

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

SUMMARY OF CONSULTATION RESPONSES

Introduction

1. On 12th January 2007, the Department issued for consultation a draft Addendum to Planning Policy Statement (PPS) 7 setting out the Department's planning policy and guidance for the extension and/or alteration of a dwellinghouse or flat, including those in multiple occupancy.
2. The Department sent out copies of the Draft PPS Addendum to approximately 350 interested parties, including district councils, a wide range of public bodies, MPs, MLAs, non-governmental organisations, professional bodies, and business interests. Notices advertising consultation and inviting responses were posted in the Belfast Telegraph, the Irish News and the Newsletter, on 12th and 19th of January 2007. The document was also made available on the Planning Service website. Consultation responses were requested by 11th May 2007. All the responses received were taken into account.
3. The Northern Ireland Assembly Committee for the Environment was briefed on the Draft Addendum to PPS 7 on 6th September 2007 and comments subsequently received by the Committee were also taken into account by the Department in finalising the document.
4. This report provides an overview of the findings of the consultation process. It is not intended to be a comprehensive report on every comment received, but rather a summary of the key issues raised in the responses. The Department would take this opportunity to thank all those who contributed to the consultation exercise. A copy of the individual responses can be viewed on the Planning Service website.

Overview of Consultation

5. The Department received a total of 23 responses to the draft PPS Addendum from a wide range of interests which can be broken down into the following categories:

District Councils	8
Government Departments and other Statutory Agencies	4
Professional Bodies and Voluntary Organisations	3
Individual Responses	8

6. Most of the responses covered a number of issues and several were detailed, particularly those from several of the district councils and the individual responses from agents who regularly deal with house extensions. Some of the comments referred to matters outside the scope of the consultation exercise, for example, suggesting changes to legislation. A full list of the respondents is provided in Annex A.

General Issues Emerging from Responses

7. The overall policy objectives and the broad thrust of the policy and guidance provided in the Draft PPS Addendum were largely supported by most respondents. The Royal Institute of Chartered Surveyors advised in their response that the Addendum will “provide greater clarity and advice to house owners, professional advisors and developers.”

Terminology and Use of Language

8. There were a number of comments, including from the Assembly Environment Committee, that suggested the terminology and use of language in the Draft Addendum was unclear and at times lacked objectivity.

Response: The Department has carefully reviewed the use of language within the Addendum and adjusted the text where appropriate to provide greater clarity. Details of areas where changes have been made are set out below, under Specific Issues.

Planning Policy EXT 1 Residential Extensions and Alterations

9. There was broad support for the Policy EXT 1, although a number of responses expressed concern about some of the individual criteria and how they would be interpreted and applied in practice. One respondent expressed the opinion that the requirement to meet all of the criteria contained in Policy EXT 1 was excessive and would result in an unacceptable level of control which would have the effect of preventing people from extending their homes.

Response: The Department has made a number of amendments to the policy text having regard to the consultation responses and discussions with the Assembly Environment Committee. This has resulted in a reduction in the total number of criteria included in the policy. Criteria (f) and (g) have been removed from the policy text and criteria (a) and (b) amalgamated.

Through these amendments the Department considers that the policy text now provides greater clarity for home owners and their professional advisers about the key matters that are considered when dealing with applications for residential extensions and alterations. This view was supported by the great majority of respondents who commented upon Policy EXT 1 or upon the Addendum as a whole.

Subject to these changes, the Department considers that the requirement to fulfil all of the stated policy criteria is not unduly onerous and, taking account of all these considerations, to be reasonable.

Specific Issues

Sustainable Design

10. There was broad support for the Addendum in terms of its contribution to the aims of sustainable development. Comment was made to the effect that the Addendum ought to be more proactive in the promotion of sustainable development with particular importance attached to securing appropriate standards of energy efficiency and the promotion of renewable energy systems.

Response: The Department considers that the Addendum has adequately addressed these issues in the context of extensions. While the Department wishes to encourage the greater application of energy efficiency and renewable energy for all development wherever possible, these matters also need to be considered in the wider legislative and policy context. This includes the requirements of the Building Regulations relating to energy efficiency. The issue of renewable energy is also addressed in the recently published Draft Planning Policy Statement 18 Renewable Energy.

People with Disabilities

11. The Northern Ireland Housing Executive (NIHE) welcomed the statement contained in paragraph 2.5 of the Addendum to the effect that sympathetic consideration will be given to proposals for extensions and alterations to provide for the needs of people with disabilities or impaired mobility. However NIHE pointed out that such extensions often require generous space standards and expressed the view that, in some cases, the need for internal space will often outweigh the loss of outside private space. NIHE also expressed concern as to how those aspects of the policy and guidance pertaining to overshadowing and loss of light to neighbouring properties would be applied in practice. This was seen as a potentially serious impediment to the provision of adaptations/extensions to small unit housing in general and to extensions for the disabled in particular. Another respondent raised the issue of accommodation for disabled persons as part of their general concern in regard to the issue of ancillary accommodation (see also paragraph 12).

