Proposed changes to permitted development for householder extensions
18th September 2012

Background

The proposals to increase certain permitted development rights¹ is part of a wider package of Government plans to boost UK house building, jobs and the economy announced on 6th September 2012.

In particular the government proposes that:

- A single storey house extensions of approximately twice the length of existing permitted development (in future up to 8 metres back from a house rear wall) will be permitted development for a limited period until 2015.
- Until 2015 shops can extend by up to 100 square metres and industrial units by up to 200 square metres as permitted development.
- Government has indicated that it will not extend permitted development rights to historic ‘listed’ buildings or to certain other protected areas.

We expect a consultation on these issues to be issued promptly. These changes will require legislative change.

Key Issues and potential impact of the change

Scale of the change

- Local Planning Authorities currently receive approximately 200,000 applications from householders per year – about a third of all planning applications received.
- Nearly 90% of all applications are approved once negotiations have resolved any unacceptable amenity impacts.
- It is not yet known if these changes will override previous decisions made by planning authorities. For example if permitted development rights for house extensions were withdrawn by planning condition (for example in dense housing developments where a single storey extension was thought likely to damage residential amenity) or if planning permission had been denied.

Anticipated costs

- Councils currently receive a nationally determined fee - £150 for such applications.
- Our work with over 250 councils has demonstrated that the actual costs incurred by councils to process and deal with these applications are more than double the nationally set fee.
- If 100,000 applications were to become permitted development for 3

¹ Parliament approves general development orders, proposed by ministers, to make development below a certain threshold of size, height etc. automatically permitted by order of Parliament (known as permitted development). Such development therefore does not need a specific planning permission from a local authority.
years the loss of income to Local Authorities would be in the order of £15million p.a.

- In reality local authorities will still need to undertake checks on extensions to ensure that they do not exceed the amended permitted development rights – this may include site visits.

**Impact on amenity and resident concerns**

- The opportunity will no longer exist for councils to protect the amenities of neighbouring properties or the character of residential areas.
- Planning applications currently determined by local authorities, carefully taking account of the views of neighbours and neighbourhoods, will be determined by Parliamentary Order without any consultation or negotiations.
- 8 metre extensions close to boundaries may in a significant number of cases affect the amenities of rear patios and rear rooms because of overlooking bulk and mass, and impact on light. This will be particularly important in high density housing area.
- The opportunity for mediation through the local authority will be lost.

**Other consequences**

- A further issue will be to establish whether an extension was commenced or completed (depending on the order wording) in the period until the prescribed date in 2015. Many conveyancers require written confirmation that an extension had planning permission or was development permitted by Parliamentary Development Order to protect future purchasers from potential enforcement action. Information will not be readily available to the Local Authority to assist in this regard. It may also be difficult to collect information retrospectively about whether an extension fell within the temporary increased permitted development period from 2012 to 2015 or was carried out before or after this temporary period.