
WELSH STATUTORY INSTRUMENTS

2013 No. 1776 (W. 177)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013

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| <i>Made</i> | - - - - | <i>15 July 2013</i> |
| <i>Laid before the National Assembly for Wales</i> | - - | <i>17 July 2013</i> |
| <i>Coming into force</i> | - - | <i>30 September 2013</i> |

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59, 60, 61, and 333(7) of the Town and Country Planning Act 1990⁽¹⁾ and now exercisable by them⁽²⁾, make the following Order.

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and it comes into force on 30 September 2013.

(2) This Order applies in relation to Wales.

Householder Permitted Development Rights

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995⁽³⁾ is amended in accordance with this article.

(2) In article 4(5)—

(a) in sub-paragraph (d) after “enclosure,” insert “raised platform,”;

(b) in sub-paragraph (g) for “erection” substitute “installation”.

(3) For Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse) substitute Part 1 as set out in the Schedule to this Order.

(1) 1990 c.8; to which there are amendments not relevant to this Order.

(2) The functions of the Secretary of State under sections 59, 60, 61 and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c.8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the functions being relevant Assembly functions as defined in paragraph 30(2).

(3) S.I. 1995/418. Relevant amendments were made by S.I. 2009/2193 (W.185).

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15 July 2013

Carl Sargeant
Minister for Housing and Regeneration, one of
the Welsh Ministers

SCHEDULE

Article 2

PART 1

DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class A

Permitted development

- A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

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

- (a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (d) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and—
 - (i) the height of the eaves of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 3 metres; or
 - (ii) the height of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 4 metres;
- (e) the enlarged part of the dwellinghouse would extend beyond a wall comprised in the principal elevation of the original dwellinghouse;
- (f) the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the existing dwellinghouse, and would be nearer to the highway than—
 - (i) the wall comprised in that side elevation which is nearest to the highway; or
 - (ii) any point 5 metres from the highway;whichever is the nearer to the highway;
- (g) the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the original dwellinghouse, would have a single storey and—
 - (i) the enlarged part of the dwellinghouse would exceed 4 metres in height; or
 - (ii) the width of the widest part of the resulting dwellinghouse would exceed the width of the widest part of the original dwellinghouse by more than 50%;
- (h) the enlarged part of the dwellinghouse would extend beyond a wall comprised in a side elevation of the original dwellinghouse, would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse, and—
 - (i) the enlarged part of the dwellinghouse would be within 10.5 metres of any boundary which is—
 - (aa) a boundary of the curtilage of the dwellinghouse; and

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- (bb) opposite the relevant side elevation;
- (ii) the enlarged part of the dwellinghouse would be set back, by less than 1 metre, from the point nearest to that part in any wall comprised in the principal elevation of the original dwellinghouse; or
- (iii) the width of the widest part of the resulting dwellinghouse would exceed the width of the widest part of the original dwellinghouse by more than 50%;
- (i) the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have a single storey and would —
 - (i) extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres; or
 - (ii) exceed 4 metres in height;
- (j) the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse, and—
 - (i) the ground floor storey would extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres;
 - (ii) the first floor or higher storey would extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 3 metres; or
 - (iii) the first floor or higher storey would be within 10.5 metres of any boundary which is—
 - (aa) a boundary of the curtilage of the dwellinghouse; and
 - (bb) opposite the rear wall of the dwellinghouse;
- (k) it would consist of or include external wall insulation which projects from that part of the exterior of the dwellinghouse to which it is affixed by more than 16 centimetres; or
- (l) it would consist of or include—
 - (i) the construction or provision of a veranda or raised platform;
 - (ii) the construction or provision of a balcony which—
 - (aa) contains a platform of any description;
 - (bb) projects from the part of the exterior of the dwellinghouse to which it is affixed by more than 30 centimetres;
 - (cc) if projected downwards in a vertical line to ground level, is within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation; or
 - (dd) would be affixed to a wall comprised in the principal elevation of the dwellinghouse;
 - (iii) the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure;
 - (iv) the installation, alteration or replacement of a microwave antenna;
 - (v) the installation, alteration or replacement of a chimney;
 - (vi) the installation, alteration or replacement of an air source heat pump, solar PV or solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system;

- (vii) the installation of shutters on any part of the principal elevation of the dwellinghouse;
or
- (viii) an alteration to any part of the roof of the dwellinghouse, being an alteration which does not fall within paragraphs A.1(l)(i) to(vii).

