



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:

Name:	Alan Dyer
Position:	Group Manager Planning
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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 x
Personal views

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

District Council x
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):	This response is on behalf of the Council. It is based on the Council's extensive experience in dealing with extensions to residential and commercial properties.
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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 Council strongly objects to the proposed change on the grounds that the harmful impacts have been ignored and the benefits overstated.

The Council considers that the current limitations on single storey rear extensions strike the right balance between retaining control over development that may have adverse impacts and permitting development that will have little or no impact. The consultation document appears to be written on the assumption that the proposed extension to permitted development rights will only permit developments that will have little or no adverse impact. Our experience as a District Council in dealing with development proposals does not support this view.

The proposed change will enable people to carry out developments that in some cases will have unacceptable adverse impacts.

This is not just the Council's view. We have examples of appeals dismissed for proposals that would be permitted development under the proposed changes. Two cases are attached, one in a residential area and one in the Green Belt. Both these schemes were found by an independent Inspector to be unacceptable for sound planning reasons but could now be constructed.

A single storey extension of 8m to the rear of a detached property could represent a very large increase compared to the original dwelling. It would create scope for large flat roof extensions to be added which in some cases could significantly harm the appearance of the property as a whole and may have an effect on the appearance of a wider area as not all rear extensions are hidden from public view.

A single storey extension of 6m to the rear of an attached property is very likely to have an adverse impact on neighbours if carried out up to the boundary. A 6m long wall up to 3m in height along a boundary with a semi detached or terrace property will not generally be acceptable.

The Council does not receive a large number of applications that fall within the proposed exemption. This is because householders, with the Council's encouragement, will generally look for a better design solution than a large expanse of single storey flat roof extension that will do nothing for the appearance of their property and may adversely affect their neighbours. The proposed changes will unfortunately create a perverse incentive for people to extend in a way that could be more harmful to the local environment and their neighbours than other extension options more in keeping with the character of existing properties but still requiring permission.

If the proposals are introduced and acted upon, the result is likely to be that a substantial number of householders will suffer harm to the quality of their living environment from extensions to neighbouring properties that could have been prevented if the current permitted development rules had been maintained.

Related to this, Councils are likely to receive an increased number of complaints from neighbours affected by developments constructed under the new rules.

While the harm from the proposed change is clear the economic benefits are not. The Council recognizes the value to the national economy of boosting the construction industry but it does not consider that the impact assessment accompanying the consultation provides a robust basis for concluding that the change will result in a substantial benefit to the industry (see comments on the Impact Statement for further information).

If the Government decides to proceed with the proposal the Council requests that the definition of protected land in relation to this measure be extended to include Green Belt (see answer to Q.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?

Yes No

Comments

Paragraphs 22-24 of the consultation document provide a fair summary of the current position and show how garages can be converted into residential accommodation under existing permitted development rights. They also acknowledge that there will be occasions where conditions can be justified to prevent conversion.

The Council sees no need for any change to the current rules.

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 Council considers there may be circumstances in which an extension of this size could have harmful impacts. Current PD rights which were only introduced in 2010 allow for extensions of up to 50 sq m or an increase of 25% and this is considered to strike an appropriate balance.

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

No objection provided the 4m height limit for permitted development in this class is maintained together with the restrictions relating to shop fronts and also provided that for the purposes of this provision residential properties include residential flats in buildings in mixed use.

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

The Council considers there may be circumstances in which an extension of this size could have harmful impacts. Current PD rights which were only introduced in 2010 allow for extensions of up to 50 sq m or an increase of 25% and this is considered to strike an appropriate balance.

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

The Council considers there may be circumstances in which an extension of this size could have harmful impacts. Current PD rights which were only introduced in 2010 allow for new buildings of up to 100 sq m or an increase of 25% and this is considered to strike an appropriate balance.

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

Yes No

Comments

The Council considers that the harmful effects, particularly of the residential changes outlined in its response to Q.1, are such that they should not be introduced even for a temporary period. It also considers there will be substantial practical problems in dealing with the transition back to the current rules at the end of the temporary period.

