



Report to Planning Committee 14 March 2024

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Report Summary	
Report Title	Changes to Various Permitted Development Rights: Consultation
Purpose of Report	To set before Planning Committee a consultation by the Government and consider the proposed response to be made
Recommendations	<ul style="list-style-type: none"> a) The contents of the report and the proposal for further permitted development rights to be noted and b) That, subject to any other comments Planning Committee agrees to make, that it endorses the draft Council response in Appendix 1.

1.0 Background

- 1.1 On 13th February 2024, the Department for Levelling Up, Housing and Communities commenced a consultation on Changes to various permitted development rights. The consultation runs for 8 weeks from the 13th February to 9th April 2024.
- 1.2 The accompanying consultation paper is not available as a downloadable format, however it can be viewed using the following link [Changes to various permitted development rights: consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/changes-to-various-permitted-development-rights-consultation). There are 53 consultation questions – attached at appendix A, together with the suggested response of the Council.
- 1.3 Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. They are subject to limitations and conditions to manage impacts and protect local amenity.
- 1.4 The Government states it wants to support householders to make the changes they need to meet today’s living demands and maximise the usability of space within their homes. There are currently a range of permitted development rights that allow for enlargements, improvements and alterations to homes. The consultation proposes amendments to these permitted development rights “...to ensure that they are fit for purpose and provide the flexibility needed for householders...”.
- 1.5 The section below provides the Government’s (largely quoted) proposed additional permitted development rights, why they are needed and the suggested changes, in addition to questions whether others should be considered.

2.0 Proposal/Options Considered and Reasons for Recommendation

1. Changes to the permitted development rights for householder development

- 2.1 Householder permitted development rights allow householders to undertake a broad range of works to improve, extend and alter their homes without the need to submit a planning application. The rights allow for the enlargement of a dwellinghouse such as rear or side extensions as well as alterations and extensions to the roof. The rights are subject to limitations and conditions to control impacts and protect local amenity.
- 2.2 The consultation relates to larger extensions, loft extensions, additions and alterations to the roof and bin and bike stores in front gardens. Only those elements of the existing limitations and conditions that are proposed for being amended are detailed below.

The enlargement, improvement or other alteration to homes

- 2.3 An existing permitted development right allows for the construction of single-storey rear extensions, two-storey rear extensions and single-storey side extensions. The right is subject to limitations and conditions, which vary depending on the type of dwellinghouse being extended or the type of extension.
- 2.4 At present, the permitted development right allows for smaller and larger single-storey rear extensions. A smaller single-storey rear extension cannot extend beyond the rear of the original dwellinghouse by more than 4 metres if a detached house, or by more than 3 metres in any other case. Where a dwellinghouse is not in a conservation area or on a site of special scientific interest, single-storey rear extensions can be larger; they cannot extend beyond the rear of the original dwellinghouse by more than 8 metres if a detached house, or by more than 6 metres in any other case. Larger single-storey rear extensions are subject to a prior approval process and consultation with the adjoining neighbours to allow potential assessment of the impact of the proposed development on the amenity of neighbours.
- 2.5 The permitted development right also allows for rear two-storey extensions. In the case of a rear two-storey extension, it cannot extend beyond the rear of the original dwellinghouse by more than 3 metres. In addition, where the extension or enlarged part of the house has more than a single storey, it must be a minimum of 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged. A rear two-storey extension is not permitted where the dwellinghouse is in a conservation area.
- 2.6 Single-storey side extensions cannot have a width greater than half the width of the original house. A single-storey side extension is not permitted where the dwellinghouse is in a conservation area.
- 2.7 The changes proposed are:

a) smaller single-storey rear extension:

- i) in the case of a detached house, increase the maximum depth permitted from 4 metres to 5 metres,
- ii) in the case of all other houses, increase the maximum depth permitted from 3 metres to 4 metres.

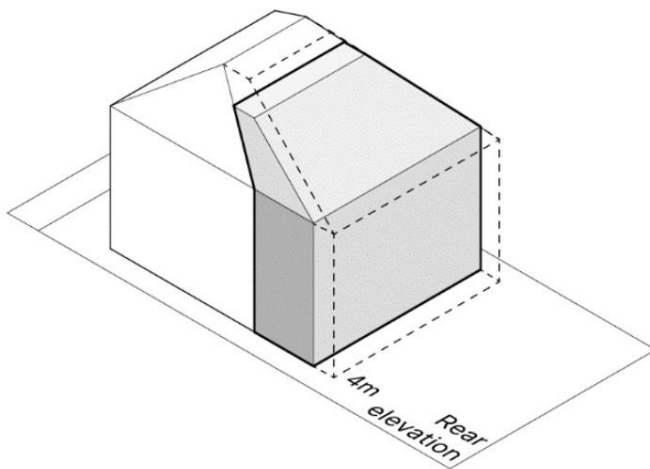
b) two-storey rear extension:

- i) increase the maximum depth permitted from 3 metres to 4 metres,
- ii) amend the limitation that extensions must be a minimum of 7 metres from the boundary of its curtilage (which is opposite the rear wall of the house being enlarged) so that it only applies if the adjacent use is residential. This limitation would not apply where the adjacent use is non-residential.

2.8 The permitted development right also requires that extensions (which includes any extensions delivered under this permitted development right or under a separate planning permission) and other buildings must not exceed 50% of the curtilage of the dwellinghouse. It is proposed to remove this limitation to permit extensions that could cover more than 50% of the curtilage of the dwellinghouse.

2.9 Currently, the height of the enlargement, improvement or alteration cannot exceed the height of the highest part of the roof of the existing dwellinghouse. It also requires that the height of the eaves of the enlargement, improvement or alteration cannot exceed the height of the eaves of the existing dwellinghouse. The consultation proposes where a rear two-storey extension is not visible from the street, this restriction would not apply and the alteration can be as high as the highest part of the existing roof, excluding any chimney (see illustration A below)

Illustration A – the proposed increase to the maximum depth and height of a two-storey rear extension

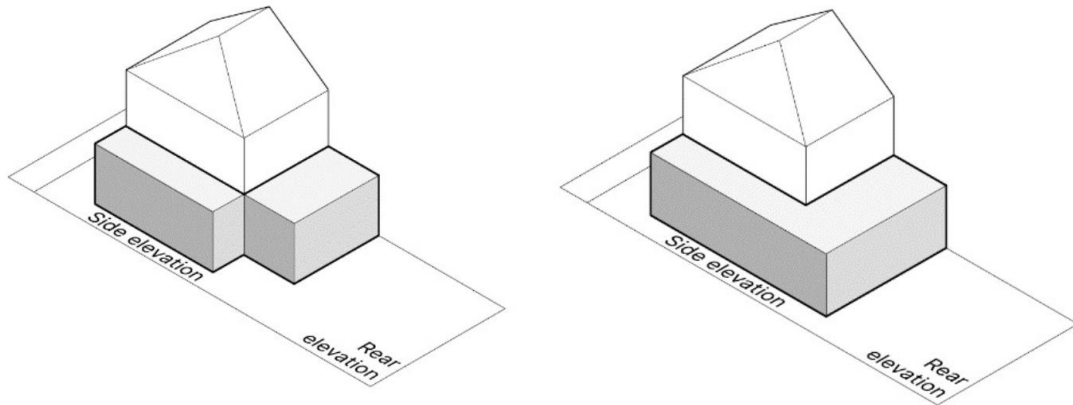


Proposed increase to the maximum depth and height of a two-storey rear extension (dotted line)

