

	Cabinet Member for Regeneration and Planning Decision 23 September 2024
	Corporate Director Neighbourhoods and Regeneration
Residential Extensions and Alterations Draft Supplementary Planning Document	

Wards Affected:	All, but excluding parts of Alperton, Harlesden and Kensal Green, Stonebridge and Tokyngton where Old Oak and Park Royal Development Corporation is the Local Planning Authority
Key Decision:	Yes
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Appendix A: Residential Extensions and Alterations Draft Supplementary Planning Document
Background Papers:	None
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1.0 Executive Summary

1.1 The purpose of the report is to seek approval of consultation on a Residential Extensions and Alterations Draft Supplementary Planning Document.

2.0 Recommendations

2.1 That the Cabinet Member for Regeneration and Planning in consultation with the Leader approves consultation on a Residential Extensions and Alterations Draft Supplementary Planning Document as set out in Appendix A.

3.0 Detail

3.1 **Contribution to Borough Plan Priorities & Strategic Context**

- 3.1.1 The Residential Extensions and Alterations Draft Supplementary Planning Document (SPD) is consistent with the priorities of the Borough Plan in a number of respects. In relation to the Prosperity and Stability in Brent priority it supports existing residents to meet their housing needs better by enabling them to extend their home more easily to meet their needs than in current guidance. This removes the need to purchase larger more costly homes and the associated moving costs. In relation to the Cleaner, Greener Future priority it seeks to ensure that existing green space, trees, plants and biodiversity is retained as much as possible in development and where possible additional provision is made. It is supportive of incorporation of renewable energy and low carbon space heating sources. It seeks to ensure development avoids areas of flood risk and addressed any additional surface water run-off created by retaining it on site.
- 3.1.2 In relation to the Best Start in Life priority, the ability of occupiers to more easily extend their homes should reduce the potential for over-crowding. It will allow for the opportunity for children to have separate bedrooms, with the associated benefits to sleep/ health and educational attainment. This also feeds into the Healthier Brent priority, as does the need to retain sufficient garden space/ green space which is known to be beneficial to physical and mental health as well as the measures to reduce the effects of climate change which will also be beneficial to health. Providing space may also allow carers to live in properties to support occupants with a chronic health issue or disability.
- 3.1.3 The SPD addresses Brent Local Plan Policies DMP1 Development Control General Policy and BD2 Leading the Way in Good Urban Design in seeking to provide guidance that supports development mitigating its potential for negative impacts and to improve the visual and functional design of buildings to meet occupiers and Brent's needs.

3.2 Background

Changes to Existing Dwellings

- 3.2.1 The existing dwelling stock of the borough is extensive. It has and will continue to be subject to significant change, as people seek to adapt their homes to meet their needs. Many homes benefit from an extensive range of permitted development rights as set out in the General Permitted Development Order 2015 (as amended) (GPDO). This means planning permission is not required for many types of extensions or household structures, for example, ancillary buildings within gardens. Additionally, some development may be permitted in principle, but may be subject to a 'prior approval' process with the Council.

Existing Residential Extensions and Alterations Supplementary Planning Document (SPD2)

- 3.2.2 The majority of planning applications the Council receives are for extensions to existing dwellings. To provide clarity on what is likely to be regarded as acceptable, the Council currently has advice in the form of a Residential Extensions and Alterations Supplementary Planning Document (SPD2). This has been updated periodically; the last version was adopted in January 2018. There have been some further changes to the GPDO since then. This means that the existing SPD in some cases is at odds with what is now permitted development.
- 3.2.3 The Council is required to take account of its existing SPDs as a material consideration in the determination of planning applications. With the current SPD2 this can lead to what might be considered non-optimal outcomes which can also be a cause for residents' complaints. One issue is that the Council in some cases now has to depart from the SPD contents, particularly where previous refusals have been subject to successful appeal. So, the SPD is not reflective of likely current practice. Another issue is the impact on flat owners. Flats always require planning permission for extensions and many other forms of development. On occasion flats, particularly in converted houses, as a result of the SPD are currently required to have smaller extensions than neighbouring unconverted houses. This is a result of the GPDO being more generous in what it allows compared to the SPD, e.g. roof extension volumes.

