



Department for
Communities and
Local Government

Extending permitted development rights for homeowners and businesses: Technical consultation

Summary of responses

© Crown copyright, 2013

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, www.nationalarchives.gov.uk/doc/open-government-licence/ 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 our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, email contactus@communities.gov.uk or write to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

May, 2013

ISBN: 978-1-4098-3883-8

Introduction

1. The Government is committed to easing planning restrictions and costly bureaucracy that prevents families and businesses from making improvements to their property and receiving superfast broadband. Cutting back red tape will help people improve their homes, extend to accommodate a growing family or older generations, and help businesses to grow without having to relocate. It will also help businesses and communities, including in rural areas, benefit from quicker roll-out of broadband to help build a modern and competitive economy.
2. In November 2012 the Government consulted on proposals to:
 - to extend permitted development rights for homeowners and businesses by allowing, for a period of three years, homeowners, shops and offices to build larger extensions, and industrial premises to construct larger new buildings within their curtilage; and
 - remove, for a period of five years, the prior approval requirement for the installation, alteration or replacement of fixed electronic communications equipment in protected areas (article 1(5) land).
3. The consultation closed on 24 December 2012. There were 1,178 responses received; 46% (547) were from individuals, 22% (254) from local authorities and 32% (377) from community and professional organisations and the voluntary sector.

About the consultation

Overview of responses

4. This report summarises responses to the individual questions posed in the consultation document.

Increased limits for homeowner rear extensions and conservatories

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?

5. This question invited views on the proposal to increase the limits allowed under permitted development rights for single storey rear extensions and conservatories in non-protected areas. Limits would increase from 4 metres to 8 metres for detached houses, and from 3 metres to 6 metres in any other type of house.
6. The majority of responses - 96% (1,136) - addressed this question. Of those, 15% (166) agreed with the proposal. These were mostly

individuals: home owners who wish to use the new rights to improve their homes, in some cases avoiding the need to move to a larger home to meet their accommodation needs; as well as building or professional firms who agreed that the changes could generate additional work with less bureaucracy.

7. Those who did not agree with the proposals commented on:
 - potential impacts on neighbouring properties including blocking light and views, and the character of the area without neighbours having the opportunity to comment on or influence;
 - increasing the size of extensions would allow property owners to create larger houses in multiple occupation without obtaining planning permission;
 - other approvals, such as building regulations and water company consents, still being required;
 - the scope for having a smaller increase in the maximum depth of extensions or a set back from neighbouring boundaries.

Government Response

8. The Government understands the importance of ensuring that any impact of the changes on neighbours' amenity is acceptable. Therefore, in taking forward the proposed increases in size thresholds, there will be a new neighbours' consultation scheme which will address comments raised. This will enable adjoining neighbours to raise an objection to the local planning authority where they believe their amenity is unacceptably affected. It will then be for the authority to consider whether or not the impact on the amenity of neighbours is acceptable.
9. The existing safeguards under planning and other regimes will remain in place, and the changes do not remove or weaken requirements under the Party Wall Act, building regulations, the common law right to light or environmental legislation. Amendments to the Technical Guidance for Householder Permitted Development¹ will both take account of the increased maximum depth for rear extensions and clarify the limitation that not more than 50% of the curtilage can be built on.

Making it easier to carry out garage conversions

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?

10. 80% (946) of responses had views with 26% (230), many of whom were individuals, supporting the principle of being able to convert garages to increase the size of their homes. Some, however, were unaware of the existing permitted development rights which allow for improvements and

¹ http://www.planningportal.gov.uk/uploads/100806_PDforhouseholders_TechnicalGuidance.pdf

alterations to garages to be used for accommodation ancillary to the main house. Others noted these rights can be removed through planning conditions on new build developments.

11. Of those who did not support the proposal many believed:

- that the existing permitted rights were adequate and did not inhibit families if they wanted to make better use of garage space
- the likely increase of on-street parking where garages are converted to living accommodation could be of concern
- that it would be difficult to detect where the conversion was being used as a separate residential unit.

Government Response

12. The consultation was helpful in making more people aware of the existing permitted development rights in relation to the conversion of garages, which were generally considered sufficient. While it is sometimes the case that these rights have been removed through a planning condition, a householder should be ready to challenge whether there is good reason for their removal or to seek to have the condition varied. We will review our guidance on this as part of Lord Taylor of Goss Moor's Review of planning guidance.

Increased limits for extensions to shops and financial/professional services establishments, with development to the boundary of the premises

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%?

13. It was proposed that the limits allowed under permitted development rights for single storey rear or side extensions to shops and financial/professional services establishments be increased. This would be from up to 50m² to up to 200m², provided that this does not increase the gross floor space of the original building by more than 25%, and not more than a 50% of the original building.

14. 33% of those who commented on the proposal believed it had the potential to boost local trade and economic activity, although with it might come greater car parking pressures.

15. Those who did not support the proposal were also raised concerns about:

- Overlooking, the potential for those living above shops, increased parking, and loss of space for delivery to the premises;

- businesses being encouraged to grow out of town centres, as out of town retailers would be likely to have more space to extend than those in town centres.

