

DCLG/MAYOR OF LONDON: CONSULTATION ON UPWARD EXTENSIONS IN LONDON

COMMENTS OF THE LONDON FORUM OF AMENITY AND CIVIC SOCIETIES

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The London Forum considers that this proposal needs a reality check. There may be very limited opportunities for making any real difference to housing supply from this source. Assessing the capacity for change should be part of the local and London-wide SHLAA. No evidence has been provided to assess the potential capacity.

This proposal should not be unilaterally imposed through permitted development rights – it is not appropriate for blanket relaxation. This is an issue which affects the fine grain of local communities and is best dealt with within Local Plans where appropriate criteria can be adopted.

The London Forum considers that this proposal should be limited to those areas where additional storeys could make a real contribution, and should **not** be imposed where:

- densities are already high and where such proposals would have adverse impact on living conditions of neighbours; and
- the impact on conservation areas and on the setting of listed buildings would prejudice the conservation duties for listed buildings and for conservation areas. We consider that conservation areas should be exempted from these proposals.

How big is the opportunity?

Looking at the townscape of London it is possible to scope what opportunities there are for upward extensions to make a significant contribution to additional homes for Londoners.

The opportunities, however, are circumscribed by the building types that make up London's townscape, especially:

- **large areas of terraced housing, especially in Inner London, and semi-detached housing, especially in Outer London, which are of uniform height**, which would rule out building an additional storey let alone two, as the immediately neighbouring buildings do not provide the justification suggested. Existing residents would need to move out for a year while the development was taking place;

- some of this **housing could not provide the essential separate access** especially terraced housing
- **many non-residential buildings** are not an attractive option for the landowner as it could create problems for redevelopment;
- **blocks of flats** are usually already of greater scale than their surrounding buildings and would not, therefore, qualify for this initiative; and
- **where additional storeys may not prove viable.**

In short, even if this proposal were acceptable:

- opportunities for upward extensions may be limited;
- upward extensions may not be acceptable in townscape terms, although many of London's high streets and suburban shopping parades may provide opportunities (eg King Street, Hammersmith), this is already recognised in the London Plan (2015);
- where owners have aspirations to redevelop, whether Council housing estates or commercial buildings, building additional storeys could prejudice their plans;
- it would be working against the market; and
- many of the opportunities have already been taken.

The nature of the building stock, the conservation constraints, public acceptability and the market realities, mean that this proposal is unrealistic, unacceptable and, in some areas, a non-starter.

Assessing the scope producing additional housing would reveal that for very large parts of London there is limited scope for such upward extensions (see above). The Government should consider promoting upward extensions in High Streets/town centres as part of the regeneration of these centres.

The proposal

The aim of the proposed initiative is to build upwards to create additional units, which would have a separate access.

Whilst listed buildings would be exempted, conservation areas would not, although paragraph 3.5 suggests that a additional prior approval could require the local planning authority to consider any impacts of the development on the conservation area or a protected view. This cannot be an optional extra – it is a statutory duty for “preserving or enhancing the character or appearance of a conservation area”. Upward extensions would therefore require the same degree of assessment as a planning application or a conservation area application. Similarly, the local planning authority has a duty to consider the impact of development on the setting of listed buildings – this is recognised in the list in paragraph 3.3.

The London Forum proposes that conservation areas should be added to the list of areas to be excluded.

The Options

1. Extension of Permitted Development Rights:

The London Forum is strongly opposed to the extension of permitted development rights to allow adding additional storeys to buildings where additional housing units would be developed. Our experience of such centrally-imposed planning changes is that they are crude, under-informed and have the potential for considerable collateral damage. It is difficult to tailor such proposals to the circumstances of a local area. It is totally unsuited to areas where adding extra storeys in such a high-density area would create considerable loss of amenity and considerable damage to the credibility of the planning system. This approach prevents the local authority from assessing the proposal against their local plan and deprives them of fees to pay for the assessment they do undertake.

