
STATUTORY INSTRUMENTS

2020 No. 755

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

Amendments to Part 1 of Schedule 2

3.—(1) Part 1 of Schedule 2 (permitted development rights - development within the curtilage of a dwellinghouse) is amended as follows.

(2) After Class A (enlargement, improvement or other alteration of a dwellinghouse) insert—

“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.

Development not permitted

AA.1. Development is not permitted by Class AA if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the dwellinghouse is located on—
 - (i) article 2(3) land; or
 - (ii) a site of special scientific interest;
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
- (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
- (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

- (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—
 - (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
 - (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
- (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (i) any additional storey is constructed other than on the principal part of the dwellinghouse;
- (j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or
- (k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions

AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

- (2) The conditions in this sub-paragraph are as follows—
 - (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) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
 - (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and
 - (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
- (3) The conditions in this sub-paragraph are as follows—
 - (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(1) 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;
- (c) the development must be completed within a period of 3 years starting with the date prior approval is granted;
- (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
- (e) that notification must be in writing and include—
 - (i) the name of the developer;
 - (ii) the address of the dwellinghouse; and
 - (iii) the date of completion.

Procedure for applications for prior approval

AA.3.—(1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)

(2) The application must be accompanied by—

- (a) a written description of the proposed development, including details of any works proposed;
- (b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
- (c) a plan which is drawn to an identified scale and shows—
 - (i) the existing and proposed elevations of the dwellinghouse, and
 - (ii) the position and dimensions of the proposed windows.

(3) The local planning authority may refuse an application where, in its opinion—

- (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, limitations or restrictions specified in paragraphs AA.1 and AA.2.

(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act(2), such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

- (a) describes the proposed development, including the maximum height of the proposed additional storeys;

(1) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

(2) See the definition of “the Act” in article 2 of [S.I. 2015/596](#).

- (b) provides the address of the proposed development; and
 - (c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.
- (6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.
- (7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.
- (8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012⁽³⁾ issued by the Secretary of State.
- (9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.
- (10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.
- (11) 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, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019⁽⁴⁾; and
 - (c) details of proposed building or other operations.
- (12) The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and
 - (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
- (13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.
- (14) The development must be carried out in accordance with the details approved by the local planning authority.
- (15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(3) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

(4) <https://www.gov.uk/government/publications/national-planning-policy-framework--2> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

Interpretation of Class AA

AA4.—(1) For the purposes of Class AA—

“defence asset” means a site identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of the powers conferred by article 31(1) of the Procedure Order or any previous powers to the like effect⁽⁵⁾;

“detached”, in relation to a dwellinghouse, means that the dwellinghouse does not—

- (a) share a party wall with another building; or
- (b) have a main wall adjoining the main wall of another building;

“principal part”, in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition;

“semi-detached”, in relation to a dwellinghouse, means that the dwellinghouse is neither detached nor a terrace house;

“technical sites” has the same meaning as in the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002⁽⁶⁾;

“terrace house” means a dwellinghouse situated in a row of three or more buildings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the building on either side; or
- (b) if it is at the end of a row, it shares a party wall with, or has a main wall adjoining the main wall of, a building which fulfils the requirements of paragraph a.

(2) In Class AA references to a “storey” do not include—

- (a) any storey below ground level; or
- (b) any accommodation within the roof of a dwellinghouse, whether comprising part of the original dwellinghouse or created by a subsequent addition or alteration, and accordingly, references to an “additional storey” include a storey constructed in reliance on the permission granted by Class AA which replaces accommodation within the roof of the existing dwellinghouse.”.

(3) In Class B (additions etc to the roof of a dwellinghouse), in paragraph B.1 (development not permitted)⁽⁷⁾—

- (a) at the end of sub-paragraph (f) omit “or”;
- (b) at the end of sub-paragraph (g) insert—
 - “; or
 - (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).”.

(5) Joint Circular 01/2003 issued on 27th January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

(6) Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27th January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

(7) Paragraph B.1 was amended by [S.I. 2020/632](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) In paragraph I (interpretation of Part 1), in the definition of “terrace house”, before “means” insert “, except in Class AA (enlargement of a dwellinghouse by construction of additional storeys),”.