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Dear Madam or Sir,

I am writing to you on behalf of the Chartered Institute for Archaeologists (CIfA) in response to the [consultation on upward extensions in London](#). Our response primarily reflects our concerns as they relate to the application of blanket permitted development rights as a way to reduce perceived inflexibility and delay caused by the planning system. We dispute the validity of this argument and suggest that there are, generally, more sensitive and locally appropriate ways to encourage development through planning policies.

Permitted development precludes many of the precautionary mechanisms which are available for archaeology to be investigated and discovered. Any proposals which remove opportunity for local authorities to properly detect and assess the archaeological potential of a building or site thus potentially leads to the loss of, or harm to, archaeological interest and must be seen as a contravention of the National Planning Policy Framework's (NPPF) tests for sustainable development and a diminution of historic environment protections.

That being said, there are options outlined within this consultation which do open the possibility of successfully balancing proportionate planning protections with the desire to encourage and enable higher rates of upwards extensions in London. Building upwards has also, historically, been a characteristic of the development of towns as they naturally grow and develop a city-scale landscape. Many of these changes are already evident in London and elsewhere, and have given rise to a great body of impressive architecture. What is important is that this growth occurs in a way which enables proper assessment of the character of particular streets and areas to support such growth. In this regard, we are particularly concerned about the historic and wider context which the built environment provides for high quality change which preserves or enhances the existing qualities of the place.

CIfA therefore supports the proposals for locally-structured local and/or neighbourhood development orders, backed by strong encouragement in policy within the London Plan, for appropriate upwards extensions. This would ensure that upward extensions are only subject to permitted development away from areas of specific sensitivities (e.g. high streets, parks and

gardens, and conservation areas) and that any other upwards extensions in these areas will be able to seek planning permission, with a strong encouragement for any permission to be granted subject to conditions assuring suitable protections, as provided in the London Plan.

We believe this could form a workable programme of encouragement to build in a way which will satisfy NPPF's tests of sustainable development and protections for the historic environment and the character and amenity of London's urban landscape.

We are pleased to see robust exclusions for listed buildings and scheduled monuments, and buildings which affect the setting of such designated sites, as well as recognition of the importance of significant views to and from heritage assets. We are also encouraged to see a recognition of the special status of conservation areas, although we think that a stronger and more nuanced approach to defining qualifications for where and when upwards extensions in these areas may be appropriate. However, we generally disagree that permitted development for upwards extensions would be appropriate in most conservation areas. This is because conservation areas are often valued for their particular spatial relationships of height, scale, massing, and style – all of which would require careful consideration to decide whether upwards extensions would be appropriate. As such we support a requirement for planning permission for conservation areas, unless particular conservation areas are judged individually to be particularly appropriate for upwards extensions, without harm to significance – in which case, could be subject to a local or neighbourhood development order.

These principles form the basis of an appropriate protection for heritage assets. However, care needs to be taken to avoid the assumption that undesignated buildings have no heritage interest. Archaeological interest in particular is often only revealed when investigation takes place, and in regard to buildings – particularly in London – may mask assets of high value despite buildings not being listed.

About ClfA

ClfA is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provide a self-regulatory quality assurance framework for the sector and those it serves.

ClfA has over 3,200 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

This response has been produced with the assistance of ClfA's Buildings Archaeology Group (BAG), a forum for promoting the archaeological analysis, research, interpretation of standing structures.

Please see attached responses to the specified questions noted in the consultation. If we can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



Rob Lennox BSc (Econ), MA, PhD
Policy Advisor
Chartered Institute for Archaeologists

Answers to specified questions

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? Why do you think so?

- 1.1. In theory, yes, building upwards is a good idea to prevent encroachment on both public open spaces and private gardens. However, it is not only London's open spaces which contribute to its world-renowned built environment and civic amenity, which people who live, work, and visit are able to enjoy. Rather, the preservation of the high quality architecture and built landscape – which includes historic environment assets and streetscapes – is also vital. This can only be done by enabling the correct decisions to be made to preserve and enhance local character in addition to meeting housing need and stimulating growth. This means pursuing a plan-led system, where authorities can, quickly and efficiently, assess applications for impacts on the environment, surrounding townscape and landscape, infrastructure services, and other material considerations to pursue sustainable development.
- 1.2. With this in mind we are cautious about overemphasising the importance of upwards extensions if an appropriate balance is not achieved between reducing unnecessary bureaucracy in the planning systems and maintaining good quality decision-making in terms of focussing upwards extensions in areas where they are not likely to contribute to a loss of environmental quality, including archaeological interest, or an erosion of historic character, design quality, or amenity.
- 1.3. London has, in the past, gone through phases of relaxed attitudes to both upwards extensions and below ground extensions. Previous trends towards raising the heights of buildings, or otherwise altering rooflines – for example by adding mansard rooves – in the 1980s and 1990s has arguably created incongruous visual impositions in characterful streets. Similarly, below ground extensions in the past decade have led to extremely problematic issues of subsidence and structural damage to buildings – including those which are nationally listed. Similar issues could arise as a result of uncontrolled upwards extensions with these proposals sowing the seeds of future problems (for example, structural impacts on buildings which were unsuitable for upwards development) or poor quality design and a consequent erosion of character.

