

Information submitted by the Assistant Director Planning & Economic Growth.

Do residents need planning permission to convert their front garden into a driveway/ car port? And if it is needed, what is taken into account e.g. proximity of trees?

Planning permission is needed for any works that are considered to be 'development' as defined by national legislation. However many specific smaller scale works are granted permission automatically by the Town and Country Planning (General Permitted Development) Order [the 'GPDO']. This is often referred to as 'Permitted Development'.

The GPDO automatically gives planning permission for the conversion of a front garden into a driveway by virtue of Class F of Part 2 to Schedule 2 of that Order. This permitted development is however limited in certain ways, and conditional on a requirement that if the new hard surface would be situated on land between the front wall of the house and the road, and the area of ground covers more than 5 square metres it must be made of porous materials or include provision for runoff water to be directed towards a permeable or porous area within the curtilage of the house.

The GPDO also automatically gives planning permission for the erection of car ports and other buildings and enclosures incidental to the enjoyment of the house by virtue of Class E of Part 2 to Schedule 2 of that Order. This class of Permitted Development is however also limited in some ways and can only be used when cumulatively all buildings, other than the original house would not exceed 50% of the total area of the curtilage. Such buildings and enclosures are also limited in height and can only be built within certain prescriptions on their design. Most significant for many Portsmouth homes this Permitted Development right cannot be used if it would involve constructing a building or enclosure on land in front of the front wall of the house.

If works can be completed within the restriction and conditions prescribed for these classes of Permitted Development then they are granted automatically without further consideration of other issues such as the proximity to trees, impact on amenity or character. However it can also be noted that many trees in Portsmouth are themselves protected by virtue of being located in Conservation Areas or by specific Tree Protection Orders. If that is the case then consent may well be needed for works to those trees or works that are likely to impact on the health and retention of those trees irrespective of whether the works for the construction of a driveway or carport are considered to be Permitted Development.

As well as consideration of the permissions and consents needed for the development works to lay a driveway or build a carport such works would usually also necessitate the creation of a dropped kerb onto the road. These works are themselves Permitted Development by virtue of Class B of Part 3 to Schedule 2 of the GPDO unless the means of access to a highway that is created is onto a classified or trunk road.

It should also be noted that over significant parts of the City specific controls of development, called Article 4 directions, have been imposed that limit the application of the GPDO. In different parts of the city these controls will limit Permitted Development in different ways, but a common restriction on Permitted Development in Portsmouth is the limitation of the right to demolish front walls within Conservation

Areas. Where this applies this would of course limit the opportunity to create new driveways.