- 2.10 The permitted development right requires that, in all cases, the materials used in any exterior work (other than those used in the construction of a conservatory) must be of a similar appearance to those on the exterior of the existing house. A question is asked as to whether alternative materials might be more appropriate in the construction of an extension, for example, where modern sustainable materials are preferred.
- 2.11 At present, the permitted development right allows for a rear and side extension, however, it does not permit a “wrap around” extension which extends across the rear and side elevation (see illustration B below). Consideration is being given to allow for

single-storey wrap around L-shaped extensions (which extend across the rear and one side of a home).

Illustration B – wrap around L-shaped extensions



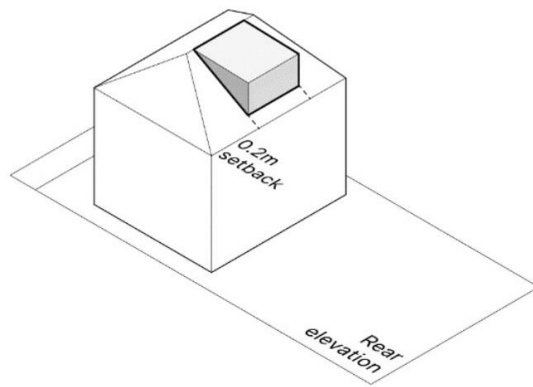
The permitted development right currently allows for a rear and side extension

- 2.12 We are consulting on whether the permitted development right should allow for a single-storey wrap around L-shaped extension (which extends across the rear and one side of a home).

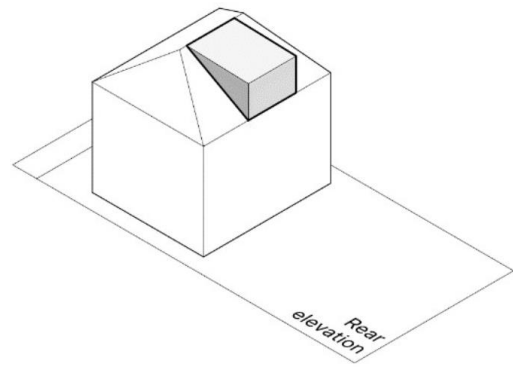
Additions to the roof (including roof extensions)

- 2.13 Roofs can currently be extended subject to complying with limitations and conditions, one of which is the dwellinghouse is not in article 2(3) land which includes conservation areas. Currently, any additional roof space created must not exceed the cubic content of the original roof space by more than 40 cubic metres in the case of a terrace house or 50 cubic metres in all other cases. Resulting roof space means the roof space as enlarged, taking into account any enlargement to the original roof space (whether delivered under this permitted development right or under a separate planning permission).
- 2.14 It is proposed that this limitation is removed so that householders can convert as much of their loft space as is available. The permitted development right requires that the enlargement is constructed so that, other than in a hip-to-gable enlargement or an enlargement that joins the original roof to the roof of a rear or side extension, it is set back at least 20 centimetres from the original eaves.
- 2.15 To maximise space, it is suggested this is amended so that it only applies where visible from the street, and that where the enlargement is not visible from the street, then it can be up to the original eaves with no set back (see illustration C below). This would not apply to a roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

Illustration C – set back proposal for loft extensions



As existing



As proposed

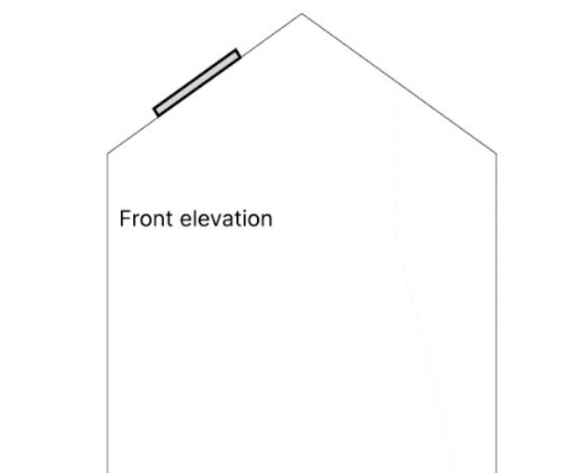
2.16 The permitted development right currently requires that any part of the dwellinghouse cannot, as a result of the works, be higher than the highest part of the existing roof. The highest part of the roof means the ridge line of the main roof (even though there may be other ridge lines at a lower level) or the highest part of the roof where the building has a flat roof. Chimneys, firewalls, parapet walls and other protrusions above the main roof ridge line are not taken into account when considering the height of the highest part of the roof of the existing dwellinghouse.

2.17 It is suggested that this limitation should be amended to allow the ridge height of the original roof to increase by up to 30 centimetres in height. Existing permitted development rights relating to roof alterations do not apply to flats. However, it is suggested that where a flat has loft space, the permitted development right should apply to provide additional living space in flats.

Other alterations to the roof (including roof windows)

2.18 Rights exist for other alterations to the roof of a house. The right does not allow for alterations which would enlarge the roof but it does, for example, allow for the installation of roof lights. The alteration can extend up to 0.15 metres beyond the plane of the roof slope. This limitation is proposed should be amended so that it only applies where the alteration takes place on a roof that fronts a highway, as the visual and amenity impacts are likely to be minimal on other elevations (see illustration D below).

Illustration D – the proposal to allow alterations to extend up to 0.15 metres beyond the plane of the roof slope where the roof fronts a highway



2.19 The permitted development right does not apply where the highest part of the alteration would be higher than the highest part of the original roof. To provide further flexibility to householders to make alterations to their homes, feedback is sought on whether this limitation should be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney).