1.4. We encourage the Government and Mayor of London to provide technical guidance seeking to avoid structurally inappropriate extensions – particularly in the case of historic buildings – and to encourage good design.

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?

2.1. No. We do not think that blanket permitted development rights are generally the best options for delivery of the types of benefits that are envisioned, if problems with the appropriateness of developments are not to arise.

2.2. We are pleased that the proposals include appropriate exemptions for listed buildings and scheduled monuments, and buildings which will impact upon the setting of these nationally designated assets. However, we would also like to see qualifications relating to other national designations, such as registered parks and gardens and stronger recognition for the special significance of conservation areas, most appropriately in the form of an exemption from any London-wide permitted development right and a nuanced approach to inclusion in local or neighbourhood development orders.

2.3. Even if these assurances are given we are concerned that the permission in principle could lead to poor design and structurally inappropriate development of historic buildings which would have a negative impact on the quality of London's urban environment and that these concerns would need to be effectively dealt with in planning policy and technical guidance.

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

3.1. Yes. We agree with the proposals to allow neighbour comments, but stress that wider issues of setting and character are also elements which affect amenity, not simply light, overlooking, and privacy. All of these are material considerations in the planning process and need to be taken into account.

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?

4.1. It is likely that many upwards extensions will require external works in order to meet building regulations, for example, the installation of external fire escapes, emergency exits. Where alterations such as these which are directly related to the raising of the height of the building are required, it makes sense for them to be implicit in the scope of the permitted development.

4.2. Allowing for demolition and re-building via permitted development is likely to have the effect of substantially changing the architectural character of streets which, if not confined to areas of low sensitivity could lead to dramatic changes to the street scene. Any operations which involve ground disturbance have potential to impact upon heritage assets with archaeological interest such as buried remains and any extension of permitted development rights in this regard must contain adequate safeguards for the historic environment. Furthermore, in conservation areas, demolition of any building requires planning permission and it is essential that this protection is maintained under any extension of permitted development to cover upwards extensions.

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?

5.1. Yes. The use of LDOs is much more appropriate than a general permitted development right for London because it provides an easy way to target particular areas from the permission in principle, for example, conservation areas which derive historic significance or visual amenity from their particular spatial arrangement of height and scale. Restricting where the permission in principle applies would be a sensible way of protecting sensitive areas.

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

6.1. With regard to the historic environment, the following requirements should be in place;

- to have regard to the potential structural impact of upward extensions on historic buildings
- a special assessment of character of an area (particularly if in relation to a conservation area)
- recognition of impact upon nearby heritage assets

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?

7.1. N/A

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?

8.1. It would provide incentive, however where any such policy was primarily designed to reflect a permitted development right it would be very difficult to adequately plan for the development of the street scene, which would be subject to significant unplanned change. Given the particular visibility of upward extensions. It may spark a generation of poor quality additions to London's highly respected built environment, which would be to the detriment of the built character of the city.

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

9.1. A system, underpinned by a policy in the London Plan which encourages upwards extensions and supports planning permission, subject to appropriate planning safeguards. Furthermore, appropriately caveated local and/or neighbourhood development orders should be put in place which extend permitted development for upwards extensions up to two storeys, to the height of a neighbouring building, in particular areas of need and/or suitability – i.e. areas where built environment sensitivities are low.

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? Why do you think so?

10.1. ClfA has no objection in principle to upwards extensions of residential, office or retail premises. However, areas such as high streets are often sensitive in terms of built form, setting, character, and heritage interest.

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? Why do you think so?

11.1. Yes. ClfA is strongly in favour of the proposed exemption for designated heritage assets such as listed buildings, scheduled monuments, and for a strong protection for the setting of these assets. We would, however, also highlight sites of archaeological interest as defined in the GPDO and registered parks and gardens – as a national designation which is not included in the proposals, and which could be affected by upwards extensions to surrounding buildings.

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

12.1. The recognition of the special interest embodied within conservation areas is welcomed, although in order to adequately protect the character of these areas, permitted development rights would not generally be appropriate. There may be particular conservation areas which are significant for reasons which would not be affected by local or neighbourhood permitted development orders allowing upward extensions. However, this should be judged on an area by area basis.

12.2. Conservation areas are particularly sensitive and are often designated for their particular spatial relationships of height, scale, massing, and style – all of which would require careful consideration to decide whether upwards extensions would be appropriate.

12.3. Buildings in conservation areas also arguably have a higher potential to contain assets which embody archaeological interest and thus having extra protections in the form of an opportunity to assess applications for planning permission will be extremely valuable in terms of allowing the potential discovery of previously unknown assets of national significance, or more likely, assets which should be properly recorded and investigated prior to granting permission.

12.4. We therefore argue that upwards extensions should be considered in the same way as existing permitted development rights for works to the front of properties in conservation areas and be exempt, except for in areas where it can be demonstrated that the special character would not be affected.

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? Why do you think so?

13.1. Yes. We agree that from a perspective of visual amenity, the requirement for upward extensions to form part of a continuous terrace is a sensible one which will encourage a maintenance of similar styles, materials, rooflines, etc., such that individual extensions do not appear incongruous to