Government Response

The changes proposed are of a scale that would normally be agreed by a local planning authority and have sufficient protection. In the interests of removing barriers to growth, the proposals will be brought forward as set out in the consultation.

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 2metre gap should be left?

16. 29% of those who commented on this agreed that unless the premises bounded a residential property it was acceptable to build up to the boundary. It was considered that there would not be an adverse impact on neighbours and the measure had the potential to boost local trade and economic activity.

17. Those who did not support the proposals noted:

- the potential increase in density of the resulting development and its impact on the character of an area;
- that where parades of shops have flats on the upper storeys there would still be a need to retain the 2 metre gap.

Government Response

18. The Government recognises that the impact on neighbouring residential properties should be acceptable, and will retain the requirement to have a 2 metre gap. Other existing protections will also remain including extensions only being to the ground floor and not including a veranda, balcony or raised platform that would overlook neighbouring properties. Existing fire regulations will continue to apply to shops and professional/financial services establishments.

Increased limits for extensions to offices

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%?

19. Currently extensions to office buildings of up to 50m² are allowed under permitted development rights. The proposal would allow extensions of up to 100m², provided this does not increase the gross floor space of the original building by more than 50%, rather than the current 25%.

20. 34% (310) who commented on this proposal support the increase recognising the potential to boost economic activity. .

21. Concerns raised focused on the impacts of increased parking and reduced outside space for service activity and the potential to damage the character of an area;. Issues of set back to reduce the impact on adjoining properties were also raised.

Government Response

22. The changes proposed are of a scale that would normally be agreed by a local planning authority and have sufficient protection. In the interests of removing barriers to growth, the proposals will be brought forward as set out in the consultation. The existing protections a 5 metre gap from the boundary will be retained, as will the height limit of 5 metres for buildings within 10 metres of the boundary, and other extensions limited to the height of the existing building.

Increased limits for extensions to offices

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%?

23. Current permitted development rights allow new buildings within the curtilage of the premises of 100m².

24. 37% of those who commented on the proposal supported the increased size limit recognising the potential to increase trade and benefit the economy.

25. Concerns raised included the impact on an area of additional traffic, as well as the need to ensure sufficient parking is available, and space for servicing and deliveries..

Government Response

The changes proposed are of a scale that is consistent with permitted development for extensions, and there continue to be sufficient protections in place. In the interests of removing barriers to growth, the proposals will be brought forward as set out in the consultation. Existing restrictions on permitted development for new industrial buildings and warehouses, including that the development cannot lead to a reduction in the space available for parking or for turning vehicles, will remain and address these concerns,

A time limit on the changes and completions

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

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?

26. There was a broad range of views on the issue of a three year period for the changes. 22% of those who commented on the proposal agreed with the time limit. This comprises both those in favour and against the broader consultation proposals.
27. Many of those who disagreed with the proposed time limit did not support the broader proposals and therefore caveated their responses that, if changes were to be introduced, then the three year time limit would be better than a permanent change. The justification for a temporary change of three years rather than permanent change was also raised.
28. The benefit of requiring development to be completed and local planning authority notified of this within the three-year period was recognised by 44% of those commenting on the proposal. Local authorities raised concerns about monitoring development, handling an increase in requests for certificates of lawful development; and the loss of fee income for this work set against their enforcement and inspection costs.

Government Response

29. The Government will time-limit the householder and commercial permitted development changes and completion of works as set out in the consultation. They are intended as a measure to help families and businesses in the current economic circumstances, and to stimulate growth. The Government will monitor the impact of the changes to consider whether they should be extended after the initial three-year period.

Protected areas

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?

30. 86% of those who commented on this proposal agreed that the changes should not apply on article 1(5) land and Sites of Special Scientific Interest and that other amenity areas could be excluded.

Government Response

31. The Government will retain the exclusions as set out in the consultation.. If a local planning authority considers that, exceptionally, it is necessary to protect local amenity or the well-being of other area, it can consult the local community on whether to withdraw permitted development rights using article 4 directions.

Delivery of Superfast Broadband

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?

32. Views were sought on the removal of prior approval on article 1 (5)² land (protected areas) for the installation of apparatus for superfast fixed broadband (cabinets, telegraph poles and overhead lines). This proposed change would be in place for five years to encourage the swifter installation of communications infrastructure.

33. 22% of responses which commented agreed with the proposal. They recognised the benefits of installing equipment to support superfast broadband, and in particular providing equality of opportunity between rural areas and urban areas to secure broadband.

34. Some Parish councils, residents associations, and civic amenity groups supported retention of the existing powers. Concerns were raised about:

- the impact on the character of an area;
- cost saving solutions being adopted over a best practice approach to the design and siting;

Government Response

35. The proposals will be brought forward as set out in the consultation. They will provide access to superfast broadband, which will support growth and international competitiveness.

36. The Government is clear that there should be local consultation. Therefore the statutory requirement on operators to consult with the local planning authority remains (Electronic Communications Code (Conditions and Restrictions) Regulations 2003). In addition, the fixed telecommunications operators, local authorities and other interested parties have been asked to develop and agree a code of good practice on the siting and design of fixed broadband cabinets and telegraph poles. The effectiveness of the Code will be kept under review.

² Not Sites of Special Scientific Interest