Response: The Department wishes to ensure that the policy and guidance contained within the Addendum will not unreasonably disadvantage people with disabilities. In effecting changes to the Addendum, the Department has taken account of the various matters raised in consultation responses. Importantly the Justification and Amplification text of Policy EXT 1 on People with Disabilities has been amended to point out that the specific accommodation needs of an

applicant with a disability constitutes an important material consideration in itself and that this will be taken into account alongside the policy criteria in determining proposals. Further details are set out below under the appropriate subject headings. In making these changes, the Department considers that the needs of people with disabilities are now adequately addressed.

Ancillary Accommodation

12. Several consultation responses, including comments made by the Assembly Environment Committee, expressed reservations about the policy and guidance relating to ancillary accommodation. These reservations are summarised below.
- The degree of physical linkage between the ancillary unit and the host property required by guidance was considered to be excessive and likely to curtail the independence of the occupiers of the ancillary unit (and those resident in the main dwelling), particularly if there was no allowance for a separate door entrance to the ancillary unit.
 - Concern was expressed that the policy did not allow potential for the conversion of existing outbuildings to provide ancillary living accommodation, particularly in rural areas. It was pointed out that Policy HOU 16 of the Planning Strategy for Rural Northern Ireland, does make such provision.
 - Concern was raised regarding the requirement for ancillary accommodation to be incorporated back into the original property when it is no longer needed – the example of rural outbuildings converted to ancillary accommodation was quoted.
 - Some criticism over a lack of clarity in the guidance as to what constitutes an acceptable size of ancillary living accommodation.

Response: The Department accepts a number of these concerns and has as a consequence amended the policy and guidance on ancillary accommodation. Overall this is now much closer to the previous text contained in the Planning Strategy for Rural Northern Ireland including its provisions relating to the creation of a separate entrance to the ancillary accommodation.

The Department does however still consider it important to stress that such extensions are permitted by virtue of their ancillary relationship to the main residential property.

The Department does not wish to be unduly prescriptive in setting standards or limits to regulate the size of ancillary accommodation as it is considered preferable to allow for the specific circumstances pertaining to individual applications to be treated on their own merits.

Finally, the Department has clarified that the circumstances in which the construction of a separate building within the residential curtilage may be considered under the terms of the policy.

Context and Design

- 13 There was broad support for the policy and guidance relating to context and design. Some respondents sought more prescriptive guidance (for example stated separation distance between a side extension and the property boundary), whilst other respondents regarded the guidance as being too restrictive (for example in regard to the use of materials to complement those of the existing property). One respondent considered that criterion (b) of Policy EXT 1 in the draft document ought to be expanded so as to make provision for the scale and mass of a proposal respecting neighbouring properties and the character of the area. There were some comments made in relation to terminology and the use of language in the Addendum. In particular, the use of the word 'sympathetic' in criterion (a) of Policy EXT 1 and within the guidance (at A2 for example) was considered inappropriate by some respondents because it suggested to them that an extension to a dwelling has to be some sort of copy to the existing building.

Response: As indicated above the Department has amended the number of Policy Criteria in Policy EXT 1. This includes the amalgamation of criteria (a) and (b) which now requires that the scale, massing, design and external materials of a proposal be sympathetic to the existing property and not to detract from the surrounding area.

The Department considers use of the word 'sympathetic' to be appropriate in this context. It should be stressed that this is not intended to mean that any alteration or extension of a building has to be a copy of the existing or that it leaves no scope for innovation in architectural design. Rather, the aim is to secure a design which promotes visual harmony with the original building, while respecting neighbouring properties and the surrounding area.

Overall the Department considers that the Addendum text strikes a reasonable balance between prescription and flexibility. As stated in the amplification to Policy EXT 1 applications for house extensions and alterations often raise detailed site specific issues and therefore each case will be assessed on its individual merits. The guidance provided will assist this process and is intended to facilitate people in meeting the objectives of the policy, whilst retaining sufficient flexibility to ensure that good design and personal choice are not unreasonably stifled.

Neighbouring Property Rights

14. RICS commented that paragraph A7 of the guidance ought to be reworded so as to make it clear that extensions should not infringe upon a neighbour's property in any way.

Response: The Department has amended the Addendum to take account of this suggestion.

