

Summary of Amendment to GPDO Part 1 and Part 20 PD Rights (England) (2020)

#Permitted
Development Rights

Construction of New Dwellings in Airspace

Summary of Recent Amendments

In the Summer of 2020, the Government announced an update to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) through the introduction of a new 20th Part to the legislation in relation to the construction of new dwellings within the airspace above a range of buildings within England through permitted development rights (PDRs). These new PDRs came into force on the 31st August 2020.

It is important to note that many of the permitted development rights summarised below cannot be used in Article 2(3) land, SSSIs, on listed buildings, scheduled monuments, safety hazard areas, military explosives areas or within 3km of an aerodrome.

The latest set of PDRs detailed below are subject to various other limitations and conditions, including that which requires prior approval from the local planning authority. The information detailed below is a brief summary and a full review of the relevant legislation is therefore always recommended.

PD Rights:	Details:
Schedule 2 Part 1	
Class AA 'Enlargement of a dwellinghouse by construction of additional storeys'	This permits the enlargement of a dwellinghouse (C3) 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 existing dwellinghouse already consists of one storey. These additional storeys must be immediately above the topmost storey of the dwellinghouse, together with any engineering operations necessary for the purpose of that construction. Link: https://www.legislation.gov.uk/ukxi/2020/755/body/made?view=plain
Schedule 2 Part 20	
Class A 'New dwellinghouses on detached blocks of flats'	This permits the addition of up to two additional storeys of new residential flats above an existing, purpose-built detached block of flats. The new dwellings created under this PDR must fall within the C3 use and cannot be converted to HMOs. Link: https://www.legislation.gov.uk/ukxi/2020/632/regulation/22/made
Class AA 'New dwellinghouses on detached buildings in commercial or mixed use'	This permits the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building in use as shops, financial and professional services, restaurants and cafes, offices, betting office, payday loan shop, or laundrette or in a mixed use along with C3 (residential) resulting in shops with flats above.
Class AB 'New dwellinghouses on terraced buildings in commercial or mixed use'	This permits the addition of a) up to two additional storeys, in the case of an existing building consisting of two or more storeys; and b) one additional storey, in the case of an existing building consisting of one storey which is in use as shops, financial and professional services, restaurants and cafes, offices, betting office, pay day loan shop or laundrette or mixed use along with C3 (residential) which result in shops with flats above.
Class AC 'New dwellinghouses on terraced buildings in use as dwellinghouses'	This permits the addition of a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys; and b) one additional storey, in the case of an existing dwellinghouse consisting of one storey, immediately above the topmost storey on a terrace building in use as a single dwellinghouse within C3.

<p>Class AD <i>'New dwellinghouses on detached buildings in use as dwellinghouses'</i></p>	<p>This permits the construction of new dwellinghouses immediately above the topmost storey on a detached building in use as a single dwellinghouse. This allows for a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys, or b) one additional storey in the case of an existing dwellinghouse comprising one storey.</p> <p>Further details of Class AA-AD can be found using the following link: https://www.legislation.gov.uk/uksi/2020/755/made</p>
<p>Class ZA <i>'Demolition of buildings and construction of new dwellinghouses in their place'</i></p>	<p>This permits the demolition of either a single purpose-built detached block of flats or a single detached building in use as office, research and development, light industrial (previous B1 Use Class) that was existing on 12th March 2020, and its replacement with a single purpose-built detached block of flats or detached dwellinghouse with up to two additional storeys (providing the overall height is not increased by 7m or the total height does not exceed 18m).</p> <p>The footprint of the existing building must not exceed 1,000m² and it does not permit the demolition of part of a building only or more than one building. The old building must have been constructed before 31 December 1989, must not be greater than 18m in height, and must have been vacant for at least 6 months prior to the date of the application.</p> <p>Link: https://www.legislation.gov.uk/uksi/2020/756/made?view=plain</p>