



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](mailto: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

Bressenden Place

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## About you

i) Your details:

|                                       |  |
|---------------------------------------|--|
| Name:                                 | James Rodger   |
| Position:                             | Head of Planning Sport and Green Spaces                                    |
| Name of organisation (if applicable): | London Borough of Hillingdon   |
| Address:                              | Civic Centre<br>High Street<br>Uxbridge<br>Middlesex<br>UB8 1UW            |
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| Telephone number:                     | 01895 556 255  |

**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): |  |
|-------------------|--|

**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): |  |
|-------------------|--|

**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:

(i) Creating an overbearing relationship and a loss of outlook and light to adjoining homes. This includes creating properties with rooms that do not benefit from natural daylight, which is both un-sustainable and not conducive to good living conditions. It should be noted that the original permitted development constraints were partly based on what were considered sensible dimensions taking into account Building Research Establishment work on the impact of certain size extensions on neighbour's amenity. The 3m and 4m existing depth constraints are therefore based on a scientific rationale. The proposals for 6m and 8m deep extensions lack any form of scientific rationale and will undoubtedly cause significant harm to many neighbour's amenity.

(ii) 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.

(iii) 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 under (i) to (iii) below;

(i) Victorian Terraces: These have typical plot dimensions 5m wide, 2m front garden, 8m deep house and 10m rear garden. The total 'garden area' can be typically 60m<sup>2</sup> to 80m<sup>2</sup>. 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.

ii) Inter-war Suburban terraces and Semi-detached properties (so called 'Metro-land' properties such as these make up a significant proportion of London suburban housing stock): These have typical plot dimensions 6-8m wide, 4-8m front garden, 8-10m deep house and 18-20m deep rear garden. The total 'garden area' can be 100m<sup>2</sup> to 200m<sup>2</sup>. The resulting gap between enlarged extensions and 'PD' outbuildings could easily be only 5-6m or even less on some properties. The relaxation could encourage combined extensions and rear outbuildings to cover over 65% of the original rear garden.

(iii) Detached houses with narrow gaps between properties: A gap of 1m or less between properties is common in Victorian/Edwardian and Inter-war properties. In some cases, the building wall can actually form the boundary. It is illogical

add 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 commercial premises do.

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. The proposed amendments will exacerbate this.

**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

Planning permission is not normally required to convert a garage unless there is a condition preventing such a conversion happening. It can only be assumed that the Government is trying to encourage so called 'granny annexes. In the London Borough of Hillingdon few such conversions become granny annexes; more often they become separately rented substandard living accommodation. It should be noted that by converting garages there is removal of parking spaces, which increases pressure on 'on-road' parking. In many parts of London on-road parking is saturated, and therefore as well as creating highway safety issues, the conversion of garages to living accommodation often results in parking demand being accommodated in new hardstandings that cover front gardens. The loss of front gardens to parking is also already having a major impact on some suburban areas through the subsequent drainage problems this creates.

**Additional comment concerning detached garages**

The use for living purposes, other than incidental to the use of the house, would raise very significant planning enforcement issues for a borough like Hillingdon. This would encourage the 'Beds in Sheds' phenomena that the Government is keen to limit which is growing across suburban London and creating very poor living accommodation, often with significant fire and safety implications (as such structures do not need Building Control consent in most cases).

**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 100m<sup>2</sup>, 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. Highway and pedestrian safety concerns will arise in some cases.

Where rear access exists to flats above this is usually adversely affected by large extensions to the rear. The proposals do not seem to consider the impact that could occur to the amenity of residents who live above shops.

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

This could sterilise spaces above shops where such extensions could remove pedestrian access routes other than internal stairways, thus preventing means of escape/safe access and egress.

**Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m<sup>2</sup>, provided that this does not increase the gross floor space of the original building by more than 50%?**

Yes  No

## Comments

This proposal ignores 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, servicing 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 200m<sup>2</sup> 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 does not consider the potential effects on adjoining properties or the local area. Nor does it consider the provision of key facilities such as parking, servicing and refuse storage. Poorly considered proposals that prevent HGV's properly maneuvering around industrial land could have a sterilizing effect rather than a positive effect on the economy. 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. It is therefore considered that this proposal has not been at all thought through.

**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 in 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 on the basis of 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 arbitrary time period is likely to produce the following outcomes;

- (i) If it did bring forward latent demand that was being repressed by the current system, it is likely that this would create a short term boom followed by a rapid reduction in extensions being built when the 3 year period ended (surely this not a sensible economic model to follow).
- (ii) It would present an unreasonable burden on local authorities to record and monitor completions when there is no resource provided to do so.
- (iii) 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.
- (iv) Extensions that are built under the 'relaxed' 'PD' system would inevitably set a precedent for large unacceptable structures after the three year period has ended.
- (iv) It will 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

The proposal to increase permitted development (PD) rights for extensions to houses and business premises is ill founded and totally unacceptable. The issue raised by Question 9 should not even under consideration. However, if permitted development rights must be extended, it makes sense that the most sensitive sites be excluded. Many Councils have 'Areas of Special local Character', which although not designated as Conservation Areas have an architectural quality which is considered worth protecting. The proposed changes to permitted development rights by only including Article 1(5) land exclude 'Areas of Special Local Character'. It is unfortunate that where local communities have sought to impose their own protection to particular residential estates, that these locally designated areas will not be unscathed from the harm likely to be caused by the permitted development changes.

**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

If the purpose of the prior approval process for article 1(5) is to prevent harm to sensitive areas then there appears no logic in a temporary period. The London Borough Hillingdon carried out a review of telecommunications installations earlier this year. The conclusions of this were that the cabinets being erected by BT and other broadband operators were getting larger and the one size fits all design being used might be appropriate in the streetscapes of town centres; but would not be appropriate in the more suburban or historic parts of Conservation Areas. There is often little fore-thought regarding where the cabinets are sited (in contrast it must be said with the mobile phone operators who do try to share facilities and consider what the least sensitive sites are to site their equipment). The equipment cabinets used by broadband operators can cause significant harm to the character and appearance of Conservation Areas for the reasons outlined above.

## **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 burdens of the current process and the likely impacts of the changes differ from council to council and yet unfortunately a one size fits all approach is being suggested. In addition the assumptions on harm to adjoining homes and businesses are considered to be significantly distorted.

It is considered that Arup's estimates significantly overestimate the costs involved and that the figures relate to a fraction of the construction projects that are undertaken, and are certainly not reflective of the costs of the average construction project. 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 qualified architects or planning consultants or the need for specialist consultants. Building Control approval will still be required and, the larger the works, the more likely that full plan submissions may be required. The assumptions also do not recognise that plans are frequently multipurpose and therefore ignore this effective saving. Agents often 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 (e.g. Can be more than £1,500 for larger 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 adds 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. This can be between a quarter and half of all proposals.

The presumed value to property owners

The value of the proposed changes to residential owners is significantly over estimated. The data is also based on a very narrow sample of house types. The assumption that extensions of up to 6 and 8 metres in length will translate into additional bedrooms to accommodate larger households is essentially flawed. The likelihood is that there may well be more generous room sizes but the constraints of many house plots may mean these would be in increasingly narrow and inefficient layouts. Indeed it is unscrupulous landlords that are likely to profit from the changes, unfortunately in an un-regulated way.

The lack of assessment of harm and weight attached to it

The assessment gives completely unrealistic weighting to other legislative 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 benefits of the proposed development against the 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 residential amenity.

**Thank you for your comments.**