Changes to the draft SPD incorporated

- 3.2.4 The draft SPD will provide greater equity removing some of the current anomalies such as the divergence between flats and houses that currently exists. It will also better address the current impact of the GPDO, in particular the potential fall-back position for houses that they otherwise have if they didn't need permission.
- 3.2.5 In addition to changes to the size of extensions the draft SPD includes recommendations on attaining professional advice and highlighting best practice in the document. Taking account of the climate and ecological emergency it also gives additional information/ advice on retaining or increasing on site green infrastructure, retaining surface water on site and providing renewable/ low carbon energy features. Greater emphasis is also placed on pre-application advice to help householders get their proposal into a good shape early on. This should allow the Council to approve applications which might currently be refused for example due to insufficient consideration of policy and guidance, and the poor quality of drawings/ information submitted.
- 3.2.6 There has been engagement internally (development management, design, transportation and green infrastructure disciplines). In addition, the Cabinet Member for Regeneration and Planning and the Leader have been briefed and able to give feedback on the document.

Balancing home extension/ improvement schemes with their impacts

- 3.2.7 Much of the existing SPD2 contents would, taken in isolation, arguably serve to protect in particular the suburban pre-war and 'metroland' character of Brent. For example, limiting the size of side dormers, retaining hipped roofs and requiring an inset from the boundary will reduce the bulk and mass of dwellings. This would give a more open feel and reduce the potential for 'terracing' of streets where houses sit in generous plots. However, this does not take account of the impact of the GPDO that goes beyond the SPD advice currently and resultant changes that have occurred in Brent, over the last twenty years in particular.
- 3.2.8 In the majority of areas, that are not subject to additional designations (such as conservation areas) this open character has started to, or has already been, substantially diminished. In addition, the local plan (Policy BH4) assumes that for relatively large parts of the borough, to meet the challenge of providing more homes, changes to the existing character (such as areas with Public Transport Accessibility Levels of 3 or more) are necessary.
- 3.2.9 Similar issues arise in consideration of impacts on neighbours. In reality for houses, the permitted development rights take very limited account of impacts on neighbours. They might consider overlooking by for example requiring an opaque window where on a side extension facing a neighbour or limiting height along a boundary, but do not consider for example loss of light or outlook from habitable windows. As such, these can be still relatively impactful on neighbours. The SPD takes into greater account the impacts and their acceptability compared to the GPDO allowances but may in some instances consider extensions that impact more on neighbours than the current SPD as now being acceptable in principle.
- 3.2.10 The lack of homes compared to need has contributed to the increased cost of dwellings significantly over many decades. This means that opportunities for families to move to larger homes relatively easily to meet their needs are reduced. Limiting permissible extension sizes compared to GPDO allowances will therefore likely result in many households currently unable to afford larger homes, even if they were available, not being able to address over-crowding in their homes.
- 3.2.11 The revisions will in part help the existing housing stock perform better in meeting needs. Irrespective of these proposals there are in any case likely to be on-going changes to the Brent's residential suburban character resulting from GPDO activity and associated with continued pressure to seek approval for larger extension. The draft SPD balances the competing pressures for environmental protection with the need to extend and improve homes. It will provide a more enduring basis for good decisions to be made for householder development.

Options

- 3.2.12 There are essentially two options open to the Council:

- a) Do not take forward a Residential Extensions and Alterations Draft SPD, or
- b) Take forward a Residential Extensions and Alterations Draft SPD.

Do not take forward a Residential Extensions and Alterations Draft SPD

3.2.13 In this scenario, the Council is likely to retain and potentially increase the divergence between its SPD and what the GPDO allows for the extension of houses. This will mean the risk of either needing to depart from the SPD to reduce the likelihood of loss on appeal, or to adhere to the SPD, refuse applications and then probably lose on appeal and expose the Council to costs. The former approach is confusing for applicants and neighbours and undermines the credibility of all Council SPDs. The latter increases cost to applicants (advice on/ submission of appeals) and the Council (statement of case on appeals).

3.2.14 For flats no change will mean the likely continued divergence between what houses can develop through the GPDO and what the Council has identified it will approve. This will reduce the floorspace available to flat occupiers and also likely result in continued complaints due to the inconsistencies between what houses can extend by through the GPDO compared to flats that need planning permission.

3.2.15 In addition, currently many applications for domestic extensions are poor quality. In the past this has led to refusals related to for example drawings or supporting material not being clear on what is being proposed, or inadequate in its scope. This is wasteful of council resources, and frustrating for residents. Greater emphasis on seeking the right professional advice will help raise quality.

