



Department for
Communities and
Local Government

Response Form

Extending permitted development rights for homeowners and businesses: Technical consultation

We are seeking your views to the following questions on the proposals to increase the permitted development rights for homeowners, businesses and installers of broadband infrastructure.

How to respond:

The closing date for responses is 5pm, 24 December 2012.

This response form is saved separately on the DCLG website.

Responses should be sent to: PlanningImprovements@communities.gsi.gov.uk

Written responses may be sent to:

Helen Marks

Permitted Development Rights – Consultation

Department for Communities and Local Government

1/J3, Eland House

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About you

i) Your details:

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ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

- Organisational response
- Personal views

iii) Please tick the box which best describes you or your organisation:

- District Council
- Metropolitan district council
- London borough council
- Unitary authority
- County council/county borough council
- Parish/community council
- Non-Departmental Public Body
- Planner
- Professional trade association
- Land owner
- Private developer/house builder
- Developer association
- Residents association

- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work?
(please tick one box)**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?

Yes No

Comments

The impact on both the adjoining properties and the extended house are considered excessive in terms of the proposal itself and in conjunction with existing PD rights for outbuildings by;

- creating an overbearing relationship and a loss of outlook and light to adjoining homes.
- reducing the remaining 'garden' area in terms of its use and appearance that would also be contrary to the Government's expressed concern about the effects of 'garden grabbing' on local character.
- Significantly increasing water run-off and reducing soft landscaping. This is an increasingly critical issue which the conditions in the 2008 'pd' change have not been effective in controlling.

Allowing for enlarged extensions and 'pd' outbuildings would encourage building over much of the rear gardens of the typical smaller house types and plot sizes indicated below;

Victorian Terraces:

Typical plot dimensions 5m wide, 2m front garden, 8m deep house and 10m rear garden. Total 'garden area' can be some 80m².

Encouraging enlarged extensions with effectively no separation between it and 'pd' outbuildings can produce continuous building along the entire rear garden boundary on at least one side. When extensions are undertaken on both sides of a property, a very significant 'tunnelling' effect on the property in the middle would result.

Interwar Suburban terraces and Semi-detached:

Typical plot dimensions 6-8m wide, 6m front garden, 8m deep house and 20m rear garden. Total 'garden area' can be some 190m².

The resulting gap between enlarged extensions and 'pd' outbuildings could easily be only 5-6m or even less. The relaxation could encourage combined extensions and rear outbuildings to cover over 65% of original rear garden.

Detached houses with narrow gaps between properties.

A gap of 1m or less between properties is common in Victorian/Edwardian and Interwar properties. In some cases, the building wall can actually form the boundary. It is illogical to add an allowance of an extra 2m when the separation is only 1m or significantly less

General relationship to adjoining residential boundaries

The lack of a proposal to set extensions away from residential boundaries, as proposed for extensions to commercial premises (Q4), is illogical. The greatest harm is likely to arise from the visual impact of a structure rather than the internal use – certainly if the building lacks windows and doors as many extensions to

Height on Boundaries

The current 'pd' provisions fail to respond to situations where there are significant level changes between properties and this can produce very significant extra impact – by up to a metre is not uncommon in areas with a sloping topography.

Not to recognise the potentially very significant impact of a change in levels on extensions of twice the current size is inconsistent.

It also ignores the impact of the current height limits of 4m and 3m at the eaves. In reality, larger extensions along boundaries are more likely to have flat roofs which can have parapets on the side up to 4m in height.

Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?

Yes No

Comments

Attached Garages

Planning Conditions have generally only been added in the last 20-30 years. This limits the scope for any proposed change to have an effect. However, the general increase in parking demand has usually been accommodated in front gardens.

Suggestion: Allow use of garage for incidental purposes provided a proportion of front garden soft landscaping is retained eg 25%

Detached Garages

The use for living purposes, other than incidental to the use of the house, would raise very significant planning enforcement issues. This would encourage the 'Beds in Sheds' phenomena that the Government is keen to limit.

Question 3: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

The important issue is the likely outcome of extensions of this scale.

- A common outcome for the common shop/business unit with rear service access would be the loss of the rear yard for parking, servicing and refuse storage. Many of these properties are on important distributor roads. It would seem at odds with the objective of the proposed change to encourage one business to act in a way that will impact on other businesses in terms of local congestion.
- How adequate ventilation can be provided in relation to properties above and adjoining is often a critical issue for the planning process and the acceptability of any extension.
- Where rear access exists to flats above this is usually adversely affected by large extensions to the rear.

- As expressed, the proposal refers to the gross floorspace of the original building. This would be illogical as, if the building is on more than one floor, the change could allow all the site area to be developed.

Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?

Yes No

Comments

Subject to the comments in 3 above, a 2m gap could mitigate potential 7overbearing impacts on residential properties.

Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

- This proposal misses the potential effects on adjoining properties or the local area. It should be caveated by a relationship to boundaries and the provision of key facilities such as parking, serving and refuse storage to prevent significant harm to other businesses or residents.
- As expressed, the proposal refers to the gross floorspace of the original building. If the building is on more than one floor, the change could allow all the site area to be developed.

Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m² should be permitted within the curtilage of existing industrial buildings and warehouses, provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

- This proposal misses the potential effects on adjoining properties or the local area. It should be caveated by a relationship to boundaries and the provision of key facilities such as parking, serving and refuse storage to prevent significant harm to other businesses or residents.
- As expressed, the proposal refers to the gross floorspace of the original building. If the building is on more than one floor, the change could allow all the site area to be developed

Question 7: Do you agree these permitted development rights should be in place for a period of three years?

