

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 6 DECEMBER 2012
 title: CONSULTATION DOCUMENT – EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES
 submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To request Committee's observations in relation to the Consultation Document published in November 2012 relating to extending permitted development rights for homeowners and businesses.
- 1.2 Members will be aware that there has been significant press coverage in relation to the suggested alterations to extend permitted development rights for domestic properties as well as commercial businesses. This is now the formal Consultation Document published by the Department of Communities and Local Government and confirms the intentions outlined via previous Ministerial statements.
- 1.3 Relevance to the Council's ambitions and priorities:
- Community Objectives - }
 - Corporate Priorities - } Economic Growth is the key objective/priority of the Council.
 - Other Considerations - }

2 BACKGROUND

- 2.1 The consultation document was published in November 2012 and the closing date for responses in the 24 December 2012. The document includes a list of questions in which consultees and interested parties are invited to comment.
- 2.2 There are five main elements of the consultation document:
1. domestic extensions;
 2. extensions to shops, professional and financial services;
 3. office proposals;
 4. industrial buildings; and
 5. installation of broadband infrastructure.
- 2.3 In relation to domestic extensions the proposal is to increase the size limits for the depth of the single storey domestic extension from 4m to 8m for detached houses and 3m to 6m for all other houses limited for a period of 3 years. It is clear that no changes are proposed for extensions of more than one storey. It is also limited to non-protected areas and as a consequence would exclude Conservation Areas and Areas of Outstanding Natural Beauty which form a significant part of the borough.

- 3.4 The proposal in relation to professional and financial services would give permitted allowance for establishments to be increased in size up to 100m² floor space and would allow these extensions up to the boundary of the property. There are some caveats which exist which will be retained and this would relate to the extension being at the rear and again only permitted in non-protected areas. This would again be for a period of 3 years.
- 2.5 Proposal to create a size limit for extension to offices for up to 100m², again only permitted in non-protected areas for a period of up to 3 years.
- 2.6 Increase the size limits for industrial buildings within the curtilage of existing industrial premises to 200m² in non-protected areas and for a period of 3 years.
- 2.7 The final proposal is for removal of prior approval requirements for the installation of broadband infrastructure for a period up to 5 years. It should be noted that this would in essence allow equipment of a certain size to be installed in areas of Outstanding Natural Beauty and Conservation Area without the need for any agreement on the siting.

3 ISSUES

- 3.1 It is important to emphasise that as most of these requirements in relation to alterations to permitted development rights for domestic extensions and commercial premises would not be permitted in “protected areas”, the consequence or the effects on the borough would be reduced given that over 75% of the borough is within an Area of Outstanding Natural Beauty and that there are 21 Conservation Areas. As such and given the other limitations which relate to the overall height of such extensions not exceeding 3m on the boundary and the limit to all extensions not exceeding 50% of the garden space I do not consider that this exemption would have a significant impact on the reduction in requiring planning permission. In some respects there could be more implications in relation to workload of Officers as there would often be a demand for a requirement to ascertain whether or not certain proposals would no longer require consent.
- 3.2 In relation to impacts on residential amenity there is no doubt there will be the odd case where something that could be built under “permitted development” that could significantly affect the amenity of adjacent residential properties by virtue of either overlooking adjacent garden areas and rear property elevations or create a tunnelling effect leading to a loss of light. However this would be at single storey level so the implications would not be necessarily over-significant and given that in most case direction of the 2m fence could have a similar impact albeit reduced, I do not necessarily believe it would cause significant harm. As a compromise I consider that a reduced increase would be suitable for detached properties but it should remain the same for terrace and semi detached units.
- 3.3 In relation to permitted development rights for a commercial premises and industrial premises, I consider that this may certainly assist the regeneration and growth element and although recently permitted development has been changed to already increase this right to extend without need of permission on commercial properties, has not warranted in many enquiries from commercial schemes to asses whether permission is required. I consider that this element be welcomed as it would facilitate in some respects potential regeneration and growth of commercial premises and that adequate safeguard exists in this proposal to protect residential amenity.