2. Local Development Orders:

The London Forum does consider that there would be many potential cases where these would be needed, but because of the priority to revise the Local Plan by 2017/18, LDOs for upward extension should not have any priority. However, we do recognise that they may be useful for locations where upward development might be possible/beneficial, such as High Streets. It provides locational targeting rather than blanket policy.

3. London Plan:

The London Forum considers this has some of the same shortcomings of both of the former two options – a top-down approach which might pre-empt the more important review of the London Plan. However, of the options introducing a policy in the London Plan supported by the SPGs on Housing and on Town Centres, would seem the best option, leaving London Boroughs to target the real opportunities. This option provides a step-wise, plan-led solution.

Overall

The consultation document provides:

- no evidence of the realistic scope of such an initiative;
- no apparent recognition of the potential impact of such a policy;
- no recognition of the legal requirements for determining applications or of those relating to conservation areas;
- no recognition that this is essentially a matter for local determination in accord with the Local Plan; and
- no recognition of the inappropriateness of nationally-imposed permitted development rights and unintended consequences that result at the local level.

The London Forum considers that this proposal should be limited to those areas where additional storeys could make a real contribution, and **not** be imposed where:

- densities are already high and where such proposals would have adverse impact on living conditions of neighbours; and
- the impact on conservation areas and listed buildings would prejudice the conservation duties for listed buildings and for conservation areas

In more detail, London Forum considers:

- 1 The proposal needlessly duplicates powers already embodied within Local Plans. The local authorities are well aware of the high demand in London for additional housing and of any potential large or small areas capable of further development within their boroughs.
- 2 The suggested policy itself introduces uncertainty regarding proper control and proper enforcement of standards in Local Plans, especially in relation to neighbouring properties, and the possibility of permanent damage and disturbance being caused to existing residents in buildings designated for such development from ill-thought out developments carried out in the absence of relevant and adequate local knowledge and which are not in accord with the Local Plan. There is a high risk that this initiative would undermine the performance of the local authority's legal duties to "preserve or enhance the character or appearance of a conservation area" but also the legal requirement to determine applications in accord with development plan.
- 3 The policy changes place reduced cost to developers before London's overriding requirement for high-quality, long-term housing, within a coherent and liveable built environment. Short-term gain is prioritised over the long-term wellbeing of people and place. This is wholly unacceptable.
- 4 Whether taken individually as a series of options, or collectively, the policy introduces needless complexity which would make difficult the monitoring of the structural soundness of such developments, as well as the functional standards of such individual residences over the long term. The requirement for separate access introduces further safety and intrusiveness issues.
- 5 The role of neighbour consultations suggested regarding the acceptability of any particular development proposed raises the question of definition (who is my neighbour?) and their reliability (arrangements may be made under pressure or through a financial inducement).

The London Forum considers that these proposals need a reality check, which we consider would reveal the limited possibilities for delivering additional housing this way.

ANSWERS TO QUESTIONS IN CONSULTATION DOCUMENT

Question 1: Would greater freedom to build upwards on existing premises be a viable option to increase housing supply while protecting London's open spaces?

No – in large areas of London there are limited opportunities where additional housing units can be built, with their own access, where the height of neighbouring buildings might justify building upwards and where the owners of the building would see any real financial advantage to building additional units above. Opportunities have been identified in the London Plan for town centres, but this may be appropriate in some suburban shopping parades.

Permitted Development Rights

Question 2: Do you agree with the proposal for a London permitted development right with prior approval, allowing the addition of new housing units where the extension is no higher than the height of an adjoining roofline, and no more than two storeys, to support delivery of additional homes in the capital?

No – definitely not – permitted development rights are a crude policy tool and would need considerable amelioration embodying many of the Local Plan policy considerations. Conservation areas need to be exempted, as the addition of extra storeys would be extremely controversial.

Question 3: Do you agree that the proposed options for neighbour consultation provide adequate opportunity for comment on development proposals for upward extensions?

No – residents currently expect developments to be subject to assessment in relation to the Local Plan and expect **all** developments to assess whether they are in accord with the NPPF, and the development plan – ie the London Plan plus the Local Plan.

