



Department for
Communities and
Local Government

MAYOR OF LONDON

Consultation on upward extensions in London



© Crown copyright, 2016

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on the Department for Communities and Local Government website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For the Department for Communities and Local Government's latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>. The Mayor of London's latest news and updates are available at <https://www.london.gov.uk/> or follow him on twitter at <https://twitter.com/LDN.gov>

February 2016

ISBN: 979-1-4098-4777-9

Contents

Basic Information	4
1. Upward Extensions in London	5
Background	5
Legal Context	6
2. Delivering upward extensions	8
Options to support upward extensions	9
3. Considerations for upward extensions	13
Type of premises	13
Locations for upward extensions	13
Height of upward extensions	14
Construction	16
4. Implementing the proposals	17
Benefits and impact	17
Summary of Questions	19
About this consultation	21

Basic Information

To:	This is a public consultation about changes to planning policy in London and anyone with an interest in the proposals may respond.
Responsibility:	This consultation is being run by the Planning Development Management Division in the Department for Communities and Local Government and the Planning Unit of the Greater London Authority.
Duration:	This consultation will last for 8 weeks from 18 February 2016 to 15 April 2016.
Enquiries:	For any enquiries about the consultation please contact londonupwardextensions@communities.gsi.gov.uk .
How to respond:	<p>We would ideally prefer to receive responses via the online SurveyMonkey at: https://www.surveymonkey.co.uk/r/Z6SGGNB</p> <p>Alternatively you can email your response to the questions in this consultation to: londonupwardextensions@communities.gsi.gov.uk</p> <p>If you are responding in writing, please make it clear to which questions you are responding.</p> <p>Written responses should be sent to: London Upward Extensions Consultation Team Department for Communities and Local Government 3rd floor Fry Building 2 Marsham Street London SW1P 4DF</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> - your name, - your position (if applicable), - the name of organisation (if applicable), - an address (including post-code), - an email address, and - a contact telephone number
After the consultation:	A summary of responses will be published on the Department's website within three months of the closing date.

1. Upward Extensions in London

- 1.1 Government is committed to increasing housing supply to keep up with growing demand. This is essential to support productivity, deliver a more flexible labour market and to support people to realise their ambitions of having their own home.
- 1.2 This consultation seeks views on an innovative approach to supporting housing supply by providing greater freedom to “build up” in London, reducing the pressure to “build out”.

Background

- 1.3 London is a dynamic world city. To support its continued economic growth, the Chancellor of the Exchequer and Mayor of London set out their Long Term Economic Plan for London¹ in February 2015. A prosperous city provides more opportunities and jobs, but that success puts even greater pressure on housing and the Economic Plan recognises that housing delivery is the number one challenge facing the city.
- 1.4 To allow more people to live and work in this vibrant world city, we need to increase housing supply in the capital. There is a great appetite to build more homes in London and the planning system has an important role to play in supporting this ambition. Improvements have already been made to simplify the system and remove unnecessary delays to new housing development. Together with the Mayor of London, government is now looking at ways to further increase opportunity, flexibility and certainty to deliver more homes in the capital. The Productivity Plan, Fixing the Foundations: Creating a more prosperous nation,² set out government’s commitment to work with the Mayor of London to help London to build enough homes to meet growing demand. One of the innovative ways to help achieve this is to enable London to “build up” more easily, reducing the pressure to “build out”, to provide homes for Londoners while protecting the countryside.
- 1.5 The London Plan³ is designed to help meet the need for 49,000 additional homes per annum through a minimum housing target of 42,000 net additional homes per annum and rigorous new policies to bring forward additional provision through higher density development in locations with good public transport links, including some town centres, opportunity areas and surplus industrial land. On average since 2008 25,000 additional homes have been completed each year⁴. Despite the potential, analysis of

¹ <https://www.gov.uk/government/news/long-term-economic-plan-for-london-announced-by-chancellor-and-mayor-of-london#history>

² <https://www.gov.uk/government/publications/fixing-the-foundations-creating-a-more-prosperous-nation>

³ <http://www.london.gov.uk/priorities/planning/london-plan>

⁴ Mayor of London. Annual Monitoring Report 11. 2015 <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/monitoring-london-plan>

the London Development Database⁵ indicates that only a very small proportion of these, some 400 (less than two per cent), were delivered as a result of developments which included some element of upwards extensions.

