



Department for  
Communities and  
Local Government

## 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](mailto: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:	Elizabeth Sims
Position:	Development Control Manager
Name of organisation (if applicable):	Waverley Borough Council
Address:	The Burys, Godalming, Surrey, GU7 1HR
Email:	elizabeth.sims@waverley.gov.uk
Telephone number:	01483-523193

**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

The proposed depths at 8m and 6m are considered to be excessive. These would generally result in unreasonably long extensions which, in spite of the assurance of the consultations document would, be likely to result in a material loss of amenity to adjacent occupiers. The current limits are generally proportionate and appropriate. In addition, these provisions are considered to underestimate householder sense of good taste; excessively long extensions could well be considered unattractive, overly dominant within gardens and reducing property value by negative visual impact.

**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

Most garage conversions do not amount to development if for use by a family member. The conditions regarding changes to Class A of Part 1 Schedule 2 could be relaxed were appropriate, but this would not be desirable as these are required to protect the amenities of neighbouring occupiers..

**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 100m<sup>2</sup>, provided that this does not increase the gross floor space of the original building by more than 50%?**

Yes  No

Comments

Subject to conditions on height and distance to the boundary and protection of existing car parking space to protect the amenity of neighbouring occupiers.

**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

2m gap is appropriate in all circumstances. The unreasonable enclosure of adjacent commercial premises could sterilise their future use to the detriment of the local economy.

**Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m<sup>2</sup>, provided that this does not increase the gross floor space of the original building by more than 50%?**

Yes  No

Comments

See comment to Q.3

**Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m<sup>2</sup> 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

See comment to Q.3

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

Yes  No

Comments

A three year limit poses serious challenges for planning enforcement, increasing workloads and resourcing requirements. The challenges would be in the form of the difficulties of proving commencement and cessation of time periods e.g. If an extension is erected after the three year period ends, owners, applicants may claim it has been substantially completed within the three years. A clear notification/prior approval mechanism would be required. More importantly, what can be the 'planning justification' for arguing a temporary period? If these changes are found to be unarmful or acceptable for three years why not afterwards? Conversely if the justification that rights will be withdrawn after three years as they are necessary to control planning impact they should not be relaxed in the first place.

**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

If this is introduced, then a monitoring notification system is essential.  
See comments on Q.7 above.

**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

Yes; but also designated Green Belt. The individual and cumulative effect of these changes would conflict with the objective of paragraphs 79 and 17 of the NPPF to protect the 'openness of the Green Belt.

**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

This should NOT be removed at all. The prior approval system is essential to exert some control over these contentious structures. Sufficient flexibility already exists. Regarding a time limit, refer to the enforcement issues set out in response to Q 7.

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

Yes  No

Comments

There is an incorrect assumption made at page 26 within the cost benefit analysis in relation to Option 2. This states that the removal of the requirement for planning permission on the developments listed means plans etc are not required. However, plans are generally still needed for all building projects to assist the architectural, Building Regulations and construction layout stage. The assumption of a cost saving seems inaccurate. It is inappropriate to place monetary value on the protection of neighbourliness.

**Thank you for your comments.**