A.2. In the case of a dwellinghouse on article 1(5) land or within a World Heritage Site, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the existing dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic, metal or tiles;
- (b) it would consist of or include external wall insulation;
- (c) the enlarged part of the dwellinghouse would have a single storey, would extend beyond a wall comprised in a side elevation of the original dwellinghouse and would—
 - (i) extend beyond the relevant part or, as the case may be, any of the relevant parts of a wall comprised in a side elevation of the original dwellinghouse by more than 3 metres; or
 - (ii) be set back, by less than 1 metre, from the nearest point in any wall comprised in the principal elevation of the original dwellinghouse; or
- (d) the enlarged part of the dwellinghouse would have more than one storey, either in its own right or if considered together with any part of the existing dwellinghouse.

Conditions

A.3. Development is permitted by Class A subject to the following conditions—

- (a) the appearance of the materials used in the walls, roof or other element of any exterior work must so far as practicable match the appearance of the materials used in the majority of the equivalent element of the existing dwellinghouse;
- (b) if any element of an upper-floor window located in a wall, roof slope or other element of a side elevation of the dwellinghouse would, if projected downwards in a vertical line to ground level, be within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant wall or roof slope, then the window must be—
 - (i) obscure-glazed;
 - (ii) non-opening unless any part of the window which can be opened is, when measured at any point along the lowest edge of that part, at least 1.7 metres above the internal floor or stair of the dwellinghouse directly below that point; and
 - (iii) permanently maintained in compliance with paragraphs A.3(b)(i) and (ii); and
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part must, so far as practicable, match the roof pitch of the existing dwellinghouse.

Interpretation of Class A

A.4. For the purposes of paragraph A.1(b)—

- (a) in determining the height of the highest part of the roof of the existing dwellinghouse, no account is to be taken of any relevant structure projecting from that roof;
- (b) in the determination of the height of the highest part of the dwellinghouse enlarged, improved or altered, account is to be taken of any relevant structure comprised in that part; and

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(c) “relevant structure” means any parapet wall, firewall, chimney or other roof furniture or similar structure.

A.5. In determining the height of the eaves for the purposes of paragraphs A.1(c) and A.1(d)—

- (a) the determination is to be made by reference to the point where the external walls of the dwellinghouse would, if projected upwards, meet the lowest point of the upper surface of the roof; but
- (b) no account is to be taken of any parapet wall or any part of the roof slope which overhangs the external walls of the dwellinghouse; and
- (c) where the existing dwellinghouse has eaves at differing heights, a determination for the purposes of paragraph A.1(c) is to be made by reference to the eaves of the part of the existing dwellinghouse from which the enlarged, improved or altered part of the dwellinghouse extends.

A.6. For the purposes of paragraphs A.1(e) and A.1(f), the enlarged part of the dwellinghouse is to be determined to extend beyond a wall referred to in those paragraphs if it would be in front of—

- (a) In the case of a wall referred to in paragraph A.1(e)—
 - (i) that wall in its original form; or
 - (ii) that wall as it would exist if its original form were to have been extended, continuing the line of the wall, from each of its side edges to the boundary of the present curtilage of the dwellinghouse; or
- (b) In the case of a wall referred to in paragraph A.1(f)—
 - (i) that wall as it exists; or
 - (ii) that wall as it would exist if it were to be extended, continuing the line of the wall, from each of its side edges to the boundary of the curtilage of the dwellinghouse.

A.7. In determining the height of the enlarged part of the dwellinghouse for the purposes of paragraph A.1(g)(i) or A.1(i)(ii), account is to be taken of any parapet wall, firewall, chimney or other roof furniture or similar structure comprised in that part.

A.8. For the purposes of paragraph A.1(g)(ii) or A.1 (h)(iii) “resulting dwellinghouse” means the dwellinghouse as enlarged, improved or altered, taking into account any enlargement, improvement or alteration to the original dwellinghouse, whether permitted by this Part or not.

