

Appendix A

Town and Country Planning (General Permitted Development) (England) Order 2015/596 **Schedule 2 Permitted development rights** **para. AB Permitted development**

AB.— Permitted development

(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,

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]², 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]³, 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.

(4) In relation to Class AB, "*the 1987 Order*" means the Use Classes Order as in force on 5th March 2018.

AB.1.— Development not permitted

Development is not permitted by Class AB if—

(za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;

(a) the building was constructed before 1st July 1948 or after 5th March 2018;

(b) on 5th March 2018 the building was in a use other than—

- (i) a use or mixed use within paragraph AB(2)(a) or (b); or
- (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

(c) the additional storeys are constructed other than on the principal part of the building;

(d) 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 building;
- (e) the new dwellinghouses are not flats;
- (f) the height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres;
- (g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case);
- (h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than—
 - (i) 3.5 metres, where the existing building consists of one storey; or
 - (ii) 7 metres, where the existing building consists of more than one storey;
- (i) the existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise;
- (j) development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (k) development under Class AB(3)(a) would consist of engineering operations other than works within the existing curtilage of the building to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (l) in the case of Class AB(3)(b) development there is no existing plant on the building;
- (m) in the case of Class AB(3)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
- (n) development under Class AB(3)(c) would extend beyond the curtilage of the existing building;
- (o) development under Class AB(3)(d) would—
 - (i) extend beyond the curtilage of the existing building;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or
- (p) the land or site on which the building is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

AB.2.— Conditions

- (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 2012² issued by the Secretary of State,

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

(2) In sub-paragraph (1)(h), "*commercial premises*" means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

(3) Any development under Class AB is permitted subject to the condition that the development must not include a window in any wall or roof slope forming a side elevation of the building.

(4) Any development under Class AB 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.

(5) Any development under Class AB 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.

(6) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(7) The notification referred to in sub-paragraph (6) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(8) Following the development, every dwellinghouse in the building must remain in use 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.

Appendix B

Town and Country Planning (General Permitted Development) (Scotland) Order 1992/223 Schedule 1, Part 1a Installation of Domestic Microgeneration Equipment Class 6H

“(4) In this class—

“MCS Planning Standards” means the product and installation standards for air source heat pumps specified in the Microgeneration Certification Scheme MCS 0203;

“principal elevation” is a reference to the elevation of the original dwelling which by virtue of its design or setting, or both, is the principal elevation;

“rear elevation” means the elevation of the original dwelling that is opposite its principal elevation; and

“side elevation” means the elevation of the original dwelling linking the principal elevation with the rear elevation.”