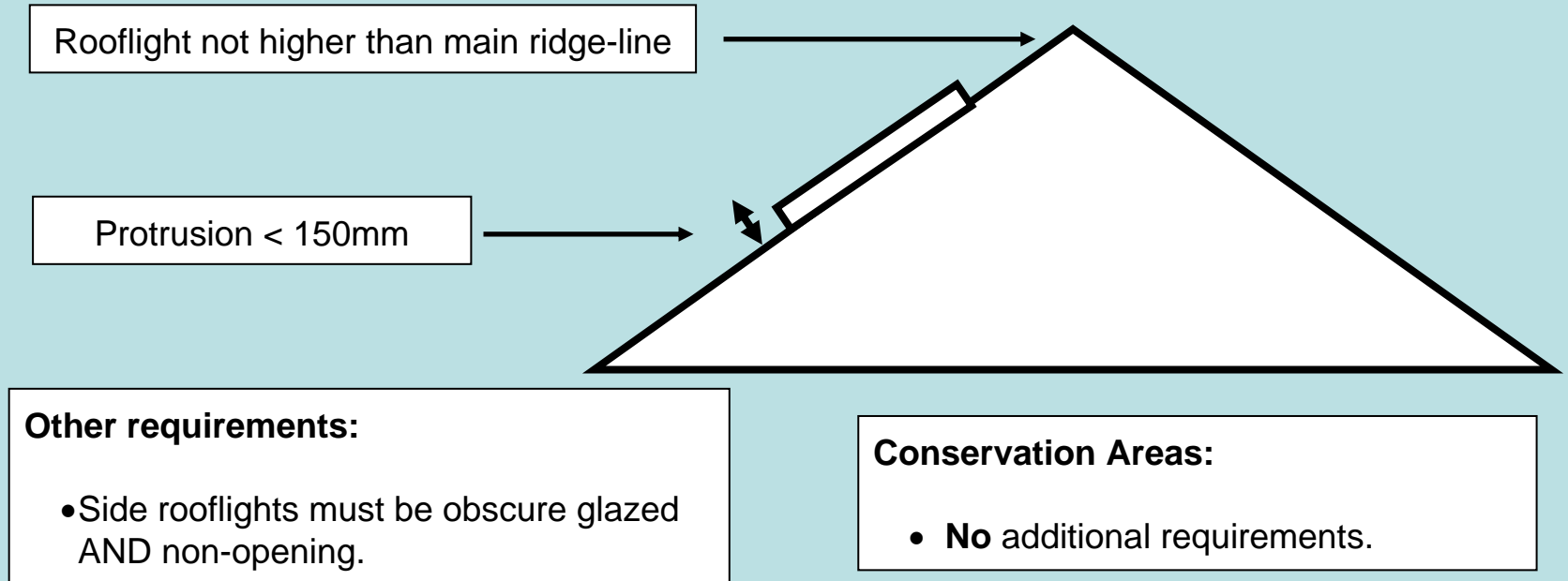
**Conservation Areas:**  
no roof extensions are PD in CAs



## Other requirements:

- Side windows (including side rooflights) must be obscure glazed AND non-opening

# Alterations to roof



There is **no restriction on the size or number of rooflights, or the proportion of the roof that they can cover.**

Solar panels are now covered by a separate Part 40.

This also covers the re-roofing of a house.

# Out buildings etc.

Not allowed to be forward of principal elevation.

## IMPORTANT NOTE:

Previously, if outbuilding < 5m to house (or if in CA) then treated as extension. Now, any outbuilding is not extension, regardless of how close to the house.

## Height Limits:

- 2.5m if within 2m of boundary.

## Otherwise:

- 4m for dual-pitch roofs.
- 3m for mono-pitch and flat roofs.
- in all cases 2.5m for eaves.

Must be single storey

< 50% coverage of garden

## Conservation Areas:

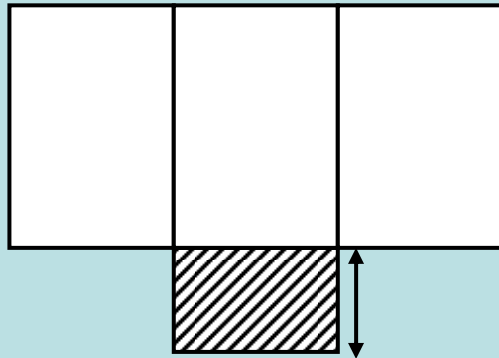
- Not permitted between a side elevation and a boundary.

## Other requirements:

- Not permitted within curtilage of listed building.
- No veranda, balcony, or raised platform.
- If container, then must be < 3,500 litres.



