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BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley
lisa.thornley@bromley.gov.uk

DIRECT LINE: 020 8461 7566

FAX: 020 8290 0608

DATE: 19 November 2012

DEVELOPMENT CONTROL COMMITTEE

Meeting to be held on Thursday 22 November 2012

Please see the attached report marked 'to follow' on the agenda

- 6 EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES: TECHNICAL CONSULTATION. THE COUNCIL'S RESPONSE TO THIS NATIONAL CONSULTATION (Pages 1-8)**

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Agenda Item 6

Report No.
DRR12/134

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Development Control Committee**

Date: **22 November 2012**

Decision Type: Non-Urgent Non-Executive Non-Key

TITLE: EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES: TECHNICAL CONSULTATION. THE COUNCIL'S RESPONSE TO THIS NATIONAL CONSULTATION

Contact Officer: Jim Kehoe, Deputy Chief Planner
Tel: 020 8313 4441 E-mail: jim.kehoe@bromley.gov.uk
Tim Horsman, Assistant Development Control Manager
Tel: 020 8461 7716 E-mail: tim.horsman@bromley.gov.uk

Chief Officer: Bob McQuillan

Ward: All Wards

1. Reason for report

To set out the Council's proposed response to the government consultation "Extending permitted development rights for homeowners and businesses" which was published on 12th November and finishes on 24th December 2012.

2. **RECOMMENDATION(S)**

Members are asked to agree the submission of the response as set out in the report, to this consultation.

Corporate Policy

N/A: BBB Priority: Quality Environment

Financial

1. Estimated cost Included within existing staff workload
 2. N/A
 3. Budget head Planning
 4. Total budget for this head £2m
 5. Source of funding: Existing budget
-

Staff

1. Number of staff (current and additional) – 1
1
 2. If from existing staff resources, number of staff hours - 5
-

Legal

1. Statutory requirement:
 2. Call-in is not applicable:
-

Customer Impact

Estimated number of users/beneficiaries (current and projected) - All users of planning process

3. COMMENTARY

- 3.1 This national consultation was published on 12 November 2012 and requires responses by 24 December 2012. The proposed changes will apply to homes and business premises in non-protected areas (therefore excluding conservation areas, National Parks, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest.) The full consultation document is available for inspection at <http://www.communities.gov.uk/publications/planningandbuilding/extendingpdrconsultation> or in the Members Room. The Committee received a report on similar matters in September 2012 and the Chairman wrote to the Planning Minister on 27/9/12 as a result.
- 3.2 The consultation is on a set of proposals to amend the *Town and Country Planning (General Permitted Development) Order 1995* [the GPDO] to allow homeowners and businesses to make larger extensions to their homes and business premises without requiring a planning application, and to allow quicker installation of broadband infrastructure.
- 3.3 The Government is proposing action in five areas:
- 1) Increasing the size 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.
 - 2) Increasing the size limits for extensions to shop and professional/financial services establishments to 100m², 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.
 - 3) Increasing the size limits for extensions to offices to 100m², in non-protected areas, for a period of three years.
 - 4) Increasing the size limits for new industrial buildings within the curtilage of existing industrial premises to 200m², in non-protected areas, for a period of three years.
 - 5) Removing some prior approval requirements for broadband infrastructure.
- 3.4 The consultation relates specifically to the following existing Parts in the GPDO:
- Part 1 (Development within the curtilage of a dwellinghouse)
 - Part 8 (Industrial and warehouse development)
 - Part 24 (Development by electronic communications code operators)
 - Part 41 (Office buildings)
 - Part 42 (Shops or catering, financial or professional services establishments)
- 3.5 The consultation paper sets out the government's view that these measures "*will bring extra work for local construction companies and small traders, as families and businesses who were previously deterred from taking forward their plans. For illustration, 20,000 new extensions could generate up to £600m of construction output, supporting up to 18,000 jobs. In addition, each family who benefits will save up to £2,500 in planning and professional fees, with total savings of up to £100m a year.*"
- 3.6 The document continues: "*Permitted development already removes hundreds of thousands of developments from the planning system every year, benefiting homeowners and businesses of all sizes, and reducing costs and delays. Extending permitted development rights further will promote growth, allowing homeowners and businesses to meet their aspirations for improvement and expansion of their homes and premises.*"

3.7 The consultation requests a response to a number of questions, and these are set out below together with the recommended answers:

3.8 **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?**

Answer: No.

Comment: At present the permitted development allowance for rear extensions is suitably generous but is set at a level where in the majority of cases no harm is caused to neighbouring properties, even if the maximum rearward projection is reached. This is because if there is a loss of light or harm to prospect, for example if the neighbouring property is at a lower level, this is restricted by reason of the rearward projection limit. Allowing an increase to this limit is likely to result in a much larger number of cases where neighbours will experience adverse impacts from an extension such as visual impact, overshadowing or loss of light.

It is also considered unlikely that this proposal will substantially increase the number of homeowners extending their property, with the exception of those who have previously had planning permission refused for a deeper extension and would be able to construct it under this proposed change. It is considered unlikely that this proposal will offer any significant growth in the economy.