Question 4: What other measures could a London permitted development right contain to encourage applications for upward extensions to come forward? For example, would allowing additional physical works to provide for access, or partial or full demolition and re-build up to the height of an adjoining roofline,

incentivise building up? If so, would this raise additional considerations which should be taken into account?

Additional considerations:

- exempt conservation areas,
- assess impact on the setting of listed buildings (see para 3.5)
- assess impact on living conditions of neighbours – sunlight and daylight, overlooking and privacy (para 2.11)
- method of construction – including access to the development, a construction traffic management plan and a code of practice/conditions limiting hours of construction and noise.

Local Development Orders

Question 5: Do you agree that local development orders would be an effective means to promote upward extensions and contribute to the delivery of additional homes for London?

No – LDO would still require the same range of conditions as a planning consent, as well as planning obligations/CIL to provide infrastructure in the same way as other housing. Because of the amount front-loaded resources required, the London Forum considers that would be better used to secure up-to-date Local Plans as the highest priority and not diverted into this activity which would have a low pay-off..

Question 6: What measures should a local development order contain to encourage proposals for upward extensions to come forward?

See Q5

Question 7: We would welcome the views of London boroughs on whether they consider they would introduce local development orders for upward extensions, and what might encourage them to do so?

London Forum would support the Council declining to do so.

Support in the London Plan

Question 8: Do you agree that proposals for a new London Plan policy supporting upward extensions would provide certainty and incentivise the development of additional housing in appropriate locations?

No - Given the major task of a complete review of the London Plan following the Mayoral Election, this would not and should not be a priority. It is more important to get a revised London Plan.

Question 9: What are your preferred option/s to support upward extensions to increase housing supply in London?

See answers to previous questions: The London Forum considers that there may be few realistic opportunities and certainly none that warrant a concerted plan of action to secure a significant number of these schemes.

Question 10: Do you agree that premises in residential, office, retail and other high street uses would be suitable for upward extension to provide additional homes?

No - blocks of flats, non-residential and mixed-use developments all have a number of constraints:

- they are often already taller than their surrounding buildings, usually housing, so they would not qualify;
- providing direct access may be a major constraint
- likelihood of compromising later redevelopment – eg Council housing, office blocks, hotels
- impact on uses below, such as on blocks of flats
- financially unattractive – houses more valuable

Question 11: Do you agree with the locations that should be excluded from a permitted development right listed in paragraph 3.3 above, and are there other areas where proposed upward extensions would be best managed through a planning application?

No – in many London Boroughs few if any locations will be suitable or viable. **All** proposals should be brought forward as planning applications to meet the Council's statutory obligations with regard to

making planning decisions in conservation areas and which affect the setting of listed buildings.

Question 12: Do you agree with our proposed approach to protect conservation areas and protected views?

No - the London Forum strongly opposes the use of prior approval - adding considerations of impact on conservation areas and protected views is not sufficient.

Question 13: Do you agree with our proposals that the property being extended upwards should share a wall with a higher property, or form part of a continuous terrace of premises being extended that shares a wall with a higher property?

There may be circumstances where upwards extensions may be appropriate, but we do not accept that the prior approval approach should be used to promote additional dwellings on the roof.

Question 14: Do you agree that for a permitted development right or London Plan policy a limit of two additional storeys is appropriate to manage the impact of upward development in any area?

There may be places in London, where more than two storeys upwards may be appropriate which is why an across the board approach for London using permitted development rights is totally inappropriate.

Question 15: Do you agree that a prior approval should consider the method and hours of construction?

We oppose prior approval, but if imposed it would need "conditions" on method and hours of construction.

Question 16: Have you any views on the likely costs and benefits of these proposals to deliver additional homes in the capital?

No

Question 17: Have you any views on the implications of the approaches to housing supply outlined above for people with protected characteristics as defined in the Equalities Act 2010?

What evidence do you have on this matter?

No

Question 18: Are there any other points that you wish to make in response to this consultation, including other key components we have not considered that would be beneficial in taking the proposals forward, or any examples of upward extensions providing additional housing? No