

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 29th November 2012

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PART I FOR DECISION

CONSULTATION ON EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES

1. Purpose of Report

The purpose of this report is to inform Members of the consultation document that has been issued by the Department for Communities and Local Government on 12 November 2012. The consultation period will end on 24 December 2012, which is a six week period.

The consultation document proposes changes to the Town and Country Planning (General Permitted Development Order) 1995 (as amended) in order to allow homeowners and businesses the right to extend their properties beyond the current limitations for a period of three years.

2. Proposed Action

The Committee is requested to resolve that:

- a) The Head of Planning Policy and Projects proceed to respond to the consultation document, by **objecting** to the changes to the General Permitted Development Order relating to residential extensions and the fact that it will only apply for a three year period, for the reasons set out in this report.
- b) The Head of Planning Policy and Projects proceed to respond to the consultation document, by **responding positively** to the changes to the General Permitted Development Order relating to commercial extensions (shops/financial services/offices/industrial), for the reasons set out in this report.

3. Other Implications

(a) Financial

None

(b) Risk Management

No risks.

(c) Human Rights Act and Other Legal Implications

None

4. **Supporting Information**

4.1. In accordance with the General Permitted Development Order (GPDO), certain types of extensions to dwelling houses and businesses do not require planning consent, subject to complying with certain size limitations. It means that the householders or business owners do not have to submit a full planning application, before they construct an extension. However, officers always recommend that they should apply for a Lawful Development Certificate (LDC) in order to receive written confirmation that the development did not need planning consent. The LDC is of particular importance for homeowners that might want to sell their property in future, because the Council receive many requests from solicitors acting for prospective purchasers to confirm the lawfulness of extensions. In accordance with the consultation document, the Government however proposes to *“make it quick, easier and cheaper to build small-scale single-storey extensions and conservatories, while respecting the amenity of neighbours.”* The document states that *“these measures will bring extra work for local construction companies and small traders, as families and businesses who were previously deterred take forward their plans.”* It goes on to say that *“Extending permitted development rights further will promote growth, allowing homeowners and businesses to meet their aspirations for improvement and expansion of their homes and premises.”*

4.2. The changes are proposed in 5 areas:

- Increasing the size limits for the depth of single-storey domestic extensions from **4m to 8m** (for detached houses) and from **3m to 6m** (for all other houses), in non-protected areas, for a period of three years. No changes are proposed for extensions of more than one storey.
- Increasing the size limits for extensions to shop and professional/financial services establishments from **50m² to 100m²**, and allowing the building of these extensions up to the boundary of the property (except where the boundary is with a residential property), in non-protected areas, for a period of three years.
- Increasing the size limits for extensions to offices from **50m² to 100m²**, in non-protected areas, for a period of three years.
- Increasing the size limits for new industrial buildings within the curtilage of existing industrial premises from **100m² to 200m²**, in non-protected areas, for a period of three years.
- Removing some prior approval requirements for the installation of broadband infrastructure for a period of five years.

4.3. In accordance with the document, the Government is of the opinion that the proposed changes will have the following benefits:

- *“Individuals will be able to get on with an extension without needing to go through the slow and costly process of applying for planning permission,*

and more people will be able to properly house their growing families and care for elderly relatives.”

- *“Individual businesses will benefit from the freedom to expand and improve their existing premises. They will be able to grow and thrive without the disruption and cost of relocating. These measures will also bring extra work to small construction businesses and traders.”*
- *“Businesses and communities, particularly in rural areas, will benefit from quicker roll-out of broadband.”*