Residential Amenity (Privacy)

15. Several respondents commented on the guidance in relation to this issue. One respondent sought clarification as to what should constitute “reasonable” space between dwellings in order to minimise overlooking. He regarded the guidance on this matter as open to different interpretation and called for greater prescription of standards, for example in defining separation distance between the side window of a rear extension from a main window in an adjacent dwelling. Another respondent felt that in urban areas there ought to be a presumption against balconies, roof terraces and high level decking because of detrimental impact upon the amenity of neighbours, including both overlooking and noise / general disturbance issues. Finally, NIHE commented that “overlooking to some degree is unavoidable particularly in smaller units of social housing”.

Response: The Department has commented above on the general matter of standards and prescription versus flexibility and would reiterate that no single set of standards will suit every situation.

The Department notes the comment on balconies, roof terraces and high level decking in urban areas and would advise that it considers a general presumption against proposals incorporating such elements would not be appropriate as there are likely to be situations where this type of development could be carried out without detriment to residential amenity. The Addendum does however recognise the potential for adverse impact upon residential amenity arising from such proposals, and advises that they will be subject to particular scrutiny.

The Department concurs with the NIHE comment and has amended the guidance text to acknowledge that flexibility may be needed in respect of proposals affecting older properties with smaller plot areas.

Residential Amenity (Overshadowing/Loss of Light)

16. A key area of concern expressed by several respondents was the assessment criteria for overshadowing / loss of light to neighbouring dwellings set out in the guidance. In particular reservations were expressed about the strict application of the 60 degree and 45 degree lines illustrated at Figure 1 of the Draft Addendum. While it was acknowledged that the guidance sought to protect the amenities of neighbouring properties from overshadowing / loss of light, it was highlighted that this could severely restrict the size of residential extension likely to be permitted to terraced and semi-detached properties. NIHE expressed specific concerns about the impact on small unit housing in general and with regard to specific housing programmes in particular (citing multi-element improvement schemes involving extensions and also adaptation schemes for those with disabilities). One respondent made a number of suggestions as to how the assessment could be amended so as to be less stringent and called for greater clarity

about the list the factors to be taken into account in considering whether site circumstances would warrant a relaxation of the guidance.

Response: The Department would stress that its aim in this matter is to strike a reasonable balance between the legitimate desire of home owners to improve/extend their property and the equally valid concerns of neighbours regarding the impact of extensions on their residential amenity. The 60 degree / 45 degree tool illustrated in the guidance is derived from research undertaken by the Building Research Establishment (BRE) and is used by a large number of local planning authorities throughout Great Britain. The Department does not therefore consider it unreasonable to employ a similar methodology as an assessment tool in the Northern Ireland context. However, it is accepted that there is a need for clarification on this matter.

The Department has therefore amended the guidance to make it clear that the 60 degree / 45 degree tool is not a rigid standard which must be met in all circumstances. Rather it is a guide which should be balanced, in the round, with a number of other matters to help assess the potential impact of an extension on a neighbouring property, including the circumstances of the individual case and its context.

The Department also accepts the need for greater clarity with regard to explaining the nature of the other 'relevant factors' and accordingly has amended the guidance text and provided examples to illustrate the site specific circumstances which may fall to be considered under each factor.

In addition specific reference is now made to adaptations/extensions for people with disabilities to introduce a greater measure of flexibility in assessing such proposals against the guidance, particularly where the proposed extension is single storey.

Whilst the Department acknowledges NIHE concerns regarding multi-element improvement schemes, no particular hardship is envisaged given the typically area based nature of such schemes. Thus, in assessing such schemes, the Department will give due weight, in the round, to all of the 'relevant factors' set out in the amended guidance.

Residential Amenity (Noise and General Disturbance)

17. The potential nuisance in regard to noise / general disturbance likely to arise from balconies / roof terraces / high level decking was raised by the same respondent who commented on the impact of these elements in regard to the privacy of neighbours.

Response: The Department considers this matter is adequately addressed in its response to privacy matters outlined above.

Landscape

18. Several comments were received in relation to the policy and guidance on landscape matters. One respondent suggested that that the policy ought only to be concerned about the protection of trees subject to Tree Preservation Orders (TPO) or trees and other landscape features within discrete areas designated by reason of their special environmental importance or conservation value, such as Conservation Areas. A contrary view was tendered by another respondent who thought that the provisions relating to the protection of trees should not be dependent on important trees having a TPO in place at the time of the planning application. Another respondent expressed the view that the policy fails to allow for compensatory / trade-off landscape measures and also that the policy is too inflexible and likely to encourage the removal of landscape features prior to an application being made.

Response: The Department has amended the policy text to indicate that proposals involving the loss of trees or other landscape features which are judged to contribute 'significantly' to local environmental quality, including trees with TPOs, will be resisted. Other cases will be assessed on their individual merits and provision has now been made in the policy amplification text for compensatory planting schemes in appropriate circumstances.

