



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

Bressenden Place

London SW1E 5DU

About you

i) Your details:

Name:	NIGEL RICHARDSON
Position:	ASSISTANT DIRECTOR (DEVELOPMENT)
Name of organisation (if applicable):	EPPING FOREST DISTRICT COUNCIL
Address:	CIVIC OFFICES, HIGH STREET, EPPING, ESSEX, CM16 4BZ
Email:	nrichardson@eppingforestdc.gov.uk
Telephone number:	01992 564110

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):	
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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):	
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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

Most planning applications rarely propose rear extensions at 6 -8 metres deep. Where they have been submitted, they normally cause harm, mainly to the adjoining neighbours amenity, and are refused planning permission. Planning is suppose to be an impartial system that is fair to all and acts to safeguard against undue harm, in the interest of general amenity. Allowing deeper extensions to be built without the need for planning permission will result in loss of light and outlook to rooms of neighbours nearest rooms.

The benefits of extra work for local construction companies and small traders will be limited, because there are other factors that decide whether an extension goes ahead or not, such as the finance at the disposal of the homeowner to build it. The savings made by not paying the planning application fee and professional fees is a small percentage of the overall cost of building and furnishing an extension. This therefore does not outweigh the harm that extensions of this size will have on the amenities of adjacent residential neighbours or design.

On small plots, extensions of this depth could cover a large portion of the rear garden and therefore project up to halfway down the garden of both this and the neighbours, possibly more if it does not cover more than 50% curtilage of the house. Whoever's idea this was, there appears to be a pre-conceived view that houses sit on wide plots, when in many of the built up areas, this is not the case. For example, not all detached and detached houses sit in spacious plots. Also on narrow plots, the rear of say a terraced house could end up with a tunnel effect if both neighbours either side built out to 6 metres, leaving a poor oppressive outlook and inadequate light to serve the rear of their house and this part of the most used area of garden.

Without the need for planning permission, increasing the depth of extensions from 3 and 4 metres to 6 and 8 metres does not take into account that there should be greater clearance from the side boundaries of the site or indeed a further restriction on the height, particularly on sloping roofs, which are not planned to be changes as part of this proposal.

In design terms, the extension at these depths could be as deep as the house therefore appearing out of proportion. When viewed from upper windows, there is a danger that a sea of long flat roofs will be overdominate and harmful to the appearance of the neighborhood. The long flat roof is likely to be the most typical way of building this without planning permission and could be conflict with the aim to design out crime.

If anything, the doubling of the depth of the rear extension is going to result in a poor outcome for the amenity of the immediate neighbour. It will do little for localism, because the neighbour will not be able to object and will result in a deterioration of neighbour relations. Whilst paragraph 1 of the introduction states that currently 90% of homeowner extensions are approved, this is because most submissions are sensible depth extensions, knowing that deeper extensions in

the region proposed would not gain planning permission. To conclude, the changes will set neighbour against neighbour and result in increase harm by creating excessive loss of light and outlook to the most used part of their rear garden and closest windows, which currently would be refused planning permission and generally be dismissed on appeal.

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

It is only in the case where a planning condition on a planning permission requiring a garage to be retained for this purpose, that a garage needs planning permission to be converted into a room for use by family members. Altering permitted development rights will not change this. As a Council, we very rarely use this condition anymore unless where on-street parking is very limited or restricted.

What is required is clearer permitted development advice on when an annexe is a separate dwelling or not.

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

This may encourage local parade and village shops to compete with the market and provide a supporting facility to the local catchment area. However, it could also displace off-street parking and deliveries into neighbouring roads, as well as limit where refuse can be kept on-site and result in refuse spilling out onto the local street for collection.

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

There is a concern that 2 metres is not a large enough gap and therefore will not safeguard against harm to the neighbours residential ground floor amenity. However, if done in conjunction with restricting the roof eaves level to 3 metres, this would be supported. "Residential" needs to be clarified, i.e. does it just mean residential use on the ground floor only requires a 2 metre gap. What about residential uses on upper floors?

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

Offices can in some case be adjacent to an affected residential use resulting in loss of amenity. Parking, servicing, deliveries and refuse may be displaced resulting in on-street parking congestion and litter problems, particularly if the whole footprint of the site is able to be built over.

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

Such uses are very rare adjacent to residential uses. Generally though, these are large sites and surface parking and serving areas will remain. However, In Green Belt areas this could result in significant built development, harmful to openness. Where change of use of farm buildings to business or storage use has been allowed, to then allow new building could have an excessive impact on the area. To allow such expansion in unsustainable locations is contrary to national guidance and does not make sense.

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

Yes No

Comments

This is difficult to understand how development for 3 years was to be accepted as permitted development, but not afterwards. The impact on neighbours amenity would be no different and likely to be harmful, but unfair if one neighbour can build a deep extension without needing planning permission compared with another for the same thing but require permission, due just because of its timing. This will only result in an impartial system and be difficult to enforce.

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

This implies that if an extension is not built in time, then it will be unlawful and be required to be removed. With this uncertainty, lenders will be cautious about loaning funds and whether extension work comes forward or not will depend more on cost than ease of building under permitted development rights.

If the temporary relaxations are to be implemented, there needs to be a formal way of recording which developments have been completed. Will we receive many completion notifications and how will the council's be able to monitor this? Enforcement resourcing is likely to become strained and increase cost of resourcing.

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

Yes, however, the character of a conservation area, for example, may not be affected by the depth of single storey rear extensions. Rear of shops, offices and commercial premises may have rear service roads where large flat roof extensions might visually impact on the street scene, so therefore the character in these cases may be unduly harmed.

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

Such equipment is visible in conservation areas and may detrimentally harm the character of that area. This therefore should remain for assessment as the present situation. Also, the 5 year relaxation is not understood.