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

If, despite objections, the proposals are introduced for a temporary period of three years then the requirements suggested should be imposed.

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

If the Government decides to proceed with these proposals the Council requests that the definition of protected land in relation to the measures should be extended to include Green Belt.

The NPPF states that an essential characteristic of Green Belt is its openness and establishes a presumption against inappropriate development. It states that inappropriate development is by definition harmful to the Green Belt and that harm to the Green Belt should be given substantial weight in decision making (NPPF paras 87 and 88). An extension is only appropriate if it does not result in disproportionate additions over and above the size of the original building (NPPF para 89). The proposed change would allow a substantial increase in the size of extension that can be constructed without permission and do not include any requirement to ensure that extensions remain proportionate to the size of the original building.

Buildings in the Green Belt can vary substantially in size and there will be cases where the change would allow a disproportionate increase to the size of the original building contrary to Green Belt policy. An example of an inappropriate

extension to a dwelling in the Green Belt that would become permitted development under the proposed change is attached in the second appeal decision.

The proposals regarding the ability to construct new commercial buildings of up to 200 sq m could also in some cases also result in inappropriate development being permitted in the Green Belt. New commercial buildings are inappropriate in the Green Belt unless they meet the specific tests in para 89 of the NPPF which require there to be no greater impact on openness. New buildings permitted under the proposed change even when they are within the curtilage of existing premises may reduce openness and consequently be inappropriate.

The potential conflict with national policy in relation to extensions and new buildings could be overcome by excluding Green Belt areas from the proposed change.

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

The current prior approval arrangement enables planning authorities to have some influence over the location of equipment and has enabled authorities to negotiate improved locations avoiding damaging visual impact on Conservation Areas in particular.

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 Council considers the Impact Assessment is inadequate as a basis for assessing the residential extensions proposal for the following reasons:

1. There is no assessment of the harm that would arise from relaxing the current rules. The assumption appears to be that there would be no harm but no assessment has been carried out to justify this stance. The Council considers there would be significant harm to the amenities of neighbouring properties and to the character of residential areas which should be considered as part of the impact assessment.

2. The assessment of economic benefits makes a number of unjustified assumptions meaning that little weight can be given to the claimed benefits. For householders it is suggested that the saving per application would be between £150 and £2,470 which is such a wide range as to be meaningless. An assumption is then made that 10-20% of applications for householder development would no longer need permission. This range appears to be nothing more than a guess as there is no reference to any supporting evidence in the form of any analysis attempting to actually calculate the number of such applications, which could for example have been obtained by a sample survey of applications made to Councils. The resulting calculation is a saving of between £5m and £100m to applicants, a range that is far too wide to draw any conclusions.

The benefits to the construction industry are even more uncertain. These will only occur where the relaxation leads to development occurring that would not otherwise take place. The impact assessment states that "it is not possible to estimate the number of applicants that are currently deterred" from developing because of the cost of the system. The Council understands this viewpoint, but it would have been helpful to carry out some analysis comparing the costs of making an application with the total cost of the extension to see how far the removal of applications costs affects the total cost to householders. Table 1 of the Impact Assessment estimates typical building costs for the kind of extension that would now be permitted at £30,000 (40 sq m x £750 per sq m), to which additional costs including drawing up plans for building regulations, finance costs etc, would need to be added. This calculation suggests that planning application costs are a relatively small proportion of the total (between 0.5% and 8%) and unlikely to affect most householders' decisions.

Despite stating that the number of applicants deterred from developing could not be estimated Table 1 suggests that 10-20,000 additional extensions would be built which is 50% of the estimated total number of developments currently subject to applications. Such a high proportion, and the resultant benefit of £300m to £600m, cannot be justified when the proportion of development costs attributable to the planning application is so low.

What is more likely is that some developments will take place that would otherwise not be acceptable, including developments previously refused permission and dismissed on appeal such as the examples we have provided.. These will provide a benefit to the construction industry in terms of extra work but only at the cost of harming the environment for neighbours and the wider community and bringing the planning system into disrepute by allowing development to take place that has previously been found unacceptable for sound planning reasons..

Thank you for your comments.