Yes No

Comments

If these proposals are intended to increase short and longer term investment then there is no obvious logic to making them time limited.

- If the temporary period is a recognition of the potential harm to other businesses and residents then it is difficult to understand how potentially very significant harm to multiple interests can be justified a perceived benefit to an individual household or business.
- Significant domestic and commercial investment decisions may be more likely to be effected by clarity for the future than a short term window of opportunity.

Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?

Yes No

Comments

The response to Q7 questions the logic of a short term period. The arbitrary time period is likely to produce the following outcomes;

- If it did bring forward latent demand that was being repressed by the current system, it is likely that this would drop off after the period to a lower level (leading to boom/bust)
- It would present an unreasonable burden on local authorities to record and monitor completions when there is no resource provided to do so.
- It will place the planning enforcement process in an impossible position of justifying action on the basis of an arbitrary time period rather than the actual harm caused.
- It would be likely to lead to a further increase in applications for Certificates of Lawfulness, as has been experienced following the last change to domestic 'pd', due to owners/lenders/purchasers wanting confirmation of the status of any extension built under this provision.

Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?

Yes No

Comments

Previous changes to 'pd' rights in 2008 which included Article 1(5) have led to considerable concern by residents groups about the specific impact of, for example, outbuildings and roof mounted solar panels on the character of Conservation Areas.

It is noted that the logic of excluding Conservation Areas must be the presumed harm to their character rather than the direct impact on neighbours as it would be difficult to justify a different weight to a resident's direct amenity linked to the location, or implied value, of their home. This message must be explicitly relayed to the Planning Inspectorate who frequently accord very little weight to the impact of rear extensions on the character of an area if they are not visible to the general public.

Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?

Yes No

Comments

Government policy is to promote the expansion of broadband provision. If the purpose of the prior approval process for article 1(5) is the likely harm to sensitive areas then there appears no logic in a temporary period. A better solution would be to link any relaxation of notification process but ensure;

- more sensitively designed equipment which should have a higher degree of acceptance in the urban realm eg why not have an industry standard design for cabinets and masts.
- a stronger requirement to share installations in terms of an obligation to offer mast sharing and a means to control the proliferation of successive cabinets.

Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)

Yes No

Comments

The planning system is aimed at supporting sustainable development and doing so speedily. This is already indicated by the nationally reported figures on overall approvals and the target times for decisions. The intention of reducing unnecessary burdens on householder and commercial investment is also generally supported. However, the balance of the suggested burdens of the current process, the likely impacts of the changes and assumptions on harm to adjoining homes and businesses are considered to be significantly distorted.

Burden of current planning process in relation to proposed changes

It is considered that Arup's estimates significantly over-estimate the costs involved and that those referred to are likely to be rare examples of top end costs. It is also felt that the assessment grossly underestimates the potential direct harm to the amenities of adjoining residents both in relation to the changes and in relation to other 'pd' works;

- The bulk of design work for domestic and commercial extensions do not involve architects or planning consultants or the need for specialist consultants. These may be more likely to be involved within Article 1(5) land.
- Building Control approval will still be required and, the larger the works, the more likely that full plan submissions may be required. The assumptions do not recognise that plans are frequently multipurpose and therefore ignore this effective saving. Agents offer a combined package as one approval is of little value without the other.
- The Building Control process has significantly higher application costs than that for planning (eg ranging from £260 -1,400 for domestic applications). In this context, it is unlikely that the costs of the planning process for the types of works covered by the proposed changes can be a significant deterrent to development.
- The assessment appears to link the high number of approvals to a process that add no value. This ignores the proportion of changes that may be negotiated to secure an approval and which are usually aimed at limiting the impact on neighbours. In this authority, some 40%+ are amended in this way. It also ignores that fact that a large proportion of those approvals are likely to be because an applicant has opted to follow local design advice.

The presumed value to property owners

- The value of the proposed changes to residential owners is significantly over estimated. Neither is it apparently tested against common smaller house types. There is a clear and ongoing demand for various types of domestic extensions for various reasons and current 'pd' and local planning policies reflect this.
- The assumption that the extra benefit gained from extensions of up to 6 and 8 metres in length (probably doubling what would conventionally be allowed) will translate into additional bedrooms to accommodate larger households is essentially flawed. It may well produce more generous room sizes but the constraints of many house plots may mean these would be in increasingly narrow and inefficient layouts.

The lack of assessment of harm and weight attached to it

- The responses to the questions highlight the impact on smaller house types which are common throughout England. The assessment fails to both explain the direct outcome of the proposed changes on adjoining neighbours in these circumstances.
- If the level harm is understood and recognized, there can be no sustainable logic in suspending this balance for a short period - even if the economic benefits suggested are realised.
- The assessment also gives unrealistic weight to other processes such as those covering Rights to Light and the Party Wall Act to mitigate harm. In reality, these processes are not generally employed in the area of smaller scale developments and adjoining occupiers look to the planning process, including permitted development rights, to balance the benefit to one with harm to others. It seems inconsistent to refer to lifting a 'burden of bureaucratic red tape' on owners while forcing third parties to do exactly that to try and protect their own interests.

Thank you for your comments.