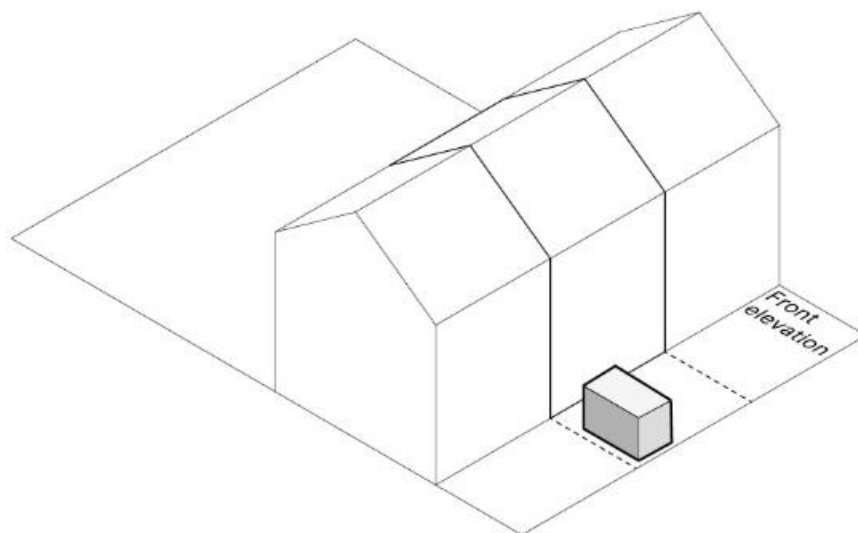
Buildings etc incidental to the enjoyment of a dwellinghouse

2.20 An existing right allows for a building or enclosure, swimming or other pool in the curtilage of a dwellinghouse where it is required for a purpose incidental to the enjoyment of the dwellinghouse. The permitted development right includes a limitation that no part of the building can be in front of the principal elevation of the dwellinghouse. Where a dwellinghouse is in a conservation area then all of the building must be behind the dwellinghouse.

2.21 Houses that only have front gardens (and no rear garden) or those that have limited external access to their rear gardens, such as homes in the middle of a row of terraced houses, are unable to install bin or bike stores in their front gardens under the permitted development right. This can lead to wheelie bins dominating front gardens and impacting on the local amenity of residential streets. It is proposed to allow bin and bike stores in front gardens (see illustration E below). It is proposed that this will also apply in conservation areas.

2.22 it is proposed this right would include limitations on the size or materials of bin or bike stores to minimise visual and amenity impacts. It is proposed that bin and bike stores can only be constructed in front gardens if they are no more than 2 metres in width, 1 metre in depth and 1.5 metres in height.

Illustration E – proposal to permit a bin or bike store in the front elevation of a dwellinghouse



2.23 The permitted development right currently applies where the dwellinghouse or land within its curtilage is designated as a scheduled monument. It is proposed to remove this right to allow for individual consideration of proposals through a planning application where a building etc. incidental to the enjoyment of the dwellinghouse would be erected in the curtilage of a dwellinghouse that was designated as a scheduled monument.

2. Changes to the permitted development rights for building upwards

The upward extension of buildings

- 2.24 An existing suite of permitted development rights allow for the upward extension of buildings to create new homes and provide additional living space. These rights apply to a range of different buildings including mixed use, commercial and residential buildings. The rights are subject to limitations and conditions, for example, they do not apply in conservation areas.
- 2.25 The permitted development rights do not apply if the building being extended was constructed before 1 July 1948. It is proposed that the limitation that the building being extended could be amended to an alternative date, e.g. not apply to buildings constructed after 1930, or removed entirely so that there is no limit.
- 2.26 Feedback is requested on the effectiveness of the prior approval and whether the prior approvals process can be streamlined or simplified.

Construction of new dwellinghouses on a freestanding block of flats

- 2.27 One of the existing building upwards permitted development rights allows for the construction of new dwellinghouses on a freestanding block of flats. The right allows for the construction of up to two additional storeys (up to 7 metres in height) where the maximum height of the extended building is no more than 30 metres in height.
- 2.28 A requirement is that the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated. The prior approval also requires the consideration of the impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of the light.
- 2.29 The Government has received feedback that this permitted development right can impact on leaseholders who own a flat within a block of flats where the freeholder is undertaking an upward extension. Feedback is sought on the effectiveness of this permitted development right, and in particular, whether any of the existing limitations impact on leaseholders who own a unit within the block of flats.

3. Changes to the permitted development right for demolition and rebuild

- 2.30 Certain single detached buildings can currently be demolished with the construction of a block of flats or a single detached dwellinghouse in its place. It permits the demolition of detached buildings that are blocks of flats or detached buildings in use as offices, research and development and industrial processes that fell within use class B.1(c) on 12 March 2020. This right was introduced to increase housing delivery by replacing older vacant residential and certain commercial buildings that were no longer suitable for their original use. The right is subject to limitations and conditions, for example, it does not apply in conservation areas or if the original building was constructed after 31 December 1989.
- 2.31 It is suggested that this limitation could be removed so buildings built after this date can benefit from the permitted development right, thus increasing the number of buildings in scope allowing for more homes to be delivered.

- 2.32 The permitted development right does not currently include a limit on the maximum age of an original building that can be demolished. Consideration is being to protecting older buildings, so that the permitted development right does not apply to buildings built before 1930.
- 2.33 The permitted development right currently also requires that the new building retains the footprint of the original building. Views are sought on whether the rebuild footprint should be allowed to extend beyond the footprint of the original building. It is suggested this would relate to developments where the original building was in use as an office, or for research and development or industrial processes.
- 2.34 The suggest increase is a maximum of no more than 50% or 100 square metres (whichever is the lesser). However, a consultation from last year to no more than 100% or 200 square metres of floorspace (whichever is the lesser), the outcome of which has not been published. It is suggested that this new rebuild footprint would only apply at the time when the rebuild takes place.
- 2.35 The permitted development right also allows for local consideration of planning matters through prior approval. Changes to prior approval matters that relate to safety, including the impacts on air traffic, or defence assets are not proposed to be changed. However, the Government has received feedback that the existing prior approval can be too burdensome and limit the use of the right. Views are sought on the effectiveness of the prior approvals and whether the existing prior approval could be streamlined or simplified.

4. Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles

- 2.36 Existing permitted development rights allow for the installation of electric vehicle (EV) charging infrastructure in an area lawfully used for off-street parking. The rights allow for the installation, alteration or replacement of a wall-mounted electrical outlet and an upstand with an electrical outlet mounted on it for the purpose of recharging EVs. There are limitations and conditions, for example, they do not apply in the curtilage of listed buildings or within a site designated as a scheduled monument. They do however apply in conservation areas.
- 2.37 The government supports the rollout of EV charging points and “...will make sure that any changes to the planning system support our efforts to combat climate change and help bring greenhouse gas emissions to net zero by 2050”.
- 2.38 The current permitted development rights include limitations on the size and location of the outlet. Wall-mounted outlets are not permitted when would face onto and be within 2 metres of a highway. For electrical upstands, the right does not apply where the installation would be within 2 metres of a highway. It is proposed to remove these limitations so that wall-mounted outlets and upstands can be installed anywhere within an area lawfully used for off-street parking.
- 2.39 Electrical upstands can be up to 1.6 metres in height within the curtilage of a dwellinghouse or a block of flats, or in any other case they can be up to 2.3 metres in height. However, a larger power supply, separate power modules and the potential need for internal battery storage for high powered chargers means higher upstands are required. It is therefore proposed to increase the height of the upstand from 2.3 metres to 2.7 metres when not within the curtilage of a dwellinghouse or a block of flats.