Class B

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

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

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which—
 - (i) is comprised in a side elevation of the existing dwellinghouse; and

- (ii) is within 10.5 metres from a highway opposite the side elevation of the dwellinghouse;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house; or
 - (ii) 50 cubic metres in any other case;
- (e) other than in the case of a hip to gable enlargement, any part of the enlargement would be less than 20 centimetres from the eaves of the existing roof;
- (f) it would consist of or include—
 - (i) the construction or provision of a veranda or raised platform ;
 - (ii) the construction or provision of a balcony which—
 - (aa) contains a platform of any description;
 - (bb) projects from the part of the exterior of the dwellinghouse to which it is affixed by more than 30 centimetres; or
 - (cc) if projected downwards in a vertical line to ground level, is within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation; or
 - (iii) the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure; or
- (g) the dwellinghouse is on article 1(5) land or within a World Heritage Site.

Conditions

B.2. Development is permitted by Class B subject to the following conditions—

- (a) the appearance of the materials used in each element of any exterior work must so far as practicable match the appearance of the materials used in the equivalent element of the existing dwellinghouse; and
- (b) if any element of a window inserted on a roof slope or other element of a side elevation of the dwellinghouse would, if projected downwards in a vertical line to ground level, be within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation, then the window must be—
 - (i) obscure-glazed;
 - (ii) non-opening unless any part of the window which can be opened is, when measured at any point along the lowest edge of that part, at least 1.7 metres above the internal floor or stair of the dwellinghouse directly below that point; and
 - (iii) permanently maintained in compliance with the requirements of paragraphs B.2 (b) (i) and (ii).

Interpretation of Class B

B.3. For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4. In determining the height of the highest part of the existing roof for the purposes of paragraph B.1(a), no account is to be taken of any parapet wall, firewall, chimney or other roof furniture or similar structure projecting from that roof.

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B.5. For the purposes of paragraph B.1(b), a hip to gable extension which would result in the enlargement of the area of an existing roof slope forming the principal elevation of the dwellinghouse is not to be taken to be development extending beyond the plane of that roof slope.

B.6. For the purposes of paragraph B.1(e)—

- (a) measurement to the eaves is to be made to the point where the external walls of the dwellinghouse would, if projected upwards, meet the lowest point of the upper surface of the roof; but
- (b) no account is to be taken of any parapet wall or any part of the roof surface which overhangs the external walls of the dwellinghouse.

Class C

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

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

- (a) the alteration would protrude more than 15 centimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (b) it would result in the highest part of the alteration being higher than the highest part of the original roof;
- (c) it would consist of or include—
 - (i) the installation, alteration or replacement of a chimney;
 - (ii) the installation, alteration or replacement of a microwave antenna;
 - (iii) the installation, alteration or replacement of an air source heat pump, solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system;
 - (iv) the construction or provision of a veranda or raised platform;
 - (v) the construction or provision of a balcony which—
 - (aa) contains a platform of any description;
 - (bb) projects from the part of the exterior of the dwellinghouse to which it is affixed by more than 30 centimetres; or
 - (cc) if projected downwards in a vertical line to ground level, is within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation;
 - (vi) the construction or provision of a roof terrace, whether or not it would incorporate associated railings, fencing or other means of enclosure;
 - (vii) the removal of a chimney from a dwellinghouse on article 1(5) land or within a World Heritage Site; or
- (d) the alteration would consist of or include the insertion of a roof light into a roof slope and the dwellinghouse is on article 1(5) land or within a World Heritage Site.

Conditions

C.2. Development is permitted by Class C subject to the following conditions—

- (a) the appearance of the materials used in each element of any exterior work must so far as practicable match the appearance of the materials used in the equivalent element of the existing dwellinghouse; and
- (b) if any element of a window inserted on a roof slope or other element of a side elevation of the dwellinghouse would, if projected downwards in a vertical line to ground level, be within 10.5 metres of any boundary of the curtilage of the dwellinghouse opposite the relevant side elevation, the window must be—
 - (i) obscure-glazed;
 - (ii) non-opening unless any part of the window which can be opened is, when measured at any point along the lowest edge of that part, at least 1.7 metres above the internal floor or stair of the dwellinghouse directly below that point; and
 - (iii) permanently maintained in compliance with paragraphs C.2(b)(i) and (ii).

Interpretation of Class C

C.3. For the purposes of paragraph C.1(b)—

- (a) in the determination of the height of the highest part of the original roof, no account is to be taken of any relevant structure projecting from that roof;
- (b) in the determination of the height of the highest part of the alteration, account is to be taken of any relevant structure comprised in the alteration; and
- (c) “relevant structure” means any parapet wall, firewall, chimney or other roof furniture or similar structure.

