

 <b>Brent</b>	<b>Cabinet Member for Housing, Regeneration, Planning and Property Decision</b> 16 January 2025
	<b>Corporate Director Neighbourhoods and Regeneration</b>
<b>Residential Extensions and Alterations Supplementary Planning Document</b>	

<b>Wards Affected:</b>	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
<b>Key Decision:</b>	Yes
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	Appendix A: Consultation Statement. Appendix B: Residential Extensions and Alterations Supplementary Planning Document January 2025
<b>Background Papers:</b>	None
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## 1.0 Executive Summary

- 1.1 The purpose of the report is to report the results of consultation on the Residential Extensions and Alterations Draft Supplementary Planning Document, officer responses, recommended changes and the adoption of the revised Residential Extensions and Alterations Supplementary Planning Document.

## 2.0 Recommendations

- 2.1 That the Leader and Cabinet Member for Regeneration, Planning and Property:

- a) considers the representations received, officer responses, and recommended changes as set out in the consultation statement Appendix A.
- b) Approves the adoption of the Residential Extensions and Alterations Supplementary Planning Document as set out in Appendix B.
- c) Approves the revocation of the existing Residential Extensions and Alterations Supplementary Planning Document (SPD2) adopted in January 2018.

### **3.0 Detail**

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

- 3.1.1 The Residential Extensions and Alterations 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**

- 3.2.1 A decision to consult on a draft version of the SPD was undertaken by the Cabinet Member for Regeneration, Planning and Growth on 23<sup>rd</sup> September

2024. [The Cabinet Member for Regeneration, Planning and Growth Decision Report](#) gives an overview of the background as to why the revised SPD was required and the types of changes proposed compared to the Council's existing Residential Extensions and Alterations SPD (SPD2) adopted in January 2018.

## Consultation

- 3.2.2 Consultation took place over eight weeks from 3<sup>rd</sup> October 2024 to 28<sup>th</sup> November 2024. This was consistent with the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended (the regulations) and the Council's Statement of Community Involvement. It was advertised on the Council's website and notifications sent to statutory consultees and those on the Local Plan consultation database. Paper copies of the document were made available in Brent Council libraries. A survey was set up on the Council's web-based consultation platform 'Have Your Say'. Councillors were informed via the Members' Bulletin.
- 3.2.3 A total of 19 responses were received, including five by email and 14 via 'Have Your Say'. Five of these were from statutory consultees: National Highways, Natural England, Network Rail, Historic England and the Canal and River Trust. The remaining 14 responses were from local residents and businesses. Of these, 11 were generally supportive of the revised SPD, two were not (although one provided no comments) and another did not answer this question.
- 3.2.4 The detailed responses have been summarised, responded to and recommended changes to the draft SPD identified in Table 1 of the Consultation Statement in Appendix A. A brief summary of the comments are:
- The Canal and River Trust and Network Rail wanted information included on when they should be consulted and requirements for homes which are adjacent to their assets.
  - Historic England sought minor factual amendments for clarity.
  - National Highways and Natural England had no specifically relevant comments.
  - Four residents were generally supportive albeit providing no specific comments.
  - One resident was not generally supportive of the SPD and more specifically of the requirement for 50% of front gardens to be soft landscaped if including forecourt parking.
  - Some sought either an increase or decrease in extension heights and landscaping requirements.
  - Further clarity required on specific details, such as boundary treatments, forecourt parking, screening, storage, Air Source Heat Pumps, and solar panels.
  - Some wanted strengthened wording around retaining and enhancing green infrastructure, particularly for trees and protected species.
  - Concerns around the use of photos of extensions from outside the borough.

- Use of other architectural bodies being supported, not just RIBA, and
- Clarity on wording around process such as the use of discretion and how objections will be factored into decisions.

3.2.5 The minor recommended amendments to the SPD to be adopted include clarification on:

- potential constraints on development close to statutory body assets such as railways or utilities.
- replacement and protection of trees.
- cycle storage.
- additional text on a figure description.
- features to support biodiversity/ wildlife and protections set out in legislation.
- inclusion of architectural technicians as appropriate for supporting applications, and
- clarity on heritage asset status

### **Options**

3.2.6 There are essentially two options open to the Council:

- a) Do not adopt the Residential Extensions and Alterations SPD, or
- b) Adopt the Residential Extensions and Alterations SPD.

### **Do not adopt the Residential Extensions and Alterations SPD**

3.2.7 In this scenario, the Council is likely to retain and potentially increase the divergence between the current adopted SPD2 and what the General Permitted Development Order 2015 (as amended) (GPDO) allows for the extension of houses. This will mean the risk of either needing to depart from the existing SPD2 to reduce the likelihood of loss on appeal, or to adhere to the SPD2, 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).

3.2.8 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.

3.2.9 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 the Residential Extensions and Alterations SPD**

3.2.10 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.

3.2.11 Taking account of the negative and positive impacts of the options, Option B is recommended, with the SPD including amendments as set out in Appendix B adopted. The adopted SPD will improve planning outcomes and reduce wasted resource.

3.2.12 Once adopted the SPD will become a significant material consideration in the determination of planning applications. Following adoption, to reduce any confusion and remove the existing SPD2 as a material consideration in the determination of planning applications, it is recommended that SPD2 is formally revoked. The process for this is formally set out in the regulations and will be followed.

## **4.0 Stakeholder and ward member consultation and engagement.**

4.1 Paragraph 3.2.2 identifies the consultation and engagement processes undertaken.

## **5.0 Financial Considerations**

5.1 The adoption of the SPD is likely to be limited in its resource requirements, essentially being 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 and revoking 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