2.40 The Government are also consulting on whether permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets to support the operation of bigger and more powerful EV upstands. It is proposed that the right would be subject to the following limitations and conditions:

- only apply in non-domestic, off-street ground level car parks
- allowing for the installation of no more than one unit per car park
- allowing units up to a maximum size of 29 cubic metres
- allowing units up to a maximum of 3 metres in height
- units would not be permitted within 5 metres of the highway or within 10 metres of the curtilage of residential development

2.41 Views are also sought on how permitted development rights could further contribute to the rollout of EV charging infrastructure. For example, how permitted development rights could be used to accommodate the full range of associated infrastructure (e.g. energy infrastructure and canopies) and industry innovation (e.g. next generation chargers).

5. Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings

2.42 An existing permitted development right allows for the installation of air source heat pumps on domestic premises. This is subject to a number of criteria including compliance with the Microgeneration Certification Scheme (MCS) Planning Standard (or an equivalent standard). The MCS, inter alia, confirms whether an air source heat pump is compliant with an appropriate (given) noise limit.

2.43 Research has been undertaken in relation to the accuracy of the MCS 020 noise assessment document with a view to making improvements e.g. improving the definition of a solid barrier, background noise level assumptions and updated guidance on location, which in turn is expected should strengthen the noise assessment used for the permitted development right.

2.44 The existing permitted development right for air source heat pumps requires that all parts of the development must be at least 1 metre from the property boundary. The research undertaken indicates this distance was a blunt proxy for noise and that, from a noise control perspective, is not necessary as long as there is an upper limit on the noise at the nearby receptor.

2.45 This limitation has been identified as an unnecessary barrier to heat pump deployment. Additionally, the permitted development right requires that the volumetric size of the air source heat pump's outdoor compressor unit (including any housing) must not exceed 0.6 cubic metres. The review noted this volume restriction is preventing the development of quieter models for the mass market. By increasing the size of the evaporator, increasing the size of the fan and lowering the fan speed, an air source heat pump could run at a lower speed to help minimise noise levels further, without compromising capacity.

2.46 At present, this right does not apply where the development would result in more than one air source heat pump on or within the curtilage of the dwellinghouse or block of flats. Views are sought on whether this could be amended. For example, where the dwellinghouse is detached, it may be appropriate to allow for up to two air source heat

pumps to be permitted, to allow for cascade systems. It may also be appropriate to allow for more than one air source heat pump on a block of flats so that more than one flat can benefit from the permitted development right.

- 2.47 A proposed change to MCS 020 is to create a method to manage the noise emissions from multiple heat pumps installed on the same property. Subject to this methodology being successfully developed, it is proposed to allow two air source heat pumps in the curtilage of detached dwellinghouses. Views are sought on whether to allow more than one air source heat pump on or within the curtilage of a block of flats, possibly subject to prior approval with regard to siting. Feedback is sought on whether any additional limitations may be necessary if multiple air source heat pumps were permitted on a block of flats.
- 2.48 Views on other amendments are requested to further support the deployment of air source heat pumps. For example, whether the permitted development right should be amended to include air-to-air heat pumps, by removing the condition that “the air source heat pump is used solely for heating purposes”; this condition excludes air-to-air heat pumps which can also provide a cooling function.
- 2.49 No changes are proposed for more sensitive areas, for example, within a site designated as a scheduled monument or on a listed building or land within its curtilage. In a conservation area, an air source heat pump cannot be installed on a wall or roof which fronts a highway or where it would be installed closer to the highway than the part of the building nearest to that highway.

3.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

[Changes to various permitted development rights: consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/changes-to-various-permitted-development-rights)

Appendix A

Q.1 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on detached homes should be increased from 4 metres to 5 metres?

- Yes
- No
- Don't know

This might be acceptable but some detached houses are in very close proximity to neighbouring properties, particularly modern housing development. This depth of extension without any limitation in relation to the proximity to the boundary would be likely to cause harmful impacts to the neighbour's amenity.

Q.2 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on all other homes that are not detached should be increased from 3 metres to 4 metres?

- Yes
- No
- Don't know

For terraced properties, this depth of extension adjoining a neighbouring property would have (or more than likely to) an overbearing impact with ensuing loss of light. Equally, semi-detached dwelling can often be in very close proximity to neighbouring properties (that they do not adjoin), particularly on modern housing development, and harmful impacts to the neighbour's amenity could result.

Q.3 Do you agree that the maximum depth permitted for two-storey rear extensions should be increased from 3 metres to 4 metres?

- Yes
- No
- Don't know

Provided that the eaves limitation within 2 metres of the boundary is retained ((h)(ii) A.1 of Class A, this might be acceptable.

However, if this limitation is removed, the adverse impact that could be experienced by larger 2 storey extensions close to the boundary would likely be adverse. For terraced properties, this depth of extension adjoining a neighbouring property would have (or more than likely to) an overbearing impact with ensuing loss of light. For detached properties, subject to limitations in terms of the distance from side boundaries, this distance might be acceptable.

Q.4 Do you agree that the existing limitation requiring that extensions must be at least 7 metres from the rear boundary of the home should be amended so that it only applies if the adjacent use is residential?

- Yes
- No

- Don't know

The occupiers of the dwelling need to have appropriate space and outlook from their properties. Whilst the occupier(s) of the dwelling looking to extend might look to have unsatisfactory amenity, planning is in the public interest and should ensure that quality homes are provided for all. Additionally, just because an existing adjacent use is currently not residential, this cannot be guaranteed in the future particularly through the existence of and potential introduction of various additional permitted development rights which enable conversions of commercial buildings to other uses, including residential.

Q.5 Are there any circumstances where it would not be appropriate to allow extensions up to the rear boundary where the adjacent use is non-residential?

- Yes
- No
- Don't know

As before (copied): The occupiers of the dwelling need to have appropriate space and outlook from their properties. Whilst the occupier(s) of the dwelling looking to extend might look to have unsatisfactory amenity, planning is in the public interest and should ensure that quality homes are provided for all.

Additionally, if this were permitted, examples would include the use of the non-residential building – if this were noisy or had high walls, it would result in a poor quality of living. Taking account of the 'Agent of Change' principle, there would be a risk that adjustments needed by the non-residential use would result in the business closing.

