

	<p style="text-align: center;">Planning Committee 12 December 2012</p> <p style="text-align: center;">Report from the Director of Regeneration & Major Projects</p>
<p style="text-align: right;">Wards affected: All</p>	
<p style="text-align: center;">Government Consultation on Proposed Changes to Permitted Development</p>	

1.0 Summary

- 1.1 A consultation on proposals to increase permitted development (PD) rights for extensions to houses and business premises in non-protected areas (eg outside Conservation Areas) in England has been launched by the Department for Communities and Local Government (DCLG). These proposed amendments to the Town and Country Planning (General Permitted Development) Order 1995 are also intended to streamline the regime covering the installation of broadband infrastructure.
- 1.2 The consultation period runs from 12th November to 24th December 2012. It follows media reporting since earlier in the year about the Government's intentions although there was very little notice of the commencement of the consultation.
- 1.3 The changes are significant, particularly in terms of the level of potential direct impact on adjoining residential properties. However, given Brent's urban characteristics, the nature of other changes may also have adverse impacts.

2.0 Recommendations

- 2.1 1. That the comments set out on the DCLG's response form attached as an appendix to this report are endorsed and should be returned within the consultation period.

3.0 Background

- 3.1 DCLG is proposing change in five areas:
- increasing the PD limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses), in non-protected areas, for a period of three years. No changes are proposed for extensions of more than one storey.
 - increasing the PD size limits for extensions to shop and professional/financial services establishments to 100 sq m, and allowing the building of these extensions up to the boundary of the property (except where the boundary is with a residential property), in non-protected areas, for a period of three years.
 - increasing the PD size limits for extensions to offices to 100 sq m, in non-protected areas, for a period of three years.
 - increasing the size limits for new industrial buildings within the curtilage of existing industrial premises to 200 sq m, in non-protected areas, for a period of three years.
 - removing some prior approval requirements for the installation of broadband infrastructure for a period of five years.
- 3.2 The consultation paper also made it clear the Government wants to explore whether there is scope to make it easier to carry out garage conversions and requests comments on this.
- 3.3 The DCLG say the reforms would, for a time limited period, 'slash planning red tape, sweep away unnecessary rules and bureaucracy and help tens of thousands of homeowners and companies'. However, the requirements of other regimes – such as building regulations, the Party Wall Act or environmental legislation – would not be removed.
- 3.4 Planning Minister Nick Boles said: "These proposed reforms will make it easier for thousands of hard working families to undertake home improvements to cater for a growing family or to build a conservatory.
- "Homeowners and businesses must be allowed to meet their aspirations for improving their homes and premises but this won't be at the expense of neighbours, communities and protected areas."
- 3.5 Other changes to permitted development are also being taken forward separately: making it easier for commercial properties to be converted to residential use; and encouraging the reuse of existing buildings through making changes of use easier.

The Issues

- 3.6 The expressed intention of the changes is clearly to remove restraints to investment and to encourage economic activity. These objectives would be consistent the NPPF, The London Plan and Brent's emerging LDF.

3.7 The potential for a reduction in the number of applications received is not a reason to raise concerns about the proposal. The key issues are set out in the draft consultation response in answer to the specific questions raised and are considered to turn on the following key questions;

a) Will it have the desired effect of stimulating the economy and making a significant contribution to the housing stock?

The draft response queries the projected outcome as the assumptions about the negative effects of the planning process in terms of time and costs are challenged. It is also felt that these assumptions unvalue the benefits of the current system in terms of negotiating change to reduce harm to neighbours.

b) Are the assumptions about harm and the reliance on other measures to mitigate any adverse effects reasonable?

The draft response concludes that the direct harm to adjoining residential occupiers in denser urban/suburban areas is significantly under estimated. Conversely, the effectiveness of the Party Wall Act and Rights to Light legislation to mitigate problems is significantly over estimated. Other potential adverse impacts of larger commercial extensions are identified as are the overall effects of increased surface water run off.

c) Are there significant other unintended outcomes which the may result?

The draft response concludes that the combination of existing permitted development rights for houses and the generally permissive approach of residential extension policies are likely to encourage excessive development of garden areas and produce enlarged houses which in many cases would not clearly benefit the stated aim of the changes. The likely outcome of generating potentially unresolvable enforcement issues is misunderstood as is the possibility that the major beneficiaries of the proposed changes may well be landlords.

3.8 Local residents and amenity groups have been advised to reply direct to the consultation in view of the short timetable and short notice of it being available.

4.0 **Financial Implications**

4.1 The DCLG Technical Paper estimates that the proposed changes may reduce the number of applications submitted by 10 – 20% although it accepts that this is a very crude estimate. The paper acknowledges that this will result in a reduction in fee income but suggests this may be partially offset by an increase in number of Certificates of Lawfulness which may be submitted.

5.0 **Legal Implications**

5.1 None specific.

6.0 **Diversity Implications**

6.1 These proposals would apply to various property and business types and do not identify any specific diversity issues. In terms of domestic extensions, there is reference to increasing the scope for extended or larger families to be accommodated. However, Brent's existing policies already allow scope for this.

7.0 **Staffing/Accommodation Implications**

7.1 The DCLG paper, while acknowledging that its estimates are crude, suggests that any resources released by a reduction in applications received can be allocated to ensuring that high priority major proposals are dealt with effectively.

8.0 **Environmental Implications**

8.1 The major issues raised by the paper are identified in the draft response and include;

- the direct effects of significantly enlarged extensions on adjoining occupiers.
- the potential impacts of various types of commercial development on surrounding businesses and residents of reduced parking, servicing and refuse facilities.
- the likelihood of significantly increased rain water run off through increased building and hard surfacing.

9.0 **Background Papers**

DCLG Open consultation: Extending permitted development rights for homeowners and businesses: technical consultation, <https://www.gov.uk/government/consultations/extending-permitted-development-rights-for-homeowners-and-businesses-technical-consultation>

Contact Officers

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