- 1.6 The London Plan seeks to protect the Green Belt and ensure development occurs on brownfield land. To support the delivery of housing, in particular, it seeks to increase residential densities in town centres, and locations with good public transport accessibility and focuses on increased housing supply being predominantly on brownfield land. Helping London to build upwards will provide much-needed homes in the capital while protecting its open spaces and the Green Belt. At the same time it is important that the views of neighbours are taken into account, and there is an opportunity for any impact on their amenity to be considered.
- 1.7 This consultation paper is published jointly by the Department for Communities and Local Government and the Mayor of London. It seeks views on three proposals to increase housing supply in the capital by allowing a limited number of additional storeys to be built up to the roofline of an adjoining building through permitted development rights, local development orders or development plan policies.
- 1.8 These proposals are designed to deliver new homes. The existing permitted development rights set out in Part 1, of Schedule 2 of the General Permitted Development Order 2015⁶ already allow for extensions of existing homes. A householder may construct a rear, side or roof extension under existing permitted development rights to provide additional living space, whether it is for a growing family or elderly relatives. Permitted Development for Householders: Technical Guidance⁷ advises on the extent of development which may be carried out under permitted development.
- 1.9 We are also seeking information on the number of homes that may be delivered through new flexibilities to build upwards; views on type of premises most suitable for upwards extensions and their use classes; possible delivery constraints; and specific issues which may need to be considered by a local planning authority in determining an application to build upwards.

Legal Context

- 1.10 The Town and Country Planning Act 1990 states that development of land or buildings requires planning permission. Planning permission can be granted nationally or locally. Where applications are determined by local planning authorities, the authorities must determine the application in accordance with the local development plan unless material considerations indicate otherwise. A national grant of planning permission, known as permitted development rights, can sometimes be appropriate to permit certain types of development. National permitted development rights are set out

⁵ <https://www.london.gov.uk/what-we-do/planning/london-plan/london-development-database>

⁶ <http://www.legislation.gov.uk/uksi/2015/596/contents/made>

⁷ <http://www.planningportal.gov.uk/permission/commonprojects/extensions/>

in the Town and Country Planning (General Permitted Development) (England) Order 2015⁸. The Order sets out both what is allowed under each permitted development right, and any limitations and conditions that apply. National permissions can incentivise development where it is needed, by providing more certainty and reduced planning costs for developers. They are necessarily less tailored to the individual development except where the local planning authority's approval is required on specific local issues.

- 1.11 Local planning authorities can give a grant of planning permission for specific types of development within a defined area by making a local development order. Local planning authorities can impose planning conditions on a local development order in much the same way as the Secretary of State can impose conditions on permitted development rights in the General Permitted Development Order. Like permitted development rights, local development orders can incentivise development while allowing local authorities to target specific areas.
- 1.12 Where a proposed development is not permitted development, an application for planning permission can be made. This should generally be determined in accordance with the development documents which are described below.
- 1.13 The Mayor of London is required to prepare a spatial development strategy, known as 'the London Plan', setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20–25 years. The London Plan brings together the geographic and locational (although not site specific) aspects of the Mayor's other strategies – including his Housing Strategy.
- 1.14 Boroughs' local development documents have to be 'in general conformity' with the London Plan, which is also legally part of the development plan, and in accordance with which a planning application must be determined in any part of London, unless there are material planning reasons why it should not.
- 1.15 Planning permission, whether granted by planning application, permitted development right or a local development order, only covers the planning aspects of the development. Any development would continue to need to meet the requirements of other regimes, such as building regulations and the Party Wall Act, or consents, such as for listed buildings. These are important protections which would remain in place for any development where they currently apply.

