

Luton Borough Council provisional response

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

Comments

Of the changes proposed, amendments to the householder limitations is the area that gives rise to most concern. The increased limits for household extensions mean that the overall depth of extension that can be built without the need for planning permission will be double that of the existing limitations. Given the existing high density of the urban fabric of the town, it is considered that, in the majority of cases, these increased limits would have detrimental and unacceptable impacts on neighbouring properties in terms of overshadowing, loss of light, visual intrusion and a loss of spaciousness around the buildings. It is also considered that the overall length of buildings as extended have the potential to be out of proportion with the overall size of most of the more modest sized houses in the town. This in turn is considered to negatively impact on the overall residential character of the area and run counter to the good design objectives encapsulated in the National Planning Policy Framework.

Existing limitations and conditions regarding single storey extensions will remain in place, for example, development will not be able to cover more than 50% of the curtilage of the house, extensions must not exceed 4m in height, and any extensions which have an eaves height of greater than 3m must not be within 2m of the boundary. However, these restrictions are not considered to be sufficient to provide adequate protection to neighbouring occupiers.

Where under the current situation extensions greater than 3m depth (or 4m for a detached house) are considered to have an adverse impact, the authority will seek amendments to the scheme to mitigate those impacts and will refuse permission if necessary. An assessment of recent planning appeal decisions relating to this form of development indicates that we have a success rate of 75%, therefore the authority consider that the current permitted development rights are targeted at the right level and allow authorities to appropriately consider the impact of developments on neighbouring occupiers.

The proposed timescale restriction will undermine the consistency of the planning system, providing a change in the extent of householder development on a temporary basis. This will result in a number of permanent structures which may have adverse effects on adjoining occupiers and will make it difficult to provide justification to future applicants, once the 3 year time period has expired, why they are unable to benefit from the same scale of development.

In addition, the requirement for the development to be completed within the 3 year timescale is unmanageable from an enforcement perspective. Where complaints are received, it would be difficult to establish whether extensions were completed within the required timescales. It is not clear whether appeal inspectors would support enforcement action solely because the owner of the premises had failed to write to

the authority to inform of the completion of the structure. Significant resource implications will be required in order to deal with these types of issues, claims that letters were sent but not received and preparation of enforcement notices which may not be supported due to lack of certainty about completion dates.

The planning system is a mechanism through which the impacts of development can be taken into consideration, including effects on the environment and neighbouring occupiers. It should command public confidence by providing a high quality service that is fast, fair, open, transparent and consistent. This is vital to ensuring that the right decisions about development are made for the right reasons.

In light of the above, considerable concern are expressed at this element of the proposed changes.

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

Comments

The government is asking whether changes should be made to make it easier to convert garages to live-in annexes for immediate relatives to help increase housing supply.

At present, where no separate living accommodation is created, planning permission is not required unless external alterations or a restriction under a previous consent apply. Ideas are being sought under this consultation for ideas whether more could be done to facilitate this.

Restrictive conditions are imposed preventing garage conversions where it is considered necessary as a result of an identified existing parking problem.

As such, it is considered that the existing flexibility within the planning system is satisfactory.

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

Comments

The proposed increase relating to shops and professional services is not considered to have a significant impact providing there is some protection given to any adjoining residential 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

Comments

If you are going to allow the proposed increase, it is imperative that some protection is afforded to residential occupiers and 2m should be acceptable.

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

Comments

Various limitations have been maintained to protect visual amenities of the surrounding area and as such, the authority has no objections to the proposed increase.

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

Comments

The extension of industrial and warehouse buildings is already quite generous so no changes have been proposed. However, it is proposed to increase the limit for new buildings to 200m², subject to conditions restricting the height of the building and ensuring no loss of space for parking or turning vehicles. The proposal will have minimal impact from that already permitted and therefore, no objections are raised.

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

No

Comments

With respect to householder development, the comments in Q1 apply.

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?

No

Comments

With respect to householder development, the comments in Q1 apply.

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

Comments

The broadening of permitted development rights within article 1(5) land etc., would undermine the authorities control over development in these areas and could have an adverse impact on the character and appearance of these areas.

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

Comments

Currently, on land within a national park, an area of outstanding natural beauty, a designated conservation area and other protected site, there is a prior approvals procedure for some telecommunications infrastructure such as cabinets, telegraph poles and overhead lines which benefit from permitted development rights allows authorities' to consider the siting and appearance of development before it commences. The Council does not raise any objections to the removal of this process as there have been relatively few instances where concerns have been raised during the notification process.