

# NEW RIGHTS FOR THE DEMOLITION OF BUILDINGS AND THE CONSTRUCTION OF DWELLING HOUSES SIMPLIFIED

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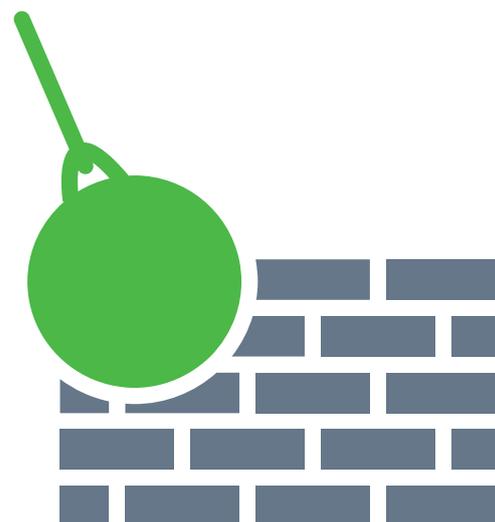
NEXUS  
PLANNING

On the 31 August 2020 at 10am a new permitted development right will be introduced in England which will allow for the demolition of buildings and construction of new dwelling houses in their place, subject to Prior Approval. Part 20, Class ZA of the GDPO (2015) allows for the “*demolition of buildings and construction of new dwelling houses in their place*”. The permitted development allows for the demolition of either a single purpose-built detached block of flats or any other single detached use class B1 building and for the construction of either a purpose built detached block of flats or a purpose built detached dwelling house. Class ZA also allows for a number of ‘operations’ such as removal of plant and waste or the use of scaffolding in order to facilitate the development. Replacement buildings can include basements or cellars, even if the original building does not.



In order to be eligible for this permitted development, the site must meet the following criteria:

- The building must have been constructed before 31 December 1989
- The footprint of the old building must not exceed 1,000sqm
- The height of the old building must not exceed 18m at any point (not including plant, radio masts or antennae)
- The old building must have been vacant for a period of at least 6 months prior to the date of application
- The land must not be occupied by an agricultural tenancy (unless express consent has been obtained); form part of a conservation area or any other Article 2(3) land; a SSSI; not be a Listed Building or land within the curtilage of a Listed Building; not be a scheduled monument or land within its curtilage; form part or a safety hazard area or military explosive storage area; or be within 3 km of the perimeter of an aerodrome
- The old building must not have been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and is practicable to secure safety or health by works of repair or works
- The demolition is not “relevant” demolition for the purposes of a Section 196D of the Act (demolition of an unlisted etc building in a conservation area)



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

- The footprint of the building must not fall outside the footprint of the old building
- The height (not including plant, radio masts and antennae) would exceed either 7m above the height of the old building or 18m above ground level, whichever is lower
- The building must not be more than 2 storeys higher than the old building
- If the new building has more storeys than the old building, then the floor to ceiling height of the any additional storey, when measured internally must not be greater than the floor to ceiling height of any storey in the old building or 3m (whichever is lower)
- Proposed plant cannot be greater in height than that on the exiting building when measured from the lowest surface of the roof
- The wall of the new building nearest to the highway cannot move closer to the highway than the existing building
- All new units will be required to comply with the nationally described space standards (*from 6th April 2021*)

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

- Transport and highways impact of the development
- Contamination risks
- Flooding risks
- The design of the new build
- The external appearance
- The provision of adequate natural light in all habitable rooms
- Amenity impacts, in terms of overlooking, privacy and light
- Noise impacts
- The impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place
- Heritage and archaeological impact
- Method of demolition
- Landscaping plans, including a maintenance plan
- If the development occupies airspace not occupied by the old building then:
  - o Any impacts on air traffic and defence asset
  - o Impact on Protected Vistas

If approved, the development will be subject to conditions such as but not limited to the development must be completed within 3 years from the date of the permission and a construction management plan must be submitted to the LPA.

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.**

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