⁸ <http://www.legislation.gov.uk/uksi/2015/596/contents/made>

2. Delivering upward extensions

- 2.1 Currently developers are required to submit a planning application to the local planning authority if they want to extend a building upwards, above the height of an existing roofline. Recent improvements have made the planning system simpler and quicker. This consultation is seeking to identify ways to make it even more flexible to support the delivery of new homes.
- 2.2 The London Plan seeks to support the delivery of housing by increasing residential densities in town centres, and locations with good public transport accessibility. Government is also consulting on proposed changes to national planning policy⁹, including proposals to make more efficient use of land in suitable locations by increasing residential density around commuter hubs. By taking an innovative approach to building upwards, rather than building outwards on green field sites, we have an opportunity to increase housing supply on brownfield land at higher density, and to protect London's open spaces and Green Belt.
- 2.3 We have identified three proposals which could meet our objectives of delivering more homes by supporting and incentivising greater 'building up' across London: a permitted development right, local development orders or new London Plan policies. These are not mutually exclusive proposals and they could work together to incentivise housing delivery in London. For example, a permitted development right may allow building upwards within certain limits, while a London Plan policy could encourage developers to bring forward applications for planning permission that fall outside those specific limits, but may still be considered acceptable in appropriate locations. Similarly a local development order could allow more development than a London-wide permitted development right by tailoring permission to reflect the nature of a particular area or a specific building.
- 2.4 Data indicates that in London currently less than 2% of new homes each year are delivered by development with an element of building upwards (see paragraph 1.5 above). We would welcome views from developers and local planning authorities on their experience of securing planning permission for this type of development, and what the key considerations were in developing and implementing their proposals to build upwards. We are also interested to know if this development is concentrated in certain areas, and why more homes are not delivered by upward extensions. It is important to understand the barriers to this development if we are to harness the opportunity, and whether the proposals set out below will help to drive up delivery.

Question 1: Would greater freedom to build upwards on existing premises be a viable option to increase housing supply while protecting London's open spaces? Why do you think so?

⁹ Consultation on proposed changes to national planning policy
<https://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes>

Options to support upward extensions

2.5 In addition to the delivery options below, we have also identified a number of key policy considerations which will influence the detailed design and delivery of these proposals, such as the type and location of premises where upward extensions would be appropriate. Further information is set out in section 3.

Option 1: Permitted development right for additional storeys in London

2.6 Government and the Mayor of London are committed to delivering more homes and making best use of existing buildings. One option to help deliver this would be to introduce a new permitted development right, with a prior approval, in London for the development of additional storeys on existing buildings to provide new homes.

2.7 Permitted development rights with prior approval provide a light touch approach to granting consent, where the type of development is considered acceptable, but some specific planning issues still require local consideration. This is a simpler and less costly process which could support growth and help deliver more homes. Introducing permitted development rights to deliver changes of use to residential is already helping to provide much needed new homes. Since April 2014, over 4,700 office-to-residential conversions and almost 650 retail-to-residential conversions¹⁰ have got the go-ahead in England under permitted development rights, making a significant contribution to the supply of new homes.

2.8 In order to ensure that this new right delivers much-needed new homes, we propose that the right should be conditional on the additional space being used to provide self-contained additional housing units. It could help to deliver new housing opportunities in the capital, increasing density and using brownfield land and existing buildings

2.9 We are proposing a new permitted development right in London to allow additional storeys to be built on an existing building, up to the height of an adjoining roofline. We propose that the new right could provide for up to two additional storeys to be added to an existing building, where the roofline of the adjoining premises is a minimum of two storeys taller (see paragraph 3.6 - 3.8 below). A single storey could be added where the roofline of the adjoining premises is one storey taller. This will help to manage the impact of the development on the area.

2.10 We are proposing that a permitted development right could apply where the development would be above a range of uses, such as existing residential use, both flats and houses, retail and other high street uses, and offices.

