



Chartered
Institute of
Environmental
Health

Extending permitted development rights for homeowners and businesses

Response to DCLG consultation

December 2012

Helen Marks
Permitted Development Rights – Consultation
Department for Communities and Local Government
Zone 1/J3 Eland House
Bressenden Place
London SW1E 5DU

By e-mail: PlanningImprovements@communities.gsi.gov.uk

Dear Ms Marks

Extending permitted development rights for homeowners and businesses.

I refer to your consultation paper under the above title, published last month. Though it is not a large paper, we still regret the contraction from the customary 12 weeks consultation period; that, really, is not a long time for the Department to wait for considered views. Though it also lends the impression that the Department is not really interested in others' views, those of the Chartered Institute, nevertheless, follow.

The paper begins (para 9) with the assertion that the measures proposed in it will 'ease the planning restrictions and costly bureaucracy that prevents families and businesses from making improvements to their property'. The paper offers no evidence for that and we cannot agree that the need to make a planning application is a 'restriction' or that applications of the kind the proposals seek to avoid are likely to be costly; the great majority of such applications are approved, and approved quickly, under delegated powers and demonstrably do not prevent appropriate improvements to either residential or business property. If the paper's claim was true, moreover, there would be no logic in restricting the proposals to a three year period.

To claim then, in para 10, that these 'flexibilities will not be at the expense of neighbours' and that 'protections...currently in place...within the planning system...will remain' are simply unsupportable; at the very least, the current opportunities for the local planning authority to consider all the circumstances of the case (as para 14 correctly describes the purpose of the application process), and for affected neighbours to comment are being removed. That is a clear denial of their current rights. While, admittedly, the grant of PD rights does not give developers *carte blanche*, the principal remaining planning protection of a Direction under Article 4, is, as the Department must know, harder to apply than the paper suggests. In addition, though the requirements of other regimes will continue in force, it is clear to us that without the trigger of planning consent, at least some development is likely to proceed outside those regimes and with no consents or oversight at all. That may be in the mistaken belief that those are no longer necessary either or deliberately, trivialising the planning process serving to trivialise those regimes at the same time.

More materially, our concerns at the proposals fall into two groups; those to do with the property under development and those to do with neighbouring properties but in both cases particularly where those properties are residential.

The planning process is not simply about land use and, in the first case, the planning process also providing the principal control over contaminated land, where the prompt provided by

that is lost, there may a danger of unwittingly disturbing membranes or capping layers overlying contaminated soil. That may not be apparent, or its significance not be realised, even if there is a building control inspection subsequently but the result would be to create a new 'pollutant linkage' with adverse consequences for the long-term health of the building's occupiers. We would also be concerned at the possibility of longer extensions, wittingly or not, covering shared drains which may traverse residential gardens, imposing inappropriate loads and impeding repairs and replacements.

The potential impacts on neighbouring properties are obvious and largely account for why the size of extensions has been restricted to date. They can only increase and include the potential for intrusion of light at night-time, the loss of privacy to gardens and the damage to the outlook from those properties, not least should large extensions be built to both sides. We do not accept that the continuing conditions for permitted development – the height restriction etc noted in para 19 – provide much mitigation (or cannot be designed around), in particular where houses are relatively narrow and existing gardens relatively small. Though it might not, strictly, amount to 'garden-grabbing' (these extensions not being separate dwellings), the impacts will not be dissimilar.

The potential exists for additional noise especially. That deserves to be taken seriously when hundreds of thousands of complaints of neighbour noise are being made to local authorities annually already. That is particularly pertinent since we would suspect as well that, contrary to the estimate in para 40, a larger limit is not going to bring more orders from householders already constrained by the cost of building any size of extension; rather, the proposed relaxation is most likely to be exploited by small landlords looking for an extra room to rent (or facilitate breaking up a house into flats). We have evidence of that happening in university towns already and, in that event, the effects on neighbours of intensifying the use will be worse than simply extending a single family house.

In summary, we think these proposals are built on false premises and will have unintended consequences damaging to residential amenity. We urge the Department not to proceed with them.

Howard Price
Principal Policy Officer
Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines; run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.