Private Amenity Space

19. Several diverse comments were received in relation to the policy and guidance aimed at the retention of sufficient private amenity space subsequent to extension works. These are summarised as follows:
- There is no guidance as to what constitutes a 'sufficient' amount of private amenity space to be retained or a specifically defined minimum area.
 - The level of private open space needed will vary in different situations. By way of example it was suggested that for some people with disabilities the need for extra internal space could outweigh the loss of outside private amenity space.
 - It was suggested that this policy will have an adverse and also a differential impact upon owners of recently built dwellings given the trend towards higher density residential development in urban areas.
 - Ensuring the security of dwellings was queried as a legitimate objective of this policy.

Response: The Department would respond in turn as follows:

As previously mentioned the provision of prescriptive standards in many cases is considered to be unduly rigid as no single set of standards will be applicable in every conceivable situation. For example, the size of external amenity space required for a city centre town house is likely to be very different to that required for a large suburban family home.

In light of above the Department also accepts that it is not appropriate to insist on the same requirement in all situations. This is a matter of professional judgement to be applied on a case by case basis. The issue of flexibility for the accommodation needs of those with disabilities has already been addressed.

There is no evidence to suggest that the policy or guidance will have an adverse and differential impact upon the occupants of recently built dwellings. The Addendum does however point out in its introduction that “there may be occasions where existing residential properties were not originally designed to be extended.”

Finally, the Department accepts that a criterion requiring that space retained around a property be secure may not be appropriate within the context of extensions and this has therefore been removed from the policy. However equally it is considered that in the interests of designing out crime, the creation of a secure residential environment is a worthy objective and this is now reflected in the guidance text of the document.

Car Parking

20. One comment was made on this issue. Overall this supported the thrust of the guidance aimed at ensuring that sufficient space is retained for in-curtilage car parking following extensions, but requested the following amendments:

- Indicate that the loss of *any* car parking space, rather than an *only* car parking space, will not be acceptable.
- Ensure that sufficient space remains not only for car parking, but to allow for in-curtilage vehicle turning.
- Cross-refer the guidance regarding the provision of driveways, hardstandings and vehicle turning to the “Creating Places” supplementary planning guidance document.

Response: The Department accepts the broad thrust of the comments made and has amended the guidance text on car parking.

Equality Impact Assessment

21. One respondent suggested that the policy criteria do not meet equality requirements because they will most significantly impact on owners of terraced and semi-detached properties. Conversely, another respondent accepted that a full EQIA was not required.

Response: The Department would advise that it does not consider there is an obvious correlation between house type on the one hand and households defined by any of the particular Section 75 groups on the other.

Due to the greater potential that exists for adverse impact to be caused to neighbours, the Department accepts that there are greater limitations on the potential for extending terraced and semi-detached properties, than for detached properties.

The Department therefore remains content with the EQIA screening analysis undertaken for the Draft Addendum which concluded that the policy does not have a significant adverse impact on any of the Section 75 groups.

Policy Implementation

22. There were two responses which suggested that implementation of the policy would be open to subjective judgement and hence inconsistent interpretation and application. However, a contrary view was expressed in another response which stated that “...there is an emphasis on using the related supplementary planning guidance when assessing proposals against the detailed criteria. This approach to policy EXT 1 is appropriate in principle and the additional clarity provided in the supplementary guidance should make the decision making process less subjective.”

Response: *The Department has acknowledged above and indeed the amplification to Policy EXT 1 itself states that “applications for house extensions and alterations often raise detailed site specific issues and each case will therefore be assessed on its individual merits.” The amplification continues by advising that decisions will be informed by the detailed guidance provided with the Addendum.*

The purpose of the guidance is to highlight the main issues and considerations that will likely arise in dealing with proposals to extend or alter a residential property and it seeks to provide a consistent basis against which to consider proposals.

Whilst it is inevitable that the guidance may be applied and interpreted differently in different circumstances the fact that more detailed guidance is now set out to underpin the Department’s policy, coupled with the fact that it will apply to the whole of Northern Ireland, should increase clarity for the public and planners alike and provide for a greater degree of consistency in its decision making.

Annex A – List of Respondents

Armagh City and District Council

Ballymena Borough Council

Belfast City Council

Coleraine Borough Council

Craigavon Borough Council

Down District Council

Lisburn City Council

Omagh District Council

Environment and Heritage Service DOE - Built Heritage

Roads Service DRD

Northern Ireland Housing Executive

Northern Ireland Ambulance Service

Royal Institute of Chartered Surveyors

Northern Ireland Environment Link

Women's Forum Northern Ireland

Thomas Bates BSc (Hons) MB Eng - Carryduff Designs

Roy Hanna HNC

Conor McKenna

James O Flaherty – Rosetta Design Services

Oliver Quinn BSC DAAS RIBA Dip TP – Inset Architecture & Planning

James Rooney Architect

John Smylie MICTP RIBA

F. A. Wheeler – MCIAT MBE