

VERTICAL EXTENSIONS FOR NEW DWELLING FLATS ABOVE EXISTING COMMERCIAL OR MIXED USE BUILDINGS (1-2 STOREYS)

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NEXUS
PLANNING

Class AA and Class AB of Part 20 of Schedule 2 of the GPDO will allow for the construction of vertical extensions (1-2 storeys) to create new flats on buildings in commercial or mixed use.

- Class AA relates to Detached Commercial / Mixed Use Buildings
- Class AB relates to Terraced or semi-detached Commercial / Mixed Use Building

Permitted Development Rights consisting of works for the construction of up to two additional storeys of new dwelling houses immediately above the topmost storey on a building falling Use Class A1, A2, A3, B1a, Betting Office, Pay Day Loan Shop or Launderette (or some combination of these uses), or a use falling in use Class C3 plus any of the above listed non-residential uses.

This right covers construction of up to two storeys, as well as the necessary works associated with construction including:

- engineering operations reasonable necessary for the construction,
- replacement of existing plant or installation of additional plant,
- construction of safe access (including fire escape, external doors, external staircases),
- construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwelling houses.

Restrictions applicable to both Class AA (Detached) and Class AB (Terraced / Semi-Detached):

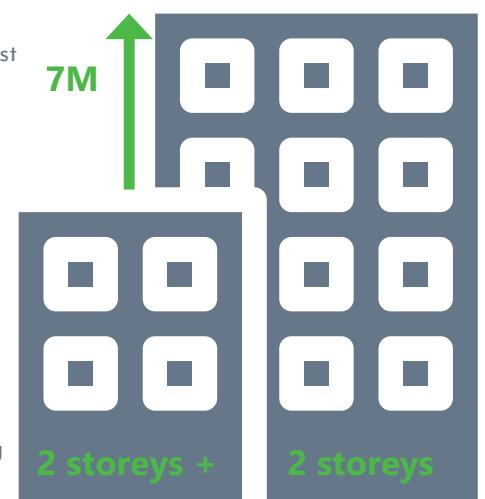
- Building must have been built between 1 July 1948 and 5 March 2018
- Not applicable if the building was not in use as A1, A2, A3, B1a, betting office, pay day loan shop, launderette, or C3 (or some combination of these uses) on 5 March 2018
- Must be constructed on the principal part of the building
- New dwelling houses created must be flats
- No exterior visible structural supports once works have been completed
- The internal floor to ceiling height cannot exceed the lower of:
 - 3m; or
 - The existing floor to ceiling height measured internally or any storey of the principal part of the existing dwelling
- Not applicable on sites that are:
 - Article 2(3) Land
 - Site of Special Scientific Interest
 - Conservation Areas, Listed Building or land within their curtilage
 - Scheduled Monument of land within its curtilage
 - Safety Hazard Area
 - Military Explosives Storage Area
 - Land within 3km of the perimeter of an aerodrome
- All new units will be required to comply with the nationally described space standards (from 6th April 2021)

Restrictions applicable to Class AA (Detached Buildings) only:

- The existing building must be 3 storeys in height to begin with (not including basement) to be eligible for this permitted development right
- Extension can add no more than 7m to the existing height of the building (Excl. Plant) for detached buildings (Class A)
- Extension cannot result in the highest part of the building exceeding a total height of 30m (Excl. Plant)
- 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))

Restrictions applicable to Class AB (Terraced / Semi-detached Buildings) only:

- For terraced buildings (Class AB), the right applies to single storey buildings, however, only 1 additional storey can be added (no more than 3.5m)
- For terraced buildings of 2+ storeys, up to 2 additional storeys can be added (no more than 7m)
- Extension cannot result in the highest part of the building exceeding a total height of 18m (Excl. Plant)
- Extension cannot result in the highest part of the roof of the extended building exceeding the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part by more than 3.5 metres (excl. Plant)
- PD Not applicable if the original terraced building has been allowed an additional storey previously (either under Permitted Development Rights or via Planning Permission)



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If the site and proposal meets the above parameters and criteria, a Prior Approval application can be submitted to the Local Planning Authority to authorise the proposal. The Council will take the following matters into consideration in order to assess the impact of the development:

- Traffic and highways impacts
- Amenity of Neighbours (privacy, overlooking and loss of light)
- Air traffic and defence asset impacts
- Contamination risks in relation to the building
- Flooding risks
- External appearance
 - o Design & architecture (principal elevation & side elevation if fronting highway)
 - o Works to facilitate site access (fire escape, external doors and stairs)
 - o Works to facilitate storage, waste or any other ancillary facilities
- Natural light to habitable rooms of new dwellings
- Noise impacts from any commercial premises (within the application building, or within the surrounding area) on the proposed dwellings
- 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
- Impact on Protected Views or Protected Vistas

If approved, the development will be subject to conditions such as the development must be completed within 3 years from the date of the permission, a construction management plan must be submitted to the LPA, and no windows are allowed on side facing walls or roof slopes.

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.

Nexus Planning would be pleased to assess buildings within your existing or prospective portfolio to establish whether the new Permitted Development Right may apply. If you would like to discuss the opportunity these new rights afford further, then please do not hesitate to contact us.

For further information please contact:

London

James Singer
Associate Director

+44 (0) 7762 129 577
j.singer@nexusplanning.co.uk

Reading

Andrew Somerville
Associate Director

+44 (0) 7584 471 897
a.somerville@nexusplanning.co.uk

Manchester

Heather Lindley-Clapp
Associate Director

+44 (0) 7795 971 672
h.lindley-clapp@nexusplanning.co.uk

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