



Cabinet
15 January 2018

**Report from the Strategic Director
of Regeneration and Environment**

**Residential Extensions and Alterations Supplementary
Planning Document (SPD2) Adoption**

Wards Affected:	All except parts of those wards in Tokyngton, Stonebridge, Harlesden, Kensal Green that fall within the Old Oak and Park Royal Development Corporation boundary
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	2
Background Papers:	Brent Altering and Extending Your Home Supplementary Planning Guidance (SPG5) Draft Residential Extensions Supplementary Planning Document (SPD2) .
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1.0 Purpose of the Report

1.1 The paper outlines the consultation responses received between 6th July and 17th August 2017 on the draft Residential Extensions and Alterations Supplementary Planning Document (SPD 2). The consultation responses received have resulted in some minor amendments, with revised text and additional drawings now providing clearer guidance. When adopted by Cabinet the document will replace the existing Brent Altering and Extending

Your Home Supplementary Planning Guidance (SPG 5) adopted in September 2002, which will need to be revoked.

2.0 Recommendation(s)

- 2.1 Cabinet approves the proposed amendments as set out in Appendix 1 and adopts the Residential Extensions and Alternations Supplementary Planning Document ('SPD 2 (amended)') as set out in Appendix 2.
- 2.2 Cabinet revokes the existing Brent Altering and Extending Your Home Supplementary Planning Guidance ('SPG 5') adopted in September 2002.

3.0 Detail

- 3.1 The Brent Altering and Extending Your Home Supplementary Planning Guidance ('SPG 5') was adopted in September 2002. Since its adoption, local circumstances, national, regional and local planning policies have substantially changed. In particular there have been significant amendments to residential permitted development rights. These have allowed more extensive changes to dwellings to happen without the need to obtain planning permission. Many of these changes go beyond limitations and good practice which were considered appropriate when SPG 5 was adopted.
- 3.2 It is good practice for Local Planning Authorities to periodically review development plan policies to ensure that they are up to date. The same is true of associated supplementary guidance. This is likely to result in sustaining its elevated status as a material consideration in the determination of planning applications. The date of the existing SPG 5 hinders the weight that can be attached to it with regards to parts of its content, even though it is still referred to in the determination of planning applications.
- 3.3 Its replacement with the Residential Extensions and Alterations Supplementary Planning Document ('SPD 2 (amended)') seeks to provide up-to-date guidance. It takes account of current permitted development rights and Brent's ambition to support the continued regeneration of the Borough through allowing housing development that adapts to existing occupiers' needs. It is part of the suite of documents that seek to continue to raise the quality of the development that will take place in the Borough. It sets out guidance specific to Brent and the need for a design response tailored to these circumstances.
- 3.4 On 23rd June 2017 the Strategic Director Regeneration and Environment in consultation with the Cabinet Member for Regeneration, Growth, Employment and Skills approved the draft SPD 2 for consultation. Authority for the Strategic Director to make this decision was delegated by Cabinet decision related to the paper 'Updating the Council's Planning Strategy' agreed 13th February 2017.

Conclusion:

- 3.5 The existing SPG 5 is out of date with diminishing weight as a material consideration in the determination of planning applications. Its replacement with a more up-to-date document will improve the quality of advice given to

applicants, improving the efficiency of the application process and also the community's understanding of the changes to dwellings that will be regarded as acceptable. Consultation feedback did not indicate any significant objections to the draft document. Appendix 1 takes account of representations received and proposes amendments to the document. It is recommended that SPD 2 (amended) as set out in Appendix 2 is adopted by Cabinet. To provide clarity on the status of the existing SPG 5, it is recommended that Cabinet formally revoke this document so that it is no longer regarded as a material consideration in the determination of planning applications.

4.0 Financial Implications

4.1 There are not considered to be any significant financial implications. A notification of adoption will be sent to respondees and relevant organisations on the planning policy database. The adopted supplementary planning document will be available to download from the Council's website, which will reduce the requests for paper copies. Financial costs of meeting these commitments have been accounted for in the spatial planning team budget.

5.0 Legal Implications

5.1 Regulations provide for Local Planning Authorities to adopt supplementary planning documents. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary planning documents cannot introduce new policy or allocate sites for development. Regulations set out a period of three months for those aggrieved by the decision to challenge the adoption of an SPD through judicial review. Given the non-contentious subject matter, the risk of this happening is considered negligible.

6.0 Equality Implications

6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

6.2 An Equalities Impact Assessment screening opinion was undertaken. This identified that allowing occupants to extend their homes and make amendments to ensure homes better met their needs would have a positive impact for those with the following protected characteristics: disability, age, race, religion and maternity / pregnancy.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Public consultation was undertaken for six weeks between 6th July and 17th August 2017. Notice was provided on the Council's website and a public notice in the local press. SPD 2 was made available on the Council's website to download and hard copies were available at local libraries. In addition, relevant stakeholders on the Council's Planning Policy consultation database were notified (residents' groups and statutory consultees; consistent with the regulations).
- 7.2 Six responses were received to the consultation, including two 'no comment' responses. These are set out in more detail in Appendix 1, along with officer comments and where appropriate recommended amendments to SPD 2. Other proposed amendments to the document are also recommended for the final version to be adopted, reflecting it no longer being a consultation document and to improve the users' understanding of what is being sought. There were not any significant objections to the content of the draft document, but more comment on how clarity could be improved with some minor changes to words or the addition of explanatory diagrams/examples.
- 7.3 In summary the responses focused on:
- a) the need for greater clarity on the volume, height, width and relationship with neighbouring properties on extensions
 - b) the need for greater flexibility on roof space extensions for outriggers
 - c) the need for greater clarity on balconies and roof terraces which as worded may have been too restrictive
 - d) referencing advice available from conservation officers for proposals within conservation areas and to listed buildings; and
 - e) providing greater weight to the importance of existing trees when considering the impact of extensions / alterations.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None arising specifically from the draft Supplementary Planning Document.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration and Environment