



· INSTITUTE · OF · HISTORIC ·
BUILDING · CONSERVATION

Making Heritage Work

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Dear Ms Marks

EXTENDING PD RIGHTS FOR HOMEOWNERS AND BUSINESSES

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

While we appreciate the reasons for the Government's wish to reduce costs for the building and development industry at present, we think the proposals are mostly inappropriate. This is because they will introduce a presumption in favour of sub-standard development which will be regretted in the long-term by building owners, neighbours and the public alike. Such developments will almost certainly include those that have previously been refused by LPAs and at appeal for their inappropriate or unneighbourly nature.

We think that the benefits and supposed cost savings to the building industry are both largely over-estimated and that the proposal's temporary nature will give rise in some cases to disputes and enforcement actions that will last well beyond the 3-year time horizon proposed.

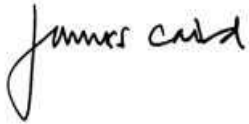
We agree with the proposal to exclude Article 1(5) land from the majority of the proposals. But we are concerned that no mention is made of the setting of listed buildings. LPAs have a duty to consider this aspect when dealing with planning applications and the proposals bring the possibility of damage to the setting of listed buildings in cases which are deregulated.

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We think it would be preferable for the Government to withdraw the proposal in favour of stronger guidance to LPAs on the need to stimulate the economy through the building industry, a point which is already at the forefront of most LPAs mind in any event.

Our response to the consultation questions is set out below.

Yours sincerely

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive style with a large initial 'J'.

James Caird
Consultant Consultations Co-ordinator

INSTITUTE OF HISTORIC BUILDING CONSERVATION

EXTENDING PD RIGHTS FOR HOMEOWNERS AND BUSINESSES

RESPONSE TO THE QUESTIONNAIRE

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?

No. Bearing in mind the lack of design control implied by the proposal, we feel that there is a strong likelihood of significant detrimental impacts on neighbouring property in many cases, and probably, in some cases, even affecting neighbouring property values. Height to eaves is not an effective measure of impact on neighbouring property. The distinction between detached and non-detached houses is misleading because many detached houses are built close together at high density and show many of the vulnerabilities to inappropriate extension as those that are not detached. Some developments affected by the proposals will affect the setting of listed buildings, a matter which LPAs have a duty to consider, under s66 of the TCPA 1990, when planning applications are made, a point not referred to in the consultation. We think that the proposal would move the boundary between private and public interests too much in favour of private ones, to the detrimental of residential amenity which is a way of describing the cumulative private interests of third parties, particularly that of immediate neighbours.

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?

No. The statement in the Consultation about the ability of LPAs to apply Article 4 directions is an often-used excuse for weak reasoning. Article 4 procedures are cumbersome and costly to implement and the Government must know that few authorities would turn to Article 4 in the circumstances suggested. In fact this point is acknowledged in the Impact Assessment. The existing provisions strike the right balance in the need to consider parking issues where increased and displaced parking demand is likely to adversely affect communities. Many residential areas where living space is scarce are high density ones in which parking space is also in short supply. This situation has been exacerbated in recent years with reduced levels of car parking having been required in new developments with no lessening of the number of cars on the road. Lack of off-street parking is a common cause of complaint to LPAs.

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. We are reasonably content with this proposal.

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. We are reasonably content with this proposal, so long as the term "residential" includes mixed use whether or not the residential component is currently occupied.

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. We are reasonably content with this proposal, so long as the term “residential” includes mixed use whether or not the residential component is currently occupied.

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%?

No. We think most planners will be able to think of potential cases where substantial harm may be caused. It is not just the impact of development itself that needs to be considered but knock-on impacts such as the development occupying parking and other open areas, restricting vehicular movement or displacing outdoor activity to locations close to boundaries with residential property. Although the consultation contains a proviso on the displacement of space for parking and manoeuvring, we think it is not always easy to determine the extent of these areas from casual observation. Debates in individual cases are bound to occur after the event with the potential for enforcement action reducing the supposed benefit of the relaxation in the first place.

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

Yes. If introduced, they should be time-limited as suggested. The proposal to time-limit these relaxations of planning control only serves to emphasize the fact that the Government realizes the proposals would, under most circumstances, be inappropriate.

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. But again this demonstrates a weakness in the proposals. In cases where the development is not complete in time, and even if no enforcement action is taken, there will be the potential for this for a period of 4 years from actual completion, which has, in turn, the potential to make the property concerned harder to sell.

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. It is important that these areas be excluded.

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?

No. The roll-out of Broadband is a highly important national programme but its ill-considered implementation has the potential to permanently damage the character and appearance of designated areas, particularly conservation areas and the settings of listed buildings within them. Prior approval is a small price to pay for the need to get things right in sensitive areas of acknowledged importance. We think that the proposals

have more potential to damage the appearance of conservation areas than other Article 1(5) areas such as national parks and AONBs; and that there might be justification in excluding conservation areas alone from the proposals. In any event we support the proposed Code of Practice.

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

Yes. We do not agree that the impact assessment provides adequate justification for the proposals. The estimates of the costs and benefits are extremely broad-brush, often consisting of guesses supported by assertion, and create very large ranges of possible outcomes which demonstrate the significant uncertainties surrounding the whole proposal.

The Impact Assessment deals scantily with the possibility that the proposals might lead to the devaluation of neighbouring property and not at all with the possibility that some property might be harder to sell as a result. This is emphasized by the fact that (on the potential numbers given) there will be some developments permitted by the proposals that have previously been refused planning permission by LPAs (and possibly also at appeal) on the basis on their unneighbourliness.

IHBC
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