Q.6 Do you agree that the existing limitation that the permitted development right does not apply if, as a result of the works, the total area of ground covered by buildings within the curtilage of the house (other than the original house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original house) should be removed?

- Yes
- No
- Don't know

Many gardens are tiny, especially those provided by mass housebuilders. The amount of garden available from the outset of development is more often than not at the very minimum that is acceptable. Removing this threshold would limit the amount of private space available which, as was noted during the Covid-19 pandemic, a valuable space for many homeowners.

Furthermore, reducing the space alongside potentially permitting householders to increase the size of their homes which might enable more occupiers to reside there i.e. families will mean that there will not be appropriate space for rest, relaxation and children. It would also limit opportunities for outdoor rotary driers.

Q.7 Should the permitted development right be amended so that where a two-storey rear extension is not visible from the street, the highest part of the extension can be as high as the highest part of the existing roof (excluding any chimney)?

- Yes
- No
- Don't know

It is disagreed that 'where a rear two-storey extension is not visible from the street, the visual and amenity impacts may be limited.' This is not a blanket approach, a view point taken by the Planning Inspectorate in appeal decisions. Visual impact from private areas can be a material planning consideration, not just in areas of heritage value.

With reference to previous responses, terraced properties would be most likely be affected, however, this would equally apply to semi-detached and detached properties where there is little spacing between them. If it is permitted, consideration should be given to *the distance of the two-storey element from adjoining dwelling house(s), be it terraced or detached.*

Additionally, it should be dependent on whether there is a definition of 'visible from the street'. Does this solely mean the street the dwellinghouse is situated on? Would it exclude dwellings on a corner? Could 'the street' be a different street upon which the property backs or where there is intervisibility due to the spaciousness between dwellings?

Lastly, this could have significant impact upon staggered dwellings, be it terraced or detached. This could lead to very poor amenity of adjoining occupiers.

It is considered the original restrictions imposed within the permitted development rights when they were introduced were based on well considered justification with reference to providing high quality homes for occupiers whilst respecting the amenity of those occupiers of surrounding properties. This proposal would likely result in inappropriate development to the detriment of the respective locality failing to provide beautiful places the Government is advocating.

Q.8 Is the existing requirement for the materials used in any exterior work to be of a similar appearance to the existing exterior of the dwellinghouse fit for purpose?

- Yes
- No
- Don't know

The use of modern sustainable materials can often be a trend with popularity of certain materials shifting with the time. Allowing greater flexibility of use could result in streets consisting of a greater range of materials which may be visually jarring over time.

Challenges also arise when there is more than one material on a property which is not infrequent. This is particularly a challenge when the material is only covers a very small area and/or it is not on the same elevation as the proposed development. This sometimes results in poor development in design and visual terms, particularly when it is to the front or side elevation or when the development can be seen from public vantage points.

Whether this limitation is removed or not, it is suggested that clarification is provided regarding materials to ensure poor quality designed development does not result.

Additionally, whilst the consultation states that the limitation in conservation areas preventing cladding, stone etc., if the 'similar appearance' is amended, it should not apply within conservation areas or other Article 3(1) areas.

Q.9 Do you agree that permitted development rights should enable the construction of single-storey wrap around L-shaped extensions to homes?

- Yes
- No
- Don't know

The consultation indicates this might apply to extensions "...which extend across the rear and one side of a home". However, this question does not align with the consultation statement whereby the wrap around could apply to both sides of a home.

Notwithstanding this, it could lead to harmful impacts on amenity for adjoining homeowners. This would be dependent upon the distance to a boundary as well as whether a property is terraced or not. There are many older terraced properties, principally Victorian, that have single or two storey projections constructed as part of their original design. This right, if permitted would result in very poor impacts upon amenity for neighbours.

It is considered the original restrictions imposed within the permitted development rights when they were introduced were based on well considered justification with reference to providing high quality homes for occupiers whilst respecting the amenity of those occupiers of surrounding properties. This proposal would likely result in inappropriate development to the detriment of the respective locality failing to provide beautiful places the Government is advocating.

Q.10 Are there any limitations that should apply to a permitted development right for wrap around L-shaped extensions to limit potential impacts?

- Yes
- No
- Don't know

Whilst the introduction of this right is objected to, if it is introduced there should be limitations in relation to proximity of extensions to adjoining occupiers to ensure their amenity is not detrimentally affected. This should include the height of such an extension, including eaves, as well as the distance to the boundary of the extension i.e. it should not be permitted within a defined number of metres from the boundary. It is recommended that consideration is given to angles from potential nearest habitable windows prior to any introduction of this amendment.

Q.11 Do you have any views on the other existing limitations which apply to the permitted development right under Class A of Part 1 which could be amended to further support householders to undertake extensions and alterations?

- Yes
- No
- Don't know

Remove prior approvals to so that developments require planning permission. The process is overly complex and, frequently, misunderstood by all involved in the process.

Q.12 Do you agree that the existing limitation that any additional roof space created cannot exceed 40 cubic metres (in the case of a terrace house) and 50 cubic metres (in all other cases) should be removed?

- Yes
- No
- Don't know

This permitted volume is, for almost all dwellings, a significant amount of roof space. Taking a two-storey dwelling as an example, this amount of volume in a significant increase even when it is added to any volume created above a two-storey extension.

It is acknowledged that if any additional roof volume has been created within a single storey extension (aside from within a single storey building) that the current volume increases might be restrictive. However, dormer windows, often, are unattractive especially when they are constructed through permitted development rights due to the existing criteria under which they can be constructed. It is therefore considered, that taking the proposed suggested amendments as a whole that this would lead to (further) poor quality development that fails to meet the test of being 'beautiful'.

Q.13 Do you agree that the existing limitation requiring that any enlargement must be set back at least 20 centimetres from the original eaves is amended to only apply where visible from the street, so that enlargements that are not visible from the street can extend up to the original eaves?

- Yes
- No
- Don't know

This will result in poor design, out of character with development that is beautiful and that most councils are always looking to achieve.

Q.14 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be replaced by a limitation that allows the ridge height of the roof to increase by up to 30 centimetres?

- Yes
- No
- Don't know

Taking account of this in itself but other alterations proposed within this consultation such as potentially allowing dormer windows to have a greater volume and to be sited up to the ridge and down to the eaves, this will result in very poorly designed development.

This form of development, on a street where there is uniformity, would result in an incongruous addition that would fail to respond to the locality and look awkward and contrived.

There is also no suggestion that this would not apply to dwellings that have been extended via the 'upward extension' permitted development right. If this were introduced, it is recommended that the ability to undertake both is removed.

This suggestion, in the vast majority of cases, would not result in beautiful development being created.

Q.15 Do you agree that the permitted development right, Class B of Part 1, should apply to flats?

