

London Councils

The voice of London local government

Growth and Infrastructure Bill - Consideration of Lords Amendments, 16 April 2013

Householder permitted development rights

The government is planning to extend householder permitted development rights, increasing the size of single-story home extensions which can be built without planning permission up to 8 metres. Removing the rights of a neighbour to comment on a building proposal that they believe will adversely affect them will not build confidence in the planning system, and indeed risks discrediting it.

The proposals are at heart a centralising measure, as they do not realistically allow boroughs to apply them to the benefit of local communities, and in line with community wishes. The Lords amendment effectively addresses this by giving flexibility to boroughs to apply the policy in light of local circumstances – localism in action.

In London Councils' view, the proposals are anti-localist, their benefits are unproven and indeed will not save householders as much as the Government suggests, and by setting a precedent their effects will last well beyond the three year lifespan of the policy. Further, they will create problems and costs for adversely affected householders and borough planning departments. Given that 90% of all householder extension applications are approved by boroughs, it is not necessary to remove the protection that exists for neighbours of developments.

We urge you to support new clause on permitted development, "Development orders: development within the curtilage of a dwelling house"

Impact on councils

The government's own suggestion is for councils to use Article 4 measures to mitigate the impact of this policy. It takes a year for an Article 4 direction to be introduced, during which time many extensions could have been built, it is worth noting that boroughs could introduce measures earlier, but only if they were prepared to pay very expensive compensation to all those affected. The National Planning Policy Framework (NPPF) has also identified limitations to the use of Article 4 measures, and the Secretary of State has suggested councils should be sued if they use these powers.

There would also be potentially significant costs to boroughs arising from this proposal if implemented. While the impact assessment suggests a zero net cost to local government, the cost of mediation and enforcement of inappropriate development could be significant, and would be undertaken without the householder planning application fee income of £172.50.

Cost of planning applications

London Councils is sceptical about the suggestion that there would be a wider positive economic impact from the extension of permitted development rights. The government's evidence suggests that, apart from the planning fee saving, households would save up to £2320 in professional fees. However, most of these costs would be incurred in any event as householders would still need to produce professional drawings for most extensions – and if they did not they would run the risk of incurring even higher costs further down the line for remedial work.

The government has provided no evidence of the extent to which applications are deterred because of the cost and time associated with making a planning application. In fact, the time and expense saved by consulting and engaging with neighbours ensures a minimum of subsequent mediation and conflict resolution, and helps make sure that the proposed development is structurally sound. This in fact adds value, especially when set against the costs incurred in building home extensions which would, apart from the application fee, have to be incurred whether or not planning permission was required.

Economic Growth

The government has repeatedly said that the planning system is a barrier to economic growth. When considered against the poor macroeconomic situation, especially the inability to obtain finance, it is not at all clear that it is the planning system that is the barrier to household extensions. In fact, 90% of applications are approved. DCLG has produced no evidence to support its assertion that there would be an economic benefit from the proposals, the impact assessment stated that '*[i]t is not possible to estimate the number of applicants that are currently deterred from making changes to their homes because of the economic costs the planning system imposes.*'

Impact on local communities

The planning system currently performs an extremely valuable protection against unsightly, poorly designed and potentially dangerous home extensions that would otherwise have an unacceptable impact on neighbours. Removing this protection would not only remove a process which, contrary to the Government's assertion, adds value through necessary engagement with neighbours, but would allow, in the three year period, local precedents to be created, meaning that inappropriate extensions proposed long after the relaxation of permitted development rights has expired would have a greater chance of being allowed. The proposals would have an adverse and costly impact long after the three year period.

The Government has proposed that councils should still be notified of building works happening and also their completion. However, given that most extensions will happen in back gardens, and given the very high proportion of housing stock in London which is terraced, it will be very unlikely that boroughs will be able to monitor when any building work has started or completed, making any subsequent enforcement action much harder to undertake. While, London Councils supports the requirement of notification and completion, in practice this will be very hard to prove.

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London Councils represents all 32 London boroughs and the City of London. The Mayor's Office for Policing and Crime and the London Fire and Emergency Planning Authority are also in membership