Take forward a Residential Extensions and Alterations Draft SPD

3.2.16 In this scenario, it is considered that the advice is likely to better align with the GPDO. This will therefore provide clearer advice on what is likely to be acceptable development than currently. It also provides greater flexibility to dwelling occupiers to extend their homes to the extent that better meets their needs. The revised SPD may also receive a higher proportion of better-quality planning applications, that make a positive determination more likely. This will reduce wasted time and expenditure for both the Council and applicants. Whilst the advice might be considered to potentially adversely impact on Brent's suburban residential character, this arguably is limited in the context of change that has already occurred, what is likely though future changes that don't require permission due to the GPDO, and BH4 policy anticipation of changes in character in many parts of Brent being acceptable in principle to accommodate housing needs.

3.2.17 Taking account of the negative and positive impacts of the options, Option B is recommended, with the draft SPD as set out in Appendix A issued for consultation. Ultimately if adopted, the SPD will improve planning outcomes and reduce wasted resource. A consultation on the draft will allow suitable

engagement which will encourage feedback on the document. This is likely to improve its quality in achieving its outcomes.

Consultation Process

3.2.18 Consultation on the document will be for eight weeks as recommended by the Council's Leader. This is consistent with regulations and the Council's Statement of Community Involvement (which require a minimum of six weeks). It will be advertised on the Council's website and notifications sent to statutory consultees and those on the Local Plan consultation list. The document will be made available in Brent Council libraries. It is also planned that a developer/ agents' forum will also raise awareness of and encourage comment on the document's contents.

Post Consultation Process

3.2.19 Consistent with regulations the Council is required to consider all of the responses to the draft SPD received. These will be summarised, responded to and, where appropriate, recommended changes to the SPD will be made. This work will be contained within a Consultation Statement that will be made publicly available.

3.2.20 Clarity will be sought on whether following consideration of the consultation responses if no significant issues are raised, the decision to amend and adopt the revised SPD may be made by the Cabinet Member for Regeneration and Planning in consultation with the Leader. Alternatively, if necessary to be consistent with the constitution, should more significant issues be raised a report will be taken to Cabinet for decision.

4.0 Stakeholder and ward member consultation and engagement.

4.1 The document has been presented to the Leader, who has given approval to proceed with the consultation. The document's formal consultation will be publicised in the Members' Bulletin. It proposed that a session with the developer/ agents forum will be undertaken. All those on the Planning Policy consultation database will be made aware of the consultation. The document will be available on the Council's consultation portal as well as information on the consultation being disseminated on the Council's social media platforms.

5.0 Financial Considerations

5.1 The consultation and adoption of the SPD is likely to be limited in its resource requirements, covering matters such as printing of consultation material and officer time. This expenditure has been accounted for in the existing planning policy budgets.

6.0 Legal Considerations

6.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the processes that need to be followed by the Council in taking forward

a SPD. The Council will follow these processes. Once adopted, the SPD will be a significant material consideration in the determination of planning applications.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

7.1 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.

7.2 The document has been subject to Equality Impact Assessment screening. For the SPD, the implications are likely to overall be positive. This is in relation to race (some ethnic minority groups have larger or extended family households that require additional space), religion (related to the strong correlation with ethnicity), those with a disability (potentially scope to create larger ground floors to reduce reliance on upper floors where access might be more difficult/ allow space for carers) and pregnancy/ maternity (related to additional space allowing households to better manage care). No negative implications have been identified in relation to protected groups.

7.3 With regards to health, the potential to remove overcrowding in dwellings will assist with mental well-being, as will being able to accommodate extended family. As indicated, larger properties may also allow for live in carers to aid those with health issues or a disability.

8.0 Climate Change and Environmental Considerations

8.1 The SPD seeks to ensure that existing green space, trees, plants and biodiversity is retained as much as possible in development and where possible additional provision is made. It is supportive of incorporation of renewable energy and low carbon space heating sources. It seeks to ensure development avoids areas of flood risk and addressed any additional surface water run-off created by retaining it on site.

9.0 Communication Considerations

9.1 The communications strategy is set out more fully in the stakeholder and ward member consultation and engagement section.

Report sign off:

Alice Lester

Corporate Director Neighbourhoods and Regeneration