- Yes
- No
- Don't know

Some flatted blocks are purposely designed and might form part of several blocks with consideration given to their design and relationship to one another when permission was sought and granted. Depending upon the height of the block allowing such development might result in development that does not relate well to other blocks. However, in other cases, it might be acceptable.

Q.16 Should the permitted development right be amended so that where an alteration takes place on a roof slope that does not front a highway, it should be able to extend more than 0.15 metres beyond the plane of the roof and if so, what would be a suitable size limit?

- Yes
- No
- Don't know

It is not agreed that visual impacts are less important on a roof slope that does not front a highway. Good design should not be limited to locations visible from the highway.

Particularly in a Conservation Area, this form of development may harm the overriding build character of the designated area. For example, in rural Conservation Areas, buildings are often detached or more sparsely laid out and, so, there would still likely be oblique views of any alterations to the rear roofslope which may detract from the area's architectural interest. Even in areas with terraced buildings, this form of development would negatively impact the uniformity of the terrace and may still be visible from back lanes servicing these areas thus undermining the reasons for the designation.

Q.17 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney)?

- Yes
- No
- Don't know

Permitted development rights are such that if a development fails to comply with one Class but complies with another, that it may go ahead. Suggesting such an amendment would, in

effect, permit dormer windows to the front elevation. This, as set out within the consultation, is not proposed but would be realised.

Even if any alteration permitted under Class B were removed from Class C, worded to ensure that it did not prevent a dwellinghouse from being able to extend at roof level at all, allowing such extensive alterations would have a harmful impact upon a street scene, character of an area and in turn the achievement of beauty.

Q.18 Do you agree that bin and bike stores should be permitted in front gardens?

- Yes
- No
- Don't know

Potentially yes. However, where a property has a rear garden and/or a form of access to the front for presentation of a bin on the street, this should not be permitted as there is a place where bins and bikes can be stored. This would be a subjective issue and one that is difficult to enforce as a consequence. Control of materials would be essential albeit difficult to define due to differing local contexts. The use of multi variations of storage boxes to the front of dwellings would likely result in a worse visual clutter issue, additional to the issue of wheelie bins being stored to the front of dwellings. This is something that should be controlled via a planning application.

Q.19 Do you agree that bin and bike stores should be permitted in front gardens in article 2(3) land (which includes conservation areas, Areas of Outstanding natural Beauty, the Broads, National Parks and World Heritage Sites)?

- Yes
- No
- Don't know

Many Conservation Areas have been designated for their attractive frontages, both the architectural interest of the building and the appearance of gardens/greenery and boundary treatments along the highway. The permitted development of bike and bin stores to the front gardens could create a cluttered appearance to the streetscene, particularly where there would be no restriction on materials and appearance.

This form of development has the potential of resulting in harm to the significance of a designated heritage asset, which should be properly considered (i.e. if there is any potential harm) through a formal planning application. Where the overriding character of a Conservation Area or part of a Conservation Area would not be affected by this form of development (e.g. large boundary walls), the local authority could issue a Local Development Order.

Q.20 Do you agree that bin and bike stores in front gardens can be no more than 2 metres in width, 1 metre in depth and up to 1.5 metres in height?

- Yes
- No
- Don't know

If this is introduced there should be strict size dimensions to minimise their visual impact. It should also be clear within the drafting of any statutory instrument, if introduced, that this right permits either a bin store or bike store of the dimensions given.

Q.21 Are there any other planning matters that should be considered if bin and bike stores were permitted in front gardens?

- Yes
- No
- Don't know

Where a property has a rear garden and/or a form of access to the front for presentation of a bin on the street (e.g. shared access often typical to older buildings), this should not be permitted as there is a place where bins and bikes can be stored. Q.22 Should the existing limitation that in Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites development situated more than 20 metres from any wall of the dwellinghouse is not permitted if the total area of ground covered by development would exceed 10 square metres be removed?

- Yes
- No
- Don't know

No response, this does not affect the Council.

Q.23 Should the permitted development right be amended so that it does not apply where the dwellinghouse or land within its curtilage is designated as a scheduled monument?

- Yes
- No
- Don't know

In order to retain the ability for the LPA to consider the impact of such development upon this heritage asset.

Q.24 Do you think that any of the proposed changes in relation to the Class A, B, C and E of Part 1 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

a) business – *impact resulting from extensions within close proximity of their sites if the 7 metre distance is removed*

b) local planning authorities *-it would prevent proper planning of an area in design terms, leading to poor quality development. It would likely result in complaints from neighbours who are unhappy with the development being constructed with ensuring increased planning enforcement investigations.*

The change would also impact upon the revenue receipt, in relation to the planning application fee compared to the prior approval fee, received by the local planning authority. The work associated with the assessment for both types of application is virtually the same, although the assessment and understanding of whether or not the development can be lawfully implemented via a prior approval is more complex and time consuming, whereas the fee income is significantly less for prior approvals affecting the resources of the Council.

c) communities - *it would likely lead to development that would have a harmful impact upon amenity and poor planning of areas providing communities with development that fails to respond to o be cohesive with its surroundings.*

Q.25 Do you agree that the limitation restricting upwards extensions on buildings built before 1 July 1948 should be removed entirely or amended to an alternative date (e.g. 1930)?

- Yes – removed entirely
- Yes – amended to an alternative date
- No
- Don't know

If you have chosen an alternative date, please specify. Planning commenced in 1947 and therefore there is evidence and recording of developments that have taken place since this time. There is no such recording for 1930 or any other, apparently arbitrary date. It would therefore not be possible to establish whether or not a development is able to either benefit from such a permitted development right or whether it is unlawful. There is no evidence advanced as part of this consultation as to why the date is being reconsidered.

Q.26 Do you think that the prior approvals for the building upwards permitted development rights could be streamlined or simplified?

- Yes
- No
- Don't know

It is not considered necessarily complex at present, in terms of the submission by applicants. However there is confusion in terms of their assessment by both planning authorities as well as professional agents. The application process requires an assessment as to whether prior approval is required in relation to the given matters. This is applicable to all prior approval applications with the exception of Class AA of Schedule 2, Part 1. If a prior approval application is assessed as either not requiring prior approval or is required but is given, the developer concludes that the development may go ahead (subject to complying with the conditions). However, the proposal might not be compliant with one or more of the limitations and/or conditions. The prior approval process does not confirm that the development would be lawful if implemented.

It is therefore suggested that the whole process of all prior approvals could be amended to require developers to (a) seek prior approval as well as (b) the lawfulness of the development. As this would be additional work for the local planning authority, the fees for planning applications should be amended to account for this as well as detail provided within each of the various Classes subject to prior approval.

This is considered applicable whether or not any amendments are made to any of the prior approvals.

Q.27 Do you have any views on the operation of the permitted development right that allows for the construction of new dwellinghouses on a freestanding block of flats (Class A of Part 20)?