Class D

Permitted development

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development not permitted

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

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;
- (b) any part of the structure would be more than 3 metres above ground level; or
- (c) any part of the structure would be within 2 metres of any boundary between the curtilage of the dwellinghouse and a highway.

Class E

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, raised platform, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building, enclosure, platform or pool; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

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Development not permitted

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

- (a) the total area of ground covered by buildings, enclosures, raised platforms, pools and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) any part of the building, enclosure, raised platform, pool or container would extend beyond a wall comprised in the principal elevation of the original dwellinghouse;
- (c) any part of the building, enclosure, raised platform, pool or container would extend beyond a wall comprised in a side elevation of the existing dwellinghouse, and would be nearer to the highway than—
 - (i) the wall comprised in that side elevation which is nearest to the highway; or
 - (ii) any point 5 metres from the highway;whichever is the nearer to the highway;
- (d) the building would have more than one storey;
- (e) the height of any part of the building, enclosure or container, measured from the surface of the ground immediately adjacent to that part, would exceed—
 - (i) 4 metres in the case of a building having a roof with more than one pitch;
 - (ii) 3 metres in any other case;
- (f) any part of the building, enclosure or container would be—
 - (i) within 2 metres of the boundary of the curtilage of the dwellinghouse; and
 - (ii) exceed 2.5 metres in height above the surface of the ground immediately adjacent to it;
- (g) the height of the eaves of the building, measured at any point along their length, would exceed 2.5 metres;
- (h) any part of the building, enclosure, pool or container would —
 - (i) be situated within 2 metres of the dwellinghouse; and
 - (ii) exceed 1.5 metres in height above the surface of the ground immediately adjacent to it;
- (i) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (j) it would include the construction or provision of a veranda, balcony or raised platform of which any part is more than 30 centimetres above the surface of the ground directly below it;
- (k) it would include the enlargement, improvement or other alteration of any part of a dwellinghouse;
- (l) it would include the installation, alteration or replacement of a microwave antenna; or
- (m) the capacity of the container would exceed 3,500 litres.

E.2. In the case of any land within the curtilage of the dwellinghouse which is on article 1(5) land or within a World Heritage Site, development is not permitted by Class E if—

- (a) the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres;
- (b) any part of the building, enclosure, pool or container would be situated on land between a wall comprised in a side elevation of the existing dwellinghouse and the section of the boundary of the curtilage of the dwellinghouse which faces that wall.

Interpretation of Class E

E.3. For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

E.4. For the purposes of paragraphs E.1(b) and E.1(c), a part of a building, enclosure, pool or container is to be determined to extend beyond a wall referred to in those paragraphs if it would be in front of—

- (a) in the case of a wall referred to in paragraph E.1(b)—
 - (i) that wall in its original form; or
 - (ii) that wall as it would exist if its original form were to have been extended, continuing the line of the wall, from each of its side edges to the boundary of the present curtilage of the dwellinghouse; or
- (b) in the case of a wall referred to in paragraph E.1 (c)—
 - (i) that wall as it exists; or
 - (ii) that wall as it would exist if it were to be extended, continuing the line of the wall, from each of its side edges to the boundary of the curtilage of the dwellinghouse.

E.5. In determining the height of the eaves for the purposes of paragraph E.1(g)—

- (a) the determination is to be made by reference to the point where the external walls or other structure supporting the roof meet, or would meet if projected upwards, the lowest point of the upper surface of the roof; but
- (b) no account is to be taken of any parapet wall or any part of the roof slope which overhangs the external walls or other structure supporting the roof.

Class F

Permitted development

F. Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

Development not permitted

F.1. Development is not permitted by Class F within the curtilage of a listed building.

Conditions

F.2. Development is permitted by Class F subject to the condition that where:

- (a) the area of ground to be covered by the hard surface is situated forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway, or
- (b) the area of hard surface to be replaced would be forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway, and (taking into account any area of hard surface previously replaced) would exceed 5 square metres, the hard surface must be —
 - (i) porous or permeable; or

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- (ii) provided to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
- (iii) permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Interpretation of Class F

F.3. For the purposes of F.2—

“previously replaced” means replaced without compliance with that condition within the 6 month period prior to undertaking the development in question; and

the “principal elevation” is (i) the wall of the principal elevation in its original form; or (ii) that wall as it would exist if its original form were to have been extended, continuing the line of the wall, from each of its side edges to the boundary of the present curtilage of the dwellinghouse.