2.11 We are proposing that a permitted development right could provide for a neighbour consultation scheme, similar to that introduced in May 2013 for the permitted

¹⁰ <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

development right for larger single storey rear extensions to dwelling houses. This could provide an opportunity for neighbours to comment on the development proposals, including on the impact on the amenity of their property. Amenity is a long-established concept in planning, and may include matters such as light, privacy and overlooking. Only where neighbours raise objections would the local planning authority have to consider the impact of the proposed development on their amenity.

2.12 Prior approval could also allow for consideration of other impacts of a permitted development at a local level. As well as the standard matters associated with permitted development rights for change of use to residential use, it may include matters such as space standards to ensure the quality of the development, and method and hours of construction.

2.13 We are proposing that development in some locations, such as within the curtilage of listed buildings, would be excluded from the permitted development right as they raise issues requiring further consideration and would be more appropriately dealt with through an application for planning permission (see paragraph 3.3 below).

Question 2: Do you agree with the proposal for a London permitted development right with prior approval, allowing the addition of new housing units where the extension is no higher than the height of an adjoining roofline, and no more than two storeys, to support delivery of additional homes in the capital?

Question 3: Do you agree that the proposed options for neighbour consultation provide adequate opportunity for comment on development proposals for upward extensions?

Question 4: What other measures could a London permitted development right contain to encourage applications for upward extensions to come forward? For example, would allowing additional physical works to provide for access, or partial or full demolition and re-build up to the height of an adjoining roofline, incentivise building up? If so, would this raise additional considerations which should be taken into account?

Option 2: Local development orders for additional storeys in specific areas

2.14 Under this option, London boroughs could use existing powers, set out in paragraph 1.11 above, to bring forward local development orders. They could grant planning permission for upward extensions in specific areas. A local development order could be borough-wide or for certain areas, for example at transport hubs, in town centres or local high streets, or for specific buildings.

2.15 London boroughs could develop local development orders to meet the particular needs of their area. For example, a site specific order may set the amenity requirements, height permitted and design of the building, or require a particular size or type of home to meet housing needs in the borough. It may also determine that greater extension may be allowed in specific locations or for a particular building than proposed under option 1. A local development order could consider matters such as transport and

highways impacts, and may also reflect local plan policies with regard to space standards, or affordable housing requirements.

- 2.16 As with option 1 above, within the area of a local development order, London boroughs could consider the use classes suitable for development and whether specific buildings or locations should be excluded. A local development order, like a London-wide permitted development right, could provide certainty for developers wanting to make best use of their existing buildings.
- 2.17 A local development order may require prior approval. For example, where the order is borough-wide, the local planning authority may consider specific matters such as the design and external appearance of the proposed extension, the impact on existing business uses in the area, and method and hours of construction.
- 2.18 In bringing forward a local development order, the local planning authority is required to consult the local community. This consultation would allow neighbours to consider the impact on their amenity and influence the design of the order before it comes into force.

Question 5: Do you agree that local development orders would be an effective means to promote upward extensions and contribute to the delivery of additional homes for London?

Question 6: What measures should a local development order contain to encourage proposals for upward extensions to come forward?

Question 7: We would welcome the views of London boroughs on whether they consider they would introduce local development orders for upward extensions, and what might encourage them to do so?

Option 3: Support in the London Plan

- 2.19 Under this option, the Mayor of London could bring forward new planning policies to support additional storeys for new dwellings when reviewing the London Plan. This could be linked to existing policies for areas of intensification, including town centres, already set out in the London Plan. Intensification areas are typically built-up areas with good existing or potential public transport accessibility which can support redevelopment at higher densities, with significant capacity for new jobs and homes
- 2.20 A policy in the London Plan could incentivise development which might otherwise not come forward, contributing towards London's overall minimum housing target and achieving the aims of the London Plan to increase housing supply on brownfield land at higher densities. Any such policy would need to be supported by evidence in accordance with the National Planning Policy Framework¹¹.