- Yes
- No
- Don't know

Newark & Sherwood District Council has not received any of these applications and is therefore unable to provide comment from experience. With the scale of development within the District, it is (currently) unlikely that such a proposal would be received.

Q.28 Do you agree that the existing limitations associated with the permitted development right for building upwards on a freestanding block of flats (Class A of Part 20) incorporates sufficient mitigation to limit impacts on leaseholders?

- Yes
- No
- Don't know

Newark & Sherwood District Council has not received any of these applications and is therefore unable to provide comment from experience. With the scale of development within the District, it is (currently) unlikely that such a proposal would be received. Should any changes be proposed, they are requested to be such that they do not put additional onerous requirements on local planning authorities. This would appear to be a matter that falls outside of the planning process, being a private matter. However, it is unfair for a permitted development right to put any requirement upon a leaseholder to sort out legal matters associated with this permitted development right at a cost to themselves.

46. We would welcome your view on the likely impact of these proposals.

Q.29 Do you think that any of the proposed changes in relation to the Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

a) *business – N/A*

b) local planning authorities – altering the dates, such that additional development would benefit from Class A would likely result in an increase in prior approval applications. The restriction in matters that can be considered could prevent proper planning of an area in design terms, leading to poor quality development. It would likely result in complaints from neighbours who are unhappy with the development being constructed with ensuring increased planning enforcement investigations.

The change would also impact upon the revenue receipt, in relation to the planning application fee compared to the prior approval fee, received by the local planning authority. The work associated with the assessment for both types of application is virtually the same, although the assessment and understanding of whether or not the development can be lawfully implemented via a prior approval is more complex and time consuming, whereas the fee income is significantly less for prior approvals affecting the resources of the Council.

c) communities - it would more likely lead to development that would have a harmful impact upon amenity and poor planning of areas providing communities with development that fails to respond to or be cohesive with its surroundings.

Q.30 Do you agree that the limitation restricting the permitted development right to buildings built on or before 31 December 1989 should be removed?

- Yes
- **No**
- Don't know

Buildings built after this date have had more recent consideration given to the proper planning of an area. Modern developments are also more likely to have maximised the developable area of the site (in terms of footprint and height). Allowing such buildings to be demolished and rebuilt without appropriate consideration by the local planning authority prevents proper planning of an area and leads to the many challenges from such developments including amenity, appropriate parking provision, bin storage and community cohesion. These matters are likely to be more challenging in relation to new developments and could lead to greater risk of development with adverse amenity issues/complaints.

Enabling easier replacement of newer buildings would not be in the interest of sustainable development – this relaxation would take away the ability to encourage more sustainable conversion scheme, where appropriate, through mechanisms such as pre application advice

It also means that infrastructure needed to support the new occupants cannot be secured e.g. health provision, community space, education, etc. etc. Such proposals should be considered in a holistic manner through a planning application. Class ZA conditions are so extensive that a simpler process for considering the matters listed would be through a planning application.

Q.31 If the permitted development right is amended to allow newer buildings to be demolished, are there any other matters that should be considered?

- Yes
- No
- Don't know

A complex series of prior approval requirement/condition would continue to be required.

Q.32 Do you agree that the permitted development right should be amended to introduce a limit on the maximum age of the original building that can be demolished?

- Yes – it should not apply to buildings built before 1930
- **Yes – it should not apply to buildings built before an alternative date**

- No
- Don't know

Whilst developments under this permitted development right have not been received by the Council, there is a significant risk that older building would be lost to the detriment of our heritage and character of the locality it is situated within.

It would be difficult to confirm whether a building, or part of a building, was constructed before 1930 as many areas do not have formal building records before this date and the historic mapping for the early-20th century is limited which would severely inhibit consistent advice and application of this permitted development right.

The right to demolish a building, or part of a building, should also not apply to buildings that are identified as non-designated heritage assets (NDHA), which have undergone proper assessment to establish that they meet the adopted selection criteria for inclusion on a 'Local List' of heritage assets.

It is suggested that it should not apply to buildings built before 1947.

Q.33 Do you agree that the Class ZA rebuild footprint for buildings that were originally in use as offices, research and development and industrial processes should be allowed to benefit from the Class A, Part 7 permitted development right at the time of redevelopment only?

- Yes
- No
- Don't know

This would likely give rise to an increase in developers utilising their ability to extend/alter a building prior to a Class ZA prior approval application for redevelopment. If this is introduced, then yes. This will enable consideration of impacts at the outset of the prior approval process with a good understanding of matters such as appearance as well. A development should also not be permitted to benefit from this permitted development right, or any change to it, more than once.

Q.34 Do you think that prior approvals for the demolition and rebuild permitted development right could be streamlined or simplified?

- Yes
- No
- Don't know

Whilst the considerations are complex, they are necessary to ensure that reasonably good development takes place. Without the requirements, notwithstanding that the permitted development right does not facilitate good planning of an area, very poor outcomes would be achieved. The Government, though the NPPF and design codes is seeking to achieve beautiful development but rights such as this mean it is almost impossible to achieve without a developer's buy-in.

Q.35 Do you think that any of the proposed changes in relation to the Class ZA of Part 20 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

a) businesses - *Potential issues in relation to complaints from new residents from adjoining businesses upon their amenity. This potentially can lead to mitigation being required by the business under the 'Agent of Change' principle which could be cost prohibitive and lead to the loss of the business and jobs for local communities.*

b) local planning authorities – *If it is simplified to remove more of the considerations, noting the consultation does not suggest which ones might be removed, there is a likelihood of more complaints being received in relation to the impact of the development and frustration by the general public that they have very little say in such rights.*

The change would also impact upon the revenue receipt, in relation to the planning application fee compared to the prior approval fee, received by the local planning authority. The work associated with the assessment for both types of application is virtually the same, although the assessment and understanding of whether or not the development can be lawfully implemented via a prior approval is more complex and time consuming, whereas the fee income is significantly less for prior approvals affecting the resources of the Council.

c) communities - *Poor quality development without important and necessary infrastructure both for the new residents as well as impact upon any that exist in the locality.*

Q.36 Do you agree that the limitation that wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

- Yes
- No
- Don't know

Potentially yes. It appears logical to have such infrastructure closer to the highway to prevent cables from causing a hazard. However, such infrastructure, particularly if a significant number are provided along a street frontage, can harm the character of an area. As such, it is suggested that if this is amended that it should not apply within conservation areas. Within conservation, the existing limits are suggested are retained.

Q.37 Do you agree that the limitation that electrical upstands for EV charging cannot be within 2 metres of a highway should be removed?

