

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Improving Places Select Commission</b>
<b>2.</b>	<b>Date:</b>	<b>Wednesday 28 November 2012</b>
<b>3.</b>	<b>Title:</b>	<b>DCLG Consultation</b>
<b>4.</b>	<b>Directorate:</b>	<b>Environment and Development Services</b>

**5. Summary**

Proposed response to the Government consultation document “Extending permitted development rights for homeowners and businesses: Technical consultation” dated 12 November 2012.

**6. Recommendation**

That Members of the Commission comment on the proposed response prior to a recommendation to the Cabinet Member.

---

---

## 7. Proposals and Details

The Government has produced a consultation document titled “Extending permitted development rights for homeowners and businesses” and asked for comments on the proposals by 24 December 2012. The consultation proposes changes to increase permitted development rights for extensions to homes and business premises in non-protected areas.

The proposal would amend the *Town and Country Planning (General Permitted Development) Order 1995* to allow homeowners and businesses to make larger extensions to their homes and business premises without requiring a planning application, and also to allow quicker installation of broadband infrastructure.

### Question 1 background

Currently Permitted Development (PD) rights exist for single storey rear extensions 4m from rear wall for detached and 3m from rear wall for other house types. The consultation proposes that these limits are increased.

The Government suggests that amenity of neighbours will be protected as the development will be restricted to: not more than 50% of curtilage; not more than 4m high and any extension with an eaves height of more than 3m must be set back 2m from the boundary. Other regimes e.g. Building regs will remain in place

**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

One of the ‘Core planning principles’ of the National Planning Policy Framework (NPPF) is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.” The proposed amendments would not comply with this as due to the negative impact of a 6m or 8m extension on the boundary with a residential garden.

In our Borough our experience is that single story rear extensions are generally approved with a rear projection of up to 4m which is the limits of what we consider to be acceptable (but with lower eaves height than the proposed 3m). Larger extensions (either in length or height) on or close to the boundary are generally refused due to impact on the amenities of occupiers of neighbouring properties and we have a good record of success at appeal when independently scrutinised.

In relation to detached dwellings and the proposed 8m – it is noted that many

properties on modern housing estates are built on small plots often very close to or on the boundary with the neighbouring property. An 8m extension would therefore have a huge impact on the neighbour's amenity.

Extensions with a mono pitch roof on the boundary would have an even greater impact on amenity as the roof height on the boundary could be up to 4m high (as the eaves would be on the other side of the extension and could meet the 3m limit).

In terraced properties where residents either side take advantage of the PD the impact on the middle resident would be significant, effectively creating a tunneling effect. Changes in ground levels (with the neighbour at a lower level) would exacerbate the problem further.

The condition restricting the PD to 50% of the available land (i.e. front, rear and side gardens) is misleading as a safeguard as it includes all the land within the curtilage, excluding the house, and the garden areas to the front of some properties are larger than the rear garden.

The proposals could also lead to disproportionate additions to dwellings in the Green Belt which could not be controlled.

We cannot see that the changes proposed will have a significant impact on the economy as relaxing planning rules will not improve the affordability of extending homes – an owner is not going to decide not to extend his property purely because of the requirement for planning permission, it is more likely because he/she cannot afford to build the extension in the first place.

### **Question 2 background**

The Government is keen to support family annexes to increase housing supply and is looking to see how this can be carried out more frequently and easily.

### **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

The existing system provides adequate scope to convert existing garages and PD is only removed where there is a problem to be mitigated against e.g. inadequate parking provision.

### Question 3 & 4 background

Shops and financial / professional services currently have PD for extensions of 50m<sup>2</sup> (provided this does not increase the floorspace by more than 25%). In order to allow businesses to grow quickly it is proposed that these limits are increased with the restriction that if the extension is along the boundary of a residential property it be set in 2m from the boundary.

**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

As residential amenity would be protected through this suggested approach and the shop front unaffected. We have no objection to this proposal.

**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?**

Comments

As residential amenity would be protected through this suggested approach and the shop front unaffected. We have no objection to this proposal.

### Question 5 background

Offices can currently be extended up to 50m<sup>2</sup> (provided this does not increase floorspace by more than 25%) under permitted development. To allow greater flexibility it is proposed that this be increased.

**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

### Question 6 background

Currently new Industrial buildings and warehouses can be built in the curtilage of an existing industrial building providing up to an additional 100m<sup>2</sup> (provided floorspace not increased by more than 25%). This is proposed to be doubled, subject to certain

limitations – e.g. no loss of turning space for vehicles, no building within 5m of boundary.

**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

Due to the existing limitations in relation to height and siting being retained we have no objections to the proposal.

### **Question 7 & 8 background**

Government is suggesting that these are introduced as temporary changes, as exceptional measures due to current economic circumstances. Development proposed under these measures must be completed within 3 year period.

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

Yes  No

Comments

Notwithstanding our strenuous objections to this relaxation of the permitted development rules on residential properties, if PD rights are to be changed because they have been assessed as causing no harm then they should be permanent. Temporary change will only cause confusion and uncertainty.

The problem will occur after this 3 year amnesty. The majority of LPA's have produced guidance on what is deemed to be an acceptable limit on house extensions. None advocate extensions as large as what is being proposed here. An additional concern is how we would consider applications of this magnitude after the 3 years when they are still going to be considered unacceptable, but a neighbouring property may have built a similar extension under PD.

The condition that development must be completed before the end of the three years will be difficult to enforce, at what stage do we consider the development to be complete and if they don't notify us of the development, as many people don't if they consider it to be PD, how could we later prove that it hadn't been completed in time?

**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

Notwithstanding our concerns above, if changes are to be introduced for a temporary period and the 3 year limit imposed there has to be some evidence / certification of compliance to prevent future disputes / enforcement issues.

**Question 9 background**

National park, AONB, conservation areas, world heritage sites would be excluded from the proposed changes.

**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

In addition to the amenity issues raised above these areas of special control require additional consideration.

**Question 10 background**

Currently fixed broadband apparatus such as cabinets, telegraph poles, overhead lines have PD (subject to prior approval). It is proposed to remove the need for prior approval to increase certainty for developers for a period of 5 years. The Government feels that the development of good practise would resolve any siting / design issues and that the certainty of a fast reliable broadband network is a necessity.

**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

Relaxation of PD is not considered to be acceptable in areas of special control as siting / design issues may mean a long term negative impact on these areas. LPAs currently work effectively with operators to find effective solutions without any unnecessary delay.

Development of Best Practice guidance could lead to significant variation between authorities and increase uncertainty for developers.

**Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)**

Yes  No

**Comments**

We strongly disagree that Planning is the reason why extensions are not being built, it is much more likely that it is due to the fact that people are out of work, facing the threat of redundancy or on low income.

Councils operate an effective process of encouraging development and assisting developers through the process to produce an acceptable scheme. The £150 cost of an application would not put off someone seriously considering putting a £30,000 extension to their property. It gives all the security that what they are building is acceptable within the community whilst protecting the amenity of neighbours. Builders will still need plans to work to, even if the resulting extension is permitted development.

**8. Finance**

The financial implications are that there would be a reduction in the number of planning applications submitted during the 3 year period.

**9. Risks and Uncertainties**

The uncertainty in the future of whether extensions were built within the 3 year period would arise, though this is not a risk for the Council.

**10. Policy and Performance Agenda Implications**

No relevant implications.

**11. Background Papers and Consultation**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11188/permittted.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11188/permittted.pdf)

Bronwen Knight, Planning Manager

[Bronwen.knight@rotherham.gov.uk](mailto:Bronwen.knight@rotherham.gov.uk)

Tel : 01709 823866