

NEW VERTICAL EXTENSION RIGHTS SIMPLIFIED

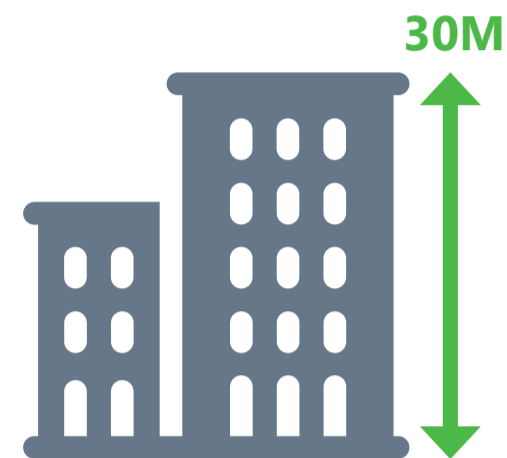
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NEXUS
PLANNING

On 1 August 2020 a new permitted development right will be introduced in England which will allow up to 2 storeys to be added to existing blocks of flats, subject to Prior Approval. Part 20, Class A of the GDPO (2015) will allow for the “construction of up to 2 additional storeys of new dwelling houses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats”.

In order to be eligible for this permitted development the residential building must:

- Have been built after 1 July 1948 and before 5 July 2018
- Have no other uses within the building or on the ground floor, unless they are ancillary facilities constructed solely for use by occupiers for the building
- Be more than 3 storeys in height above ground level
- Be a purpose-built residential dwelling (meaning that if the residential dwellings were granted under office to residential Prior Approval (Class O) of Part 3 of the GDPO (2015), then development will not be permitted. This also applies to Use Class M, N, P, PA and Q)
- Not be; a Listed Building or land within the curtilage of a Listed Building, form part of a conservation area or any other Article 2(3) land, a safety hazard area, a Site of Special Scientific Interest, a military explosive storage area, or be on land within 3km of an aerodrome
- Not already be a building of more than 30m in height



If these boxes are ticked, then the ‘right’ can be triggered. In terms of design, the following must then result:

- The extended building (not including plant) must not be greater than 30m in height from the ground floor level
- The extension must be made to the principal elevation
- The extension itself must not be greater than 7m higher than the highest part of the existing roof
- Each additional storey must not be more than 3m in height or more than the floor to ceiling height of any of the existing storeys (whichever is the lesser)
- The resultant extension must be used for residential flats
- All new units will be required to comply with the nationally described space standards (from 6th April 2021)

If the site meets the above parameters and criteria, a Prior Approval application can be submitted to the Local Planning Authority to authorise the upwards extension. The following information must be submitted to the Council in order to assess the impact of the development:

- Transport and highways impacts
- Air traffic and defence asset impacts
- Contamination risks
- Flooding risk
- External appearance
- The provision of adequate natural light in all new habitable rooms
- Amenity impacts in terms of overlooking, privacy and loss of light
- Impact on any protected views
- Construction management plan

Where the existing building is 18m taller or more, to provide a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with relevant fire safety regulations (Paragraph B4(1) of Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214))

The Local Planning Authority has 8 weeks to determine the application, after which there is the right to appeal against the non-determination of the application.

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