1981 No. 222

TOWN AND COUNTRY PLANNING

Planning (General Development) (Amendment) Order (Northern Ireland) 1981

Made	*7th July 1981*
Coming into operation . . .	*1st August 1981*

The Department of the Environment in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1972(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 1981 and shall come into operation on 1st August 1981.

Amendment

2. The Planning (General Development) Order (Northern Ireland) 1973(**c**) is hereby amended as follows:—

(*a*) In Article 2—

(i) at the beginning before the words "In this order", insert "— (1)";

(ii) after the definition of "class" insert the following definitions:—

"conservation area" means land which is within an area designated as a conservation area under Article 37 of the 1972 Order";

(iii) after the definition of "dwellinghouse" insert the following definitions:—

"industrial process" means any process (other than the getting, dressing or treatment of minerals) for or incidental to any of the following purposes, namely:—

(*a*) the making of any article or of part of any article, or

(*b*) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning or adapting for sale, or breaking up, or demolition, of any article,

being a process carried on in the course of trade or business and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel;

"industrial undertaker" means an undertaker by whom an industrial process is carried on, and "industrial undertaking" shall be construed accordingly;

(iv) after the definition of "special road" add the following definitions:—

"terrace house" means a dwellinghouse—

(i) situated in a row of three or more buildings used, or designed for use, as single dwellinghouses; and

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(**a**) S.I. 1972/1634 (N.I. 17)
(**b**) S.R. & O. (N.I.) 1973 No. 504; S.I. 1976/424 (N.I. 6)
(**c**) S.R. & O. (N.I.) 1973 No. 326

(ii) sharing a party wall with, or having a main wall adjoining the main wall of, the dwellinghouse (or building designed for use as a dwellinghouse) on either side of it,

but includes the dwellinghouses at each end of such a row of buildings as is referred to;

"the Use Classes Order" means the Planning (Use Classes) Order (Northern Ireland) 1973(a);

(v) after the definition of "unadopted street" add the following paragraphs:—

"(2) Any reference in this order to the height of a building shall be construed as a reference to the height of that building when measured from ground level.

(3) For the purposes of paragraph (2) "ground level" means the level of the surface of the ground immediately adjacent to the building in question or, where the level of the surface of the ground on which the building is erected or is to be erected, as the case may be, is not uniform, the level of the highest part of the surface of the ground adjacent to the building."

(*b*) In Schedule 1—

(i) immediately below the words "Development permitted under Article 3" insert the heading "PART I";

(ii) for Class 1(1) there shall be substituted the following class:—

"(1) The enlargement, improvement or other alteration of a dwellinghouse so long as:—

(*a*) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than—

(i) in the case of a terrace house, 50 cubic metres or ten per cent., whichever is the greater; or

(ii) in any other case, 70 cubic metres or fifteen per cent. whichever is the greater,

subject (in either case) to a maximum of 115 cubic metres;

(*b*) the height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwellinghouse;

(*c*) no part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a road;

(*d*) no part of the building (as so enlarged, improved or altered) which lies within a distance of three metres from any boundary of the curtilage of the dwellinghouse has, as a result of the development, a height exceeding four metres;

(*e*) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed fifty per cent. of the total area of the curtilage excluding the ground area of the original dwellinghouse;

(*f*) the design and external finishes are in conformity with those of the original dwellinghouse;

(a) S.R. & O. (N.I.) 1973 No. 263

Provided that:—

(*a*) the erection of a garage within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including the calculation of cubic content) if any part of the garage lies within a distance of five metres from any part of the dwellinghouse;

(*b*) for the purposes of this permission the extent to which the cubic content of the original dwellinghouse is exceeded shall be ascertained by deducting the amount of the cubic content of the original dwellinghouse from the amount of the cubic content of the dwellinghouse as enlarged, improved or altered (whether such enlargement, improvement or alteration was carried out in pursuance of this permission or otherwise);

(*c*) where any part of the dwellinghouse will, as a result of the development, lie within a distance of five metres from an existing garage, the garage shall (for the purpose of the calculation of cubic content) be treated as forming part of the dwellinghouse as enlarged, improved or altered; and

(*d*) the limitation contained in sub-paragraph (*d*) above shall not apply to development consisting of:—

(i) the insertion of a window (including a dormer window) into a wall or the roof of the original dwellinghouse, or the alteration or enlargement of an existing window; or

(ii) any other alterations to any part of the roof of the original dwellinghouse".

(iii) after class 1(1), insert the following class:—

(1A) the erection or construction of a porch outside any external door of a dwellinghouse so long as:—

(*a*) the floor area does not exceed 2 square metres;

(*b*) no part of the structure is more than 3 metres above the level of the ground;

(*c*) no part of the structure is less than 2 metres from any boundary of the curtilage which fronts on a road;

(iv) for class 1(2) substitute the following:—

"(2) The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse, of any building or enclosure (other than a dwelling) required for a purpose incidental to the enjoyment of the dwellinghouse as such, excluding the keeping of pigeons, so long as:—

(*a*) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a road;

(*b*) in the case of a garage, no part of the building is within a distance of five metres from any part of the dwellinghouse;

(*c*) the height does not exceed, in the case of a building with a ridged roof, four metres or, in any other case, three metres;

(*d*) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed fifty per cent. of the total area of the curtilage excluding the ground area of the original dwellinghouse".

(v) for Class 3 there shall be substituted the following class:—

"Class 3 — Changes of use

Development consisting of a change of use:—

(*a*) to use as a light industrial building as defined by the Use Classes Order from use as a general industrial building as so defined;

(*b*) to use as a light industrial building as defined by the Use Classes Order from use for any purpose included in class 10 referred to in the Schedule to the Use Classes Order:

(*c*) to use for any purpose included in class 10 referred to in the Schedule to the Use Classes Order from use as a light industrial building or from use as a general industrial building (as defined respectively by the Use Classes Order);

(*d*) to use as a shop for any purpose included in class I referred to in the Schedule to the Use Classes Order from use as:—

(i) a shop for the sale of hot food;

(ii) a shop for the sale of pet animals or birds:

Provided that paragraphs (*b*) and (*c*) above apply only where the total amount of floor space in the building used for the purposes of the undertaking does not exceed 235 square metres";

(vi) after Class 14 add the following:—

"Class 15 — Development for industrial purposes

Development of the following descriptions, carried out by an industrial undertaker on land used (otherwise than in contravention of planning control) for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purposes of an industrial undertaking:—

(*a*) the provision, rearrangement or replacement of private ways or private railways, sidings or conveyors;

(*b*) the provision or rearrangement of sewers, mains, pipes, cables or other apparatus;

(*c*) the installation or erection, by way of addition or replacement, of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding 15 metres in height or the height of the plant machinery, structure or erection so replaced, whichever is the greater;

(*d*) the extension or alteration of buildings (whether erected before or after 1st August 1981), so long as the height of the original building is not exceeded and the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than twenty per cent. nor the aggregate floor space thereof by more than 750 square metres,

so long as:—

(*a*) in the case of operations carried out under sub-paragraph (*c*) or (*d*), the external appearance of the premises of the undertaking is not materially affected;

(*b*) in the case of operations carried out under sub-paragraph (*a*), (*c*) or (*d*) no part of the works is, as a result of the development, within a distance of five metres from any boundary of the curtilage of the premises;