- 3.4 In relation to the removal of broadband equipment requiring prior notification to agree the siting, I consider that this could have a significant effect on the visual detriment of Conservation Areas and the Area of Outstanding Natural Beauty and I would not support this motion.
- 3.5 As a result of the proposals and in particular the suggested relaxation to domestic properties I consider there will be a significant problem in advising about and the interpretation of the legislation to both potential developers and objectors. Potentially it would seem unjust if an application would have been refused under previous guidelines to then no longer needing permission yet the impact being the same. I believe this would be an unfair consequence of the changes.
- 3.6 One of the main drivers of this document is to assist economic growth. I accept that the changes in relation to commercial proposals may assist but I do not believe the suggested changes to residential permitted development would have a significant impact. In many instances they would still need to produce plans or documents for building regulations or as a result of the need to confirm that the proposal was exempt from consent at a later date.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources - This report is a consultation document and therefore there are no direct resource implication. If the suggested changes are implemented it is considered that there would limited impact on resources as a result.
- Technical, Environmental and Legal – None identified
- Political - None identified.
- Reputation – None identified.
- Equality & Diversity – None identified.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Authorise the Director Of Community Services to respond in accordance with the Consultation response form.

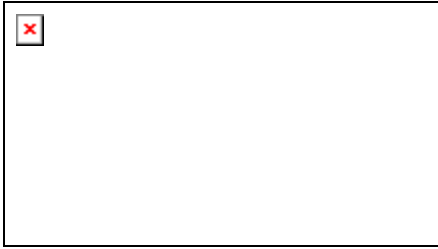
JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1 CONSULTATION DOCUMENT – EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES DCLG November 2012

For further information please ask for John Macholc, extension 4502



Response Form

Extending permitted development rights for homeowners and businesses: Technical consultation

We are seeking your views to the following questions on the proposals to increase the permitted development rights for homeowners, businesses and installers of broadband infrastructure.

How to respond:

The closing date for responses is 5pm, 24 December 2012.

This response form is saved separately on the DCLG website.

Responses should be sent to: PlanningImprovements@communities.gsi.gov.uk

Written responses may be sent to:

Helen Marks

Permitted Development Rights – Consultation

Department for Communities and Local Government

1/J3, Eland House

Bressenden Place

London SW1E 5DU

About you

i) Your details:

Name:	JOHN MACHOLC
Position:	HEAD OF PLANNING SERVICES
Name of organisation (if applicable):	RIBBLE VALLEY BOROUGH COUNCIL
Address:	COUNCIL OFFICES, CHURCH WALK, CLITHEROE, LANCASHIRE, BB7 24A
Email:	john.macholc@ribblevalley.gov.uk
Telephone number:	01200 414502

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish/community council

Non-Departmental Public Body

Planner

Professional trade association

Land owner

Private developer/house builder

- Developer association
- Residents association
- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work?
(please tick one box)**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

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?

Yes No

Comments

It is considered that the possible ramifications of permitted development rights in relation to the size of any extension could seriously impinge on residential amenities of adjacent properties. There would be an element of inconsistency as a result of the way previous applications may have been determined which would lead to significant confusion. As a compromise it is considered that detached properties could be extended with up to 6m and no change to terraced or semi detached properties.

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?

Yes No

Comments

It could be that clarification be given in relation to what is regarded as a single family unit and guidance be given in relation to detached garages.

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%?

Yes No

Comments

It is considered that minor changes to allow premises to be extended could go some way to assist small businesses. However it remains of the opinion that this would have limited impact on assisting economic growth and that the planning system should not be regarded as a significant blockage to economic growth.

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?

Yes No

Comments

This would seem a reasonable compromise and still offer a degree of protection to properties that have residential dwellings on the common boundary. Previous comments regarding the ability to kick start the economy remain as stated in question 3.

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%?

Yes No

Comments

No objections but again consider there would only be a limited benefit to economic growth resulting from these changes.

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%?

Yes No

Comments

No objections but again consider there would only be a limited benefit to economic growth resulting from these changes.

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

Yes No

Comments

It would seem to be that three years is a reasonable period of time to monitor the situation and any period of less than three years would be ineffective.

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

It is important that a monitoring system in which people notify the Local Planning Authority on completion is submitted. However this would involve a further level of bureaucracy and it is questioned how effective it would be if people do not submit the information.

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?

Yes No

Comments

It is important to ensure that areas of intrinsic value such as Areas of Outstanding Natural Beauty and Conservation Areas are given more protection as the proposed permitted development alterations could seriously have an impact on such areas and therefore it is important that more safeguards should be given to such designations.

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?

Yes No

Comments

It is considered that the existing controls should remain as it is important to ensure effective control remains in order to minimize the visual impact on designated areas.

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

Yes No

Comments

Thank you for your comments.