- Yes
- No
- Don't know

Potentially yes. It appears logical to have such infrastructure closer to the highway to prevent cables from causing a hazard. However, such infrastructure, particularly if a significant

number are provided along a highway could harm the character of an area. As such, it is suggested that if this is amended that it should not apply within conservation areas. Within conservation, the existing limits are suggested are retained.

Q.38 Do you agree that the maximum height of electric upstands for EV recharging should be increased from 2.3 metres to 2.7 metres where they would be installed in cases not within the curtilage of a dwellinghouse or a block of flats?

- Yes
- No
- Don't know

This is a significant height and could have a very harmful impact upon the character of an area or the amenity of adjoining occupiers should the parking area be in close proximity to, for example, residential properties. Development at this scale should be considered holistically via a planning application or, at the least, be subject to a prior approval process to consider impacts upon amenity and character of any area.

Q.39 Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

- Yes
- No
- Don't know

In theory yes. However, any such infrastructure, due to the proposed size (cubic metres) for the equipment could lead to the loss of a significant number of parking spaces resulting in a risk of inappropriate on-street parking.

It is noted that the suggested limitations and conditions includes "units would not be permitted within 5 metres of the highway or within 10 metres of the curtilage of residential development". However, with reference to existing permitted development rights and those under consideration within this consultation, building currently in use for a purpose other than residential could be permitted to have their use change. However, it would not be permitted (at present) to refuse such a scheme if this suggested prior approval had been implemented. Nor is it believed the existing right would enable consideration to this right if it has been implemented. Furthermore, what is the situation in terms of lawfulness if both a conversion was taking place to create dwellinghouses and a housing/storage unit constructed concurrently?

Q.40 Do you agree that the permitted development right should allow one unit of equipment housing in a non-domestic car park?

- Yes
- No
- Don't know

Please provide your reasons. If you think that the permitted development right should allow for more than one unit of equipment housing or storage cabinet, please specify a suitable alternative limit and provide any supporting evidence.

As a maximum, yes, if implemented. However, the infrastructure could lead to a significant loss in the number of parking spaces to the detriment of an area. A method of ensuring that appropriate provision for the locality or development the car park serves should be a matter for a prior approval process.

Q.41 Do you agree with the other proposed limitations set out at paragraph 60 (paragraph 2.40 of the Planning Committee report) for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres?

- Yes
- No
- Don't know

In addition to the criteria given, if this is implemented, they should not be permitted within a conservation area, or, if they are then this should be subject to prior approval in terms of its visual impact. They should also not be permitted within the curtilage of or setting of a listed building.

Q.42 Do you have any feedback on how permitted development rights can further support the installation of EV charging infrastructure?

- Yes
- No
- Don't know

Q.43 Do you think that any of the proposed changes in relation to the Class D and E of Part 2 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

a) business – unlikely to have significant impact aside from reducing the number of parking spaces available for staff/visitors potentially affecting income / profitability.

b) local planning authorities – greater number of complaints in relation to these developments when the public are unhappy with their installation.

The change would also impact upon the revenue receipt, in relation to the planning application fee compared to the prior approval fee, received by the local planning authority. The work associated with the assessment for both types of application is virtually the same, although the assessment and understanding of whether or not the development can be lawfully implemented via a prior approval is more complex and time consuming, whereas the fee income is significantly less for prior approvals affecting the resources of the Council.

c) *communities – positive in relation to those people with EV cars potentially having a greater availability of charging points to access. However, potentially negative in relation to the visual aspects of such development due to the size of some of the proposals being advanced.*

Q.44 Do you agree that the limitation that an air source heat pump must be at least 1 metre from the property boundary should be removed?

- Yes
- No
- Don't know

This will be subject to the research being undertaken and the necessary criteria within MCS 020. If the research confirms that there will not be issues in relation to noise or any other effect e.g. vibration, then yes.

Q.45 Do you agree that the current volume limit of 0.6 cubic metres for an air source heat pump should be increased?

- Yes
- No
- Don't know

This should be subject to its location – if visible from a highway or public vantage point, then existing limits should remain unless the appearance is a prior approval consideration. However, the size will be the critical factor. Whilst suggestions of what might be acceptable have been requested, acceptability would be, in design terms, dependent upon its location along with criteria for compliance.

Q.46 Are there any other matters that should be considered if the size threshold is increased?

- Yes
- No
- Don't know

Depending upon the location of the air source heat pump, appearance should be a prior approval consideration. This would be relevant if it is sited to the frontage of a property and/or visible from a highway / public vantage point.

Q.47 Do you agree that detached dwellinghouses should be permitted to install a maximum of two air source heat pumps?

- Yes
- No
- Don't know

To minimise clutter and more industrial in appearance paraphernalia.

Q.48 Do you agree that stand-alone blocks of flats should be permitted to install more than one air source heat pump?

- Yes
- No
- Don't know

Subject to their (a) location by not impacting upon amenity of residents within the block or adjoining; (b) not creating a cluttered appearance visible from the streetscene; (c) not resulting in the loss of outdoor amenity space to the detriment of other occupiers; and (d) the requirement for the initial and each subsequent piece of equipment considering the impact of all equipment cumulatively.

Q.49 Do you agree that the permitted development right should be amended so that, where the development would result in more than one air source heat pump on or within the curtilage of a block flats, it is subject to a prior approval with regard to siting?

- Yes
- No
- Don't know

To ensure it does not create an unattractive appearance within the streetscene and/or lead to loss of amenity space or other valuable quality to the individual site.

Q.50 Are there any safeguards or specific matters that should be considered if the installation of more than one air source heat pump on or within the curtilage of a block of flats was supported through permitted development rights?

- Yes
- No
- Don't know

Noise, siting, loss of functional amenity space for the occupier(s) of the flat itself and any other occupants of other flats. There should be a requirement to undertaken a consultation exercise with other occupiers.

Q.51 Do you have any views on the other existing limitations which apply to this permitted development right that could be amended to further support the deployment of air source heat pumps?

- Yes
- No
- Don't know

79. We would welcome your view on the likely impact of these proposals.

Q.52 Do you think that any of the proposed changes in relation to the Class G of Part 14 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

a) business – unlikely with the exception of increased business for those companies making air source heat pumps.

b) local planning authorities – increased complaints and potential prior approval applications. The change would also impact upon the revenue receipt, in relation to the planning application fee compared to the prior approval fee, received by the local planning authority. The work associated with the assessment for both types of application is virtually the same, although the assessment and understanding of whether or not the development can be lawfully implemented via a prior approval is more complex and time consuming, whereas the fee income is significantly less for prior approvals affecting the resources of the Council.

c) communities, or a combination – potential complaints to LPA if they do not support an air source heat pump whether or not a prior approval process is in place.

Q.53 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Marriage or Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

- Yes
- No
- Don't know

It is unlikely that anyone with a protected characteristic would be directly affected as a result of these suggested changes any greater than anyone without.