It is an assumption to say that extensions built under permitted development are 'removed from the planning system' as set out in paragraph 4 of the consultation document. Many of those extending their property under permitted development choose to ensure that these works are within the law by submitting certificates of lawfulness for a proposed development. These attract half the fee of planning applications and this will result in a modest net loss of income for Local Planning Authorities who are already struggling to cover the costs of running their service. Given the size and potential controversy of larger proposals it seems more likely that certificates of lawfulness will be sought.

The proposal might result in a worsening of neighbour relations as works could be carried out that will have significant impact without any opportunity for consultation. It is also likely to result in considerably more planning enforcement complaints being received regarding large extensions that impact upon neighbour amenity due to their depth. The Council will be burdened with investigating all of these enquiries which could become particularly difficult once the three year period expires, with regard to ascertaining the commencement and / or completion date for the works.

Whilst it is appreciated that some may welcome being able to carry out large extensions without planning permission, the majority will feel vulnerable to their neighbours exercising their right under this proposal and helpless to influence or even comment on any resulting impact. The ability for local decision making following consultation and consideration against established policies by qualified professionals and elected representatives is one of the primary benefits of the planning system and is greatly valued, and it would be inappropriate to degrade this system to the extent proposed.

The overall impact of this change will be un-neighbourly extensions, in some cases where there have previously been good grounds for refusing such schemes; and a modest net loss of income and additional workload for the Local Planning Authority. Overall it is considered that there will be harm not benefit from this proposal.

3.9 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?

Answer: No

Comment: Given that there are very few situations where planning permission is required, and in the rare cases where restrictions have been imposed, Local Planning Authorities have only imposed conditions where the retention of garages is generally necessary and it remains important to be able to consider such cases on their individual merits.

3.10 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%?

Answer: No

Comment: The existing allowance of 50sqm is already a significant amount of development to allow without consideration via the planning application process. Such large extensions up to 100sqm could have a significant impact on the character and appearance of an area and result in the loss of car parking or service areas which may be important existing features of a site.

3.11 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?

Answer: No

Comment: To allow development up to the boundary could have significant impacts upon the amenity of neighbouring sites particularly as the maximum limit is 4m high. Even taking into account the proposal for a 2m gap to residential boundaries, there are other non residential uses who could experience significant negative impacts from such a scale of development.

3.12 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%?

Answer: No

Comment: The existing allowance of 50sqm is already a significant amount of development to allow without consideration via the planning application process. Such large extensions up to 100sqm could have a significant impact on the character and appearance of an area and result in the loss of car parking or service areas which may be important existing features of a site.

3.13 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%?

Answer: No

Comment: The existing allowance of 100sqm is already a significant amount of development to allow without consideration via the planning application process. To allow new buildings up to 200sqm could have a significant impact on the character and appearance of an area. The Local Planning Authority would have no control over the appearance of such a building or be able to ensure that it can be safely serviced. The allowance could result in significant erosion of landscaped areas or car parking or servicing areas, all of which could be significant features of a site. Such substantial development should be rightly considered through the planning application process.

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

Answer: No

Comment: The impacts of allowing permitted development must either be considered to be acceptable, in which case there is no reason to impose a time limit, or unacceptable in which case they should not be permitted. There is no convincing reason to suggest that significant development is acceptable for a period of time. Should the decision be made to proceed with any of the changes, a three year period would be more acceptable than a permanent change as it would limit the amount of harmful development carried out. This suggestion demonstrates a clear acknowledgement that these proposals will result in harm but appears to suggest that this harm would be acceptable if it were time limited albeit that the development is permanent. This is not an appropriate approach to the management of development.

3.15 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?

Answer: No

Comment: On the basis of the answer to Question 7 above, there is no reason to allow these changes for three years. Additionally the proposal for notification of completion will place a further burden on Local Planning Authorities (LPAs) and is very likely to result in enforcement complaints and disputes over commencement and completion dates and definitions which the LPA will be required to resolve without any income to fund staffing and resources.

3.16 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?

Answer: Yes

Comment: Notwithstanding the views expressed above, such protected areas should definitely be protected from wide ranging permitted development which could cause significant harm and further consideration should be given to Green Belt areas.

3.17 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?

Answer: No

Comment: This proposal undermines the reasons for the designation and special treatment of article 1(5) land and will result in harmful development. The prior approval process does not cause significant delays for telecommunications operators but it does enable the LPA to ensure that proposals do not cause significant harm, as telecommunications development can be insensitive and functional in its design. As in Question 7 above, there is no reason why this should be acceptable for five years.

3.18 Question 11: Comments

These proposals highlight some deficiencies in the 'Article 4' process, for removing Permitted Development rights. The need for Councils to pay compensation should be reduced and their applicability to 'temporary' time periods of Permitted Development rights considered further.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	<p>DCLG Consultation November 2012: Extending permitted development rights for homeowners and businesses - Technical consultation</p> <p>Town and Country Planning (General Permitted Development) Order 1995 (as amended)</p> <p>Letter from the Chairman of Development Control Committee to the Planning Minister dated 27th September 2012</p>

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