¹¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 2.21 A planning application would still be required to build upwards. However, boroughs' local plans have to be in "general conformity" with the London Plan, and its policies are taken into account in planning decisions in London. Planning decisions would also take account of the London Plan and local plan policies in relation to the area, for example in terms of design, space standards, and the type of homes to be delivered, ensuring that additional homes addressed local circumstances and need.
- 2.22 An alteration to the London Plan would be subject to public consultation, allowing Londoners the opportunity to comment on a proposed new policy. It would then be subject to an examination in public chaired by an independent inspector. The local planning authority must also consult on any subsequent planning application, allowing neighbours an opportunity to make representations, including in respect of the impact on their amenity. If neighbours do make representations on valid planning grounds then the local planning authority would have to consider these representations when making a decision on the application. It may also consider the amenity for new occupiers and any impact on the amenity of an area, whether or not representations have been received.

Question 8: Do you agree that proposals for a new London Plan policy supporting upward extensions would provide certainty and incentivise the development of additional housing in appropriate locations?

- 2.23 These three proposals could help increase housing delivery through upward extensions. They are not mutually exclusive, and have the potential to work together to provide certainty and promote building upwards to help meet the challenge of providing more homes in London.

Question 9: What are your preferred option/s to support upward extensions to increase housing supply in London?

3. Considerations for upward extensions

- 3.1 There are a number of elements in designing these proposals for upward extensions that require more detailed consideration. For example a permitted development right would set out the types of premises and locations suitable for upward extension and appropriate limits for development. A prior approval would also allow local consideration of specific planning issues such as visual amenity and the impact on neighbours. These elements would also have to be considered in bringing forward local development orders or development plan policies for upward extensions. This section of the consultation seeks views on those detailed design issues.

Type of premises

- 3.2 To ensure these proposals make the greatest possible contribution to increasing housing supply on brownfield sites in the capital, we are proposing that upward extensions would be appropriate on existing residential premises, such as blocks of flats or houses, retail and other high street uses, and offices.

Question 10: Do you agree that premises in residential, office, retail and other high street uses would be suitable for upward extension to provide additional homes? Why do you think so?

Locations for upward extensions

- 3.3 We consider that development on or in the following types of structures or areas should be excluded from a permitted development right as they raise issues requiring further consideration:

- listed buildings, land within the curtilage and the setting of listed buildings
- scheduled monuments and land within the curtilage
- Sites of Special Scientific Interest
- safety hazard areas
- military explosives storage areas
- World Heritage Sites and their settings

- 3.4 Conservation areas account for around 15% of land in the capital, covering a substantial amount of brownfield land. Permitted development rights for works to the front of a property do not normally apply in conservation areas, as they may have an impact on the amenity or character of an area. However, it is possible that upward extensions that create additional homes could be developed in conservation areas if the local planning authority can ensure they are designed in a way that complements or enhances the local area. London also has a number of protected views, which include significant buildings or urban landscapes that help to define London at a strategic level.

- 3.5 We are proposing that in order to protect a conservation area or protected view, an additional prior approval could require the local planning authority to consider any impacts of the proposed development on a conservation area or a protected view. London boroughs would determine whether further storeys are appropriate in specific conservation areas or protected views and apply local design codes if they are bringing forward local development orders or determining planning applications. This would ensure any development was appropriate to the area.

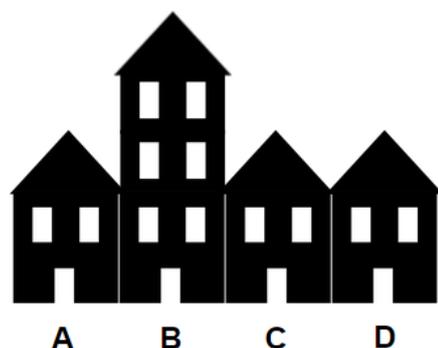
Question 11: Do you agree with the locations that should be excluded from a permitted development right listed in paragraph 3.3 above, and are there other areas where proposed upward extensions would be best managed through a planning application? Why do you think so?

Question 12: Do you agree with our proposed approach to protect conservation areas and protected views?