Class G

Permitted development

G. The installation, alteration or replacement of a chimney on a dwellinghouse.

Development not permitted

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

- (a) the height of the chimney would exceed the highest part of the roof by 1 metre or more; or
- (b) the dwellinghouse is located on article 1(5) land or within a World Heritage Site.

Interpretation of Class G

G.2. In determining the height of the highest part of the roof for the purposes of paragraph G.1(a), no account is to be taken of any parapet wall, firewall, chimney or other roof furniture or similar structure projecting from the roof.

Class H

Permitted development

H. The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Development not permitted

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

- (a) it would result in the presence on the dwellinghouse or within its curtilage of—
 - (i) more than two antennas;
 - (ii) a single antenna exceeding one metre in length;
 - (iii) two antennas which do not meet the relevant size criteria;
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
 - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or
 - (vi) an antenna with a cubic capacity in excess of 35 litres;

- (b) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
- (c) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower; or
- (d) in the case of article 1(5) land or a World Heritage Site, it would consist of the installation of an antenna—
 - (i) on a chimney, wall or roof slope which fronts, and is visible from, a highway; or
 - (ii) on a building which exceeds 15 metres in height.

Conditions

H.2. Development is permitted by Class H subject to the following conditions—

- (a) an antenna installed on a building must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and
- (b) an antenna no longer needed for reception or transmission purposes must be removed as soon as reasonably practicable.

Interpretation of Class H

H.3. For the purposes of paragraph H.1(a), the length of an antenna is to be measured in any linear direction, and any projecting feed element, reinforcing rim, mounting or bracket is to be excluded.

H.4. The maximum number of antennas for the purpose of paragraph H.1(a) includes any small antenna permitted under Class A of Part 24.

H.5. The relevant size criteria for the purposes of paragraph H.1(a)(iii) are that—

- (a) only one of the antennas may exceed 60 centimetres in length; and
- (b) any antenna which exceeds 60 centimetres in length must not exceed one metre in length.

H.6. For the purposes of paragraph H.1(d)(i), an antenna is to be treated as visible from a highway if it would be so visible save for intervening trees or other vegetation.

Interpretation of Part 1

I.1. For the purposes of Part 1—

“raised” in relation to a platform means a platform with a height greater than 30 centimetres; and

“terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse 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 dwellinghouse which fulfils the requirements of sub-paragraph (a).

I.2. In the determination of the principal and other elevations of a dwellinghouse for the purposes of Part 1—

- (a) an elevation may comprise more than one wall;
- (b) a principal elevation must be determined in relation to the dwellinghouse;
- (c) the principal elevation—

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- (i) is the elevation of the dwellinghouse which is the first in importance, taking into account the design and architectural features of the dwellinghouse; and
 - (ii) is not to comprise more than one elevation of the dwellinghouse;
 - (d) the elevation of the dwellinghouse which is determined to be the principal elevation—
 - (i) is to be deemed also to be the front elevation of the dwellinghouse; and
 - (ii) the side and rear elevations of the dwellinghouse are to be determined accordingly.
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”). The 1995 Order confers permitted development rights in respect of certain development. Where such rights apply, no specific application for planning permission is needed.

Article 2 and the Schedule substitute a new Part 1 of Schedule 2 to the 1995 Order. Part 1 of Schedule 2 confers permitted development rights in relation to development within the curtilage of a dwellinghouse. The new Part 1 of Schedule 2 makes changes to the permitted development rights in relation to the enlargement, improvement or alteration of a dwellinghouse (Class A); the enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B); any other alteration to the roof of a dwellinghouse (Class C); the provision within the curtilage of any building, enclosure, pool or container (Class E); and the provision within the curtilage of a hard surface (Class F). The previous Class G (erection or provision within the curtilage of a container) is subsumed within the new Class E. A new Class G confers permitted development rights in relation to the installation, alteration or replacement of a chimney. Class H (installation, alteration or replacement of a microwave antenna) is amended to provide for when an antenna is treated as visible from a highway.

Class D (erection or construction of a porch) is unchanged.

An impact assessment has been prepared in relation to these Regulations. Copies are available from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government’s website at www.wales.gov.uk.