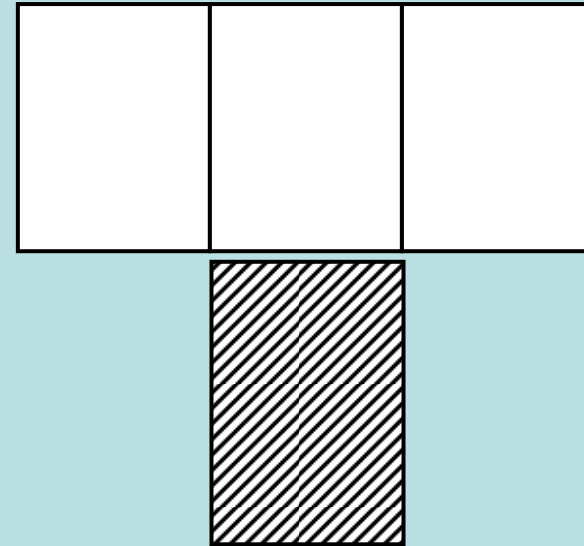
# Some implications of changes



(PLAN VIEW)

## Extension

3m projection limit helps  
protects neighbour amenity



(PLAN VIEW)

## Out building

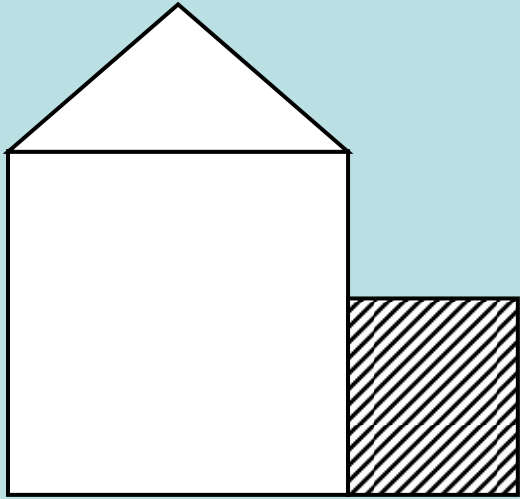
No such limit to protect neighbour amenity, even if  
outbuilding is next to the rear of the property.

(Although eaves of outbuilding  
is limited to 2.5m rather than 3m)



Charnwood

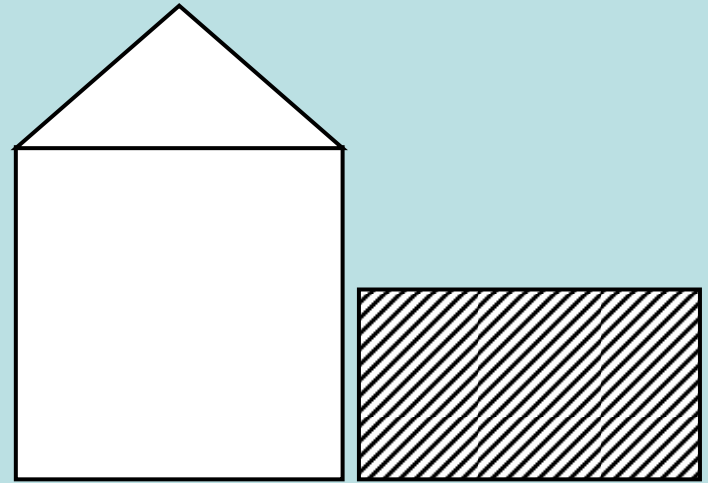
# Impact on street scene



(FRONT ELEVATION VIEW)

## Extension

“Half the width of the original dwellinghouse” limit helps protect street scene.



FRONT ELEVATION VIEW)

## Out building

No such limit to protect street scene.



Charnwood

**Self Assessment Form A**  
**Do I Need Planning Permission For An Alteration or Extension Attached To My House?**  
 (this includes conservatories, garages, windows etc.) (Class A)



Self

Assessment  
Form

*If you live in a flat, maisonette, mobile home or wish to develop a commercial property please contact the planning department as this form will not apply to you.*

From 1<sup>st</sup> October 2008 an extension or addition to your home will be considered to be permitted development, **not** needing planning permission if you answer "**NO**" to **ALL** of the following questions, comply with the following **CONDITIONS (A, B and C)** and there are no planning restrictions removing such rights on your property. For information see "Guidance" overleaf or for more information refer to our website. [Charnwood Borough Council - Extending Your Home](#)

Is the proposal:-			
1	higher than the highest part of the existing roof?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	higher at the eaves than the eaves of the existing house?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3	forward of the Principal Front Elevation or Side Elevation of the "original house" fronting a highway?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	a single-storey rear extension over 3 metres deep for an attached house? (measured from the "original house")	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	a single-storey rear extension over 4 metres deep for a detached house? (measured from the "original house")	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6	a single-storey rear extension over 4 metres in height?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7	a rear extension of more than one storey and extends beyond the rear wall of the "original house" by more than 3 metres?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8	a rear extension of more than one storey that is within 7 metres of the rear boundary?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9	within 2 metres of the boundary and over 3 metres high at the eaves?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10	extending beyond the side elevation of the "original house" and over 4 metres in height?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11	extending beyond the side elevation of the "original house" and more than 1 storey?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12	extending beyond the side elevation of the "original house" and more than half the width of the "original house"?	Yes <input type="checkbox"/>	No <input type="checkbox"/>



# CLEAR AS MUD

Hopefully a little clearer