Height of upward extensions

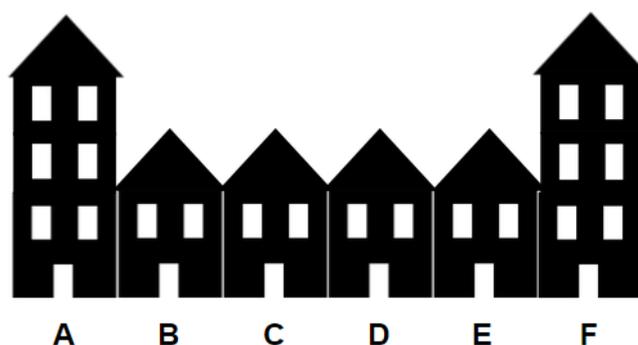
- 3.6 We are proposing that a permitted development right would apply to premises within a single terrace, where the premises at either end of the terrace have a higher roofline than the rest of the terrace. Individual premises that share a party wall with the higher premises at either end of the terrace could build up to the roofline of the higher premises. It would also be possible to increase the height across a whole terrace, where the premises at either end of the terrace have a higher roofline, by making a single prior approval application to build up to the roofline.
- 3.7 To minimise the disruption and inconvenience to neighbours the permitted development right to build upwards would not apply incrementally on premises adjacent to those where the right has been exercised.
- 3.8 We are proposing that a limit on the number of additional storeys would minimise the impact of the development. Two additional storeys are considered to be an appropriate limit for a London-wide permitted development right or London Plan policy. London boroughs would decide whether further storeys are appropriate in certain locations if they are bringing forward local development orders or when determining applications for planning permission. In line with our consultation on proposed changes to national planning policy, local planning authorities should assess the feasibility of requiring higher density around commuter hubs in setting their development plan policies or determining planning applications.

Example 1



In the terrace in example 1 above, A or C could build up to two additional storeys no higher than the roofline of B. C and D could also build two additional storeys no higher than the roofline of B if works are carried out at the same time as the result of a single prior approval application. D could not build up at later time than C, or if C had not built up.

Example 2



In the terrace in example 2 above, B, C D and E could build up to two additional storeys, no higher than the roofline of A and F, if works are carried out at the same time as the result of a single application. B, B and C, or B, C and D could build two additional storeys alongside A, no higher than the roofline of A, if works are carried out at the same time as the result of a single application. E, E and D, or E, D and C could build two additional storeys, no higher than the roofline of F, if works are carried out at the same time as the result of a single prior approval application. C and D could not build up at a later time than B or E, or if B and E had not built up.

Question 13: Do you agree with our proposals that the property being extended upwards should share a wall with a higher property, or form part of a continuous terrace of premises being extended that shares a wall with a higher property? Why do you think so?

Question 14: Do you agree that for a permitted development right or London Plan policy a limit of two additional storeys is appropriate to manage the impact of upward development in any area?

Construction

- 3.9 The installation of additional storeys on a building may be disruptive to any existing occupiers as well as neighbouring premises. To help manage these concerns a prior approval for a permitted development right could consider the method and hours of working to minimise the impact. A local development order would also allow the local planning authority to consider these, either as a condition of the permission or through a prior approval. Similarly in granting planning permission on an application the local planning authority would consider construction methods.

Question 15: Do you agree that a prior approval should consider the method and hours of construction?

4. Implementing the proposals

Benefits and impact

- 4.1 The three options above set out new flexibilities that could deliver additional housing in London by incentivising building upwards. The provision of new homes may require some infrastructure improvements, although these proposals seek to deliver homes by increasing density in areas that are likely to be well served by public transport. Where a local planning authority has introduced a Community Infrastructure Levy it may be charged on new homes delivered through upwards extensions. The Mayor of London's Community Infrastructure Levy also applies to additional floorspace provided across London.
- 4.2 Where a London-wide permitted development right is introduced, or a local development order is made for a specific area the proposals would benefit business by a reduction in costs of no longer being required to prepare and submit a full planning application. A fee would be applied for a prior approval application for a permitted development right brought forward through the General Permitted Development Order. Where a local development order is subject to conditions which require approval the local planning authority can currently charge a fee of £97 for confirmation that one or more planning conditions have been complied with. The prior approval fee or charge to confirm conditions have been complied with would both be less than the cost of a full planning application fee. While there would be no direct savings to business from the introduction of a London Plan policy to support upward extensions, it may bring benefits in terms of encouraging development that may otherwise not come forward and contributing to a positive consideration of the application.
- 4.3 We are interested in views on the likely take up of each of the options, and whether they may work better in combination. We would also welcome views on the likely costs and benefits of the options set out above to deliver additional homes in the capital. If following this consultation regulations were required to introduce a new permitted development right, a validation impact assessment will be produced.