4.4. In terms of residential extensions, Members will be aware that the Council's adopted Residential Extension Guidelines Supplementary Planning Document state that single storey rear extensions of 4.25m in depth are considered appropriate for detached and semi-detached houses, with 3.65m for terraced properties. If the proposed changes are implemented, it will make it possible for householders to nearly double the depth of single storey rear extensions. The consultation document gives the impression that extensions of 6m and 8m could be implemented with *“limitation and conditions”*, which will ensure that the *“amenity of neighbouring properties is protected”*. Although the document does not provide all these *“limitations or conditions”*, it does state that it will remain the same as the existing, which is worrying. One limitation that is mentioned, relates to the restriction on the level of development *“not exceeding more than 50% of the curtilage of the house”*. What this means is that the total area of the whole site is taken and then the floor area of the original house is subtracted. This limitation only prevents the overdevelopment of the whole site and does not prevent overshadowing of the neighbours windows or private amenity space directly outside the rear door, which is used by most people as the most private area in the rear garden. Another limitation is to restrict extensions to 4m in height, and any extensions which have an eave's height of greater than 3m, must not be within 2m of the boundary. Officers are extremely concerned about the impact of these excessively deep extensions on neighbours that will not construct similar extension, because the existing limitations are not sufficient to protect neighbours. The proposed changes could result in some residents living in mid-terrace properties being enclosed by 6m deep, 3m high extensions on both sides of their gardens. Officers do not allow extensions to have such a tunnelling affect on residents, due to the overshadowing and over-bearing impact on the occupiers that do not have an extension.

4.5. Of particular concern is the impact on areas with larger than normal front gardens, because the front garden adds to the total area of the curtilage. As an example, a mid-terrace property with a front garden of 10m in depth, a total site area of 250m² and the original house measuring 50m², has a curtilage of 200m². The total of any extensions and outbuildings should therefore not cover more than 100m². If this property has an existing outbuilding, which is at the maximum size allowed by the GPDO, a 6m deep rear extension would result in a rear garden of only 4m in depth. The proposed changes to the limits of extensions, in conjunction with the permitted development right to construct outbuildings, will have a significant impact on the level of usable rear amenity space that will be retained for family houses, especially in areas that are already heavily developed. It would therefore reduce the quality of the living conditions for all the residents of these areas.

4.6. The proposed changes to commercial properties (shops/offices/warehouses) do not raise too much concern with officers, because these extensions are normally

adjacent to other commercial properties and the impact is not normally that significant. It is also true that most small extensions to commercial properties are approved. The document is also suggesting that in cases where shops or financial services abut residential properties, a gap of 2m should be retained in order to protect the amenity of the adjoining residential occupiers. In case of offices and industrial uses, the extensions should not exceed 5m in height if it is within 10m of the boundary and new extensions should not be within 5m of the boundary.

- 4.7. In terms of the broadband infrastructure, it is also believed that this change would not have a significant impact on the built environment. The providers will still be required to work with the Council to agree good practise so that all parties are aware of how and when the roll-out of infrastructure will be delivered.
- 4.8. The relaxation of the GPDO will be for a period of three years only and anyone constructing an extension during this time will also have to complete the extension during this time. There will also be a requirement to inform the Council of the completion of the extensions in order that the Local Planning Authority can determine what extensions benefit from these relaxed PD rights for future enforcement purposes. The document does state that *“here this notification is not received by the end of the three-year period, the development will not count as permitted development, and could be subject to enforcement action.”* It is difficult to understand at this stage how and on what basis it would be possible to take enforcement action. If the Government is of the opinion that a 6m or 8m extension is acceptable in terms of the impact on the neighbours, it would be difficult to argue at the expiry of the three year period that extensions of that size and scale are then harmful.
- 4.9. Due to the timing of the release of this consultation document, officers have not had time to fully assess all the implications of the proposed changes and this report acts as background for Members to the proposed changes. Officers will further study the document in detail and prepare a comprehensive response in line with the recommendation in paragraph 2, which will be circulated to all Members.

5 Comments of Other Committees

None

6. Conclusion

Officers are of the opinion that the proposed changes to the GPDO relating to residential extensions will leave a long lasting scar on the built environment of Slough, resulting in a significant detrimental impact on many residents of Slough. It will also make it extremely difficult to implement the Council's adopted guidelines after the expiry of the three years, due to the presence of large extensions that would set an undesirable precedent. The benefits of allowing commercial properties to extend are appreciated and would result in a smaller impact on the town in the long run.

In light of the above Members are requested to favourably consider the recommendation of this report.

7. **Appendices Attached**

'1' Department for Communities and Local Government: Extending permitted development rights for homeowners and business. Technical consultation. November 2012

8. **Background Papers**

None.