



REPORT OF:	EXECUTIVE MEMBER FOR REGENERATION
TO:	COUNCIL FORUM
ON:	27th JUNE 2013

SUBJECT: PLANNING REFORMS – GOVERNMENT PROPOSALS RELATING TO PERMITTED DEVELOPMENT RIGHTS FOR HOUSE EXTENSIONS, NEW PERMITTED DEVELOPMENT RIGHTS FOR COMMERCIAL BUILDINGS

1. PURPOSE OF THE REPORT:

The purpose of this report is to provide members with an update in terms of changes to permitted development for changes of use, and house extensions, and a proposal to change the Scheme of Delegation to allow all Prior Notification applications to be determined by the Head of Planning & Transport (under the delegated powers of the Director of Regeneration) in consultation with the Chair & Vice-Chair of the Planning & Highways Committee.

2. RECOMMENDATIONS

That the Council according amend the Scheme of Delegation to cover the determination of Prior Notification applications as detailed in this report

4. BACKGROUND

The Government are proposing a number of reforms/changes as part of the Growth and Infrastructure Bill. On the 9th May 2013, secondary legislation was laid before Parliament, which will allow increases in the size of single-storey rear extensions which can be built under permitted development, and will bring into force the associated neighbour consultation scheme. Some of these changes came into force on 30th May 2013 whilst others come into effect at a late date through secondary legislation.

5. RATIONALE

The Regulations that were laid on the 9th May, will allow larger extensions to homes, offices and shops to proceed without needing to submit a planning application. Larger home extensions will be subject to a light touch neighbour consultation scheme. The change to the regulations under the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013 (SI 2013/1101) (GPDO), is initially for a three year period starting on the 30th May 2013. The Government have stated this period would be under review to ascertain the scope for extending the scheme.

Amendments have been agreed to the Growth and Infrastructure Bill relating to the changes to householder permitted development rights. Existing permitted development rights for householder proposals (for example planning permission needed if development takes up 50% of residential curtilage of dwelling or if extension is beyond a wall that fronts a highway) will remain unchanged. The following changes came into force on **30th May 2013** (Statutory Instrument 2013 No. 1101).

- Until 30th May 2016 for a terrace or semi-detached house the current 3 metres single storey rear extension limit would be replaced by 6 metres, and for a detached house the current 4 metres single storey rear extension limit would be replaced by 8 metres. These changes would not apply within conservation areas (or within any other Article 1(5) land).

The above permitted development rights change is to be subject to the following:

- A home owner wishing to build an extension will write to the local planning authority (LPA) providing plans and a written description of the proposal. The specific details to include as part of an application are as follows:
 1. Written description of the proposed development including how far the enlarged part of the dwelling house extends beyond the rear wall of the original dwelling house
 2. Maximum height of the enlarged part of the dwellinghouse.
 3. The height of the eaves of the enlarged part of the dwellinghouse
 4. A plan indicating the site and showing the proposed development.
 5. The addresses of any adjoining premise.
 6. The developer's contact address; and
 7. The developer's email address if the developer is content to receive communications electronically
- The local authority will then notify the adjoining neighbours—for example, the owners or occupiers of properties that share a boundary, including those at the rear. The Local Planning Authority should send a copy of the notice to the developer/applicant. The notification letter should include the following information:-
 1. how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 2. the maximum height of the enlarged part of the dwellinghouse; and
 3. the height of the eaves of the enlarged part of the dwellinghouse;
 4. provides the address of the proposed development;
 5. specifies the date when the information referred to in paragraph (2) was received by the local planning authority and the date when the 42 day period would expire; and
 6. specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

- Neighbours will have 21 days in which to make an objection, the same period as under existing planning rules.
- If no neighbours object, the home owner will be able to proceed. The Local Planning Authority should issue a prior approval not required notice.
- If any neighbour raises an objection, the local authority will then consider whether the impact of the proposed extension on the amenity of neighbours is acceptable as part of a 42 day prior approval application. If the impact is acceptable then prior approval given notice should be issued.
- If approval is not given (i.e. prior approval refusal notice issued with 42 days of receipt of the application), the home owner will be able to appeal against a refusal, or may wish to submit a full planning application. As with normal planning consents, neighbours will not be able to appeal against a grant of permission.

If an objection is received the “*prior approval of the Council is required as to the impact of the proposed development on the amenity of any adjoining premises*”. The wording of the section is that only objections from adjoining neighbours or owners can be taken into account. The LPA would not therefore consult any other body other than the adjoining neighbours. If an objection is received the LPA will have to look at the impact not just on the objector but on each adjoining premises.

In order to assess impact the LPA would consider the development set against the adopted Residential Design Guide (revised September 2012). The LPA would not use the fall back position of the legislation allowing 6 and/or 8 metre extensions as there is no basis for that tolerance that has been published.

It must be stressed that the LPA must notify the developer in writing of the decision whether to grant prior approval or not 42 days from the date of receipt because if the developer receives the notification after the 42 day period, they will obtain consent by default.

The regulations require that the development be complete by 30th May 2016. The Regulations are however silent on the status of the development after that date if it is not complete. It must be presumed that the development as a whole is then not lawful.

Where no objections are received the development will be allowed to proceed. It will be the responsibility of individual developers to be assured that rights to light are not affected by the development.

6. POLICY IMPLICATIONS

The new temporary householder permitted development rights that came into force on the 30th May 2013, does not alter the basic principles of what is or is not an acceptable development. The LPA via the Cross Party Working Members Group

have worked hard over the past couple of years to adopt a more flexible approach in their assessment of householder applications, taking into account the site characteristics etc. The Residential Design Guide "Extending Your Home" was revised and adopted in September 2012, following consultation with Members, and local planning agents.

The introduction of a new "light touch neighbour consultation scheme" is considered to be an absurd way of dealing with very important matters, such as the quality of life of the occupiers of the adjoining properties, and this will not alter the fact that the adopted Design Guide, which has been the subject of public and developer scrutiny will predominately render the larger 6 and/or 8 metre extensions unacceptable.

7. FINANCIAL IMPLICATIONS

Changes to householder permitted development rights will mean that there is still a need for Local Planning Authorities to notify neighbours. The Local Planning Authority will receive no fee for this work. If there is an objection from a neighbour and the Local Planning Authority decides to refuse planning permission the applicant has a right of appeal. The Local Planning Authority will receive no fee for appeals.

8. LEGAL IMPLICATIONS

The Council may be drawn into rights to light issues.

Under the current scheme of delegation the Director of Regeneration does not have the power to determine applications under certain circumstances, including where an approval would override an objection from an individual. In these circumstances, the authority to determine applications is reserved to the Planning and Highways committee. In order to ensure determination of notifications under the new permitted development rules within the 42 day & 56 day period from the date of receipt, and existing permitted development rules relating to notifications within the 56 day period, the scheme of delegation will need to be reviewed and amended to allow the Director of Regeneration to make determination on all matters relating to all Prior Notification/Prior Approval applications, in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Planning & Highways Committee.

9. RESOURCE IMPLICATIONS

None

10. EQUALITY IMPLICATIONS

None

11. CONSULTATIONS

These new changes have been presented to the Cross Party Member's Planning Working Group at their meeting on the 21st May 2013, and the Planning & Highways Committee at their meeting on the 20th June 2013.

Chief Officer/Member

Contact Officer: Neil Rodgers, Head of Planning & Transport
Date: 4th June 2013.
Background Papers: None

Form Reference Standard Committee Report Template October 2009 2.0