Question 16: Have you any views on the likely costs and benefits of these proposals to deliver additional homes in the capital?

- 4.4 The Public Sector Equality Duty¹² requires public bodies in shaping policy to have due regard to the need eliminate unlawful discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The Government is considering the potential impacts that the proposals in this paper

¹² Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

may have on people who share protected characteristics¹³. Evidence put forward in response to this consultation will be considered in determining the final policy.

Question 17: Have you any views on the implications of the approaches to housing supply outlined above for people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

Question 18: Are there any other points that you wish to make in response to this consultation, including other key components we have not considered that would be beneficial in taking the proposals forward, or any examples of upward extensions providing additional housing?

¹³ Protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Summary of Questions

Question 1: Would greater freedom to build upwards on existing premises be a viable option to increase housing supply while protecting London's open spaces?

Why do you think so?

Question 2: Do you agree with the proposal for a London permitted development right with prior approval, allowing the addition of new housing units where the extension is no higher than the height of an adjoining roofline, and no more than two storeys, to support delivery of additional homes in the capital?

Question 3: Do you agree that the proposed options for neighbour consultation provide adequate opportunity for comment on development proposals for upward extensions?

Question 4: What other measures could a London permitted development right contain to encourage applications for upward extensions to come forward? For example, would allowing additional physical works to provide for access, or partial or full demolition and re-build up to the height of an adjoining roofline, incentivise building up? If so, would this raise additional considerations which should be taken into account?

Question 5: Do you agree that local development orders would be an effective means to promote upward extensions and contribute to the delivery of additional homes for London?

Question 6: What measures should a local development order contain to encourage proposals for upward extensions to come forward?

Question 7: We would welcome the views of London boroughs on whether they consider they would introduce local development orders for upward extensions, and what might encourage them to do so?

Question 8: Do you agree that proposals for a new London Plan policy supporting upward extensions would provide certainty and incentivise the development of additional housing in appropriate locations?

Question 9: What are your preferred option/s to support upward extensions to increase housing supply in London?

Question 10: Do you agree that premises in residential, office, retail and other high street uses would be suitable for upward extension to provide additional homes?

Why do you think so?

Question 11: Do you agree with the locations that should be excluded from a permitted development right listed in paragraph 3.3 above, and are there other areas where proposed upward extensions would be best managed through a planning application?

Why do you think so?

Question 12: Do you agree with our proposed approach to protect conservation areas and protected views?

Question 13: Do you agree with our proposals that the property being extended upwards should share a wall with a higher property, or form part of a continuous terrace of premises being extended that shares a wall with a higher property?

Why do you think so?

Question 14: Do you agree that for a permitted development right or London Plan policy a limit of two additional storeys is appropriate to manage the impact of upward development in any area?

Question 15: Do you agree that a prior approval should consider the method and hours of construction?

Question 16: Have you any views on the likely costs and benefits of these proposals to deliver additional homes in the capital?

Question 17: Have you any views on the implications of the approaches to housing supply outlined above for people with protected characteristics as defined in the Equalities Act 2010?

What evidence do you have on this matter?

Question 18: Are there any other points that you wish to make in response to this consultation, including other key components we have not considered that would be beneficial in taking the proposals forward, or any examples of upward extensions providing additional housing?

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2001, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact:

Department for Communities and Local Government Consultation Co-ordinator.
2 Marsham Street
London
SW1P 4DF
or by e-mail to: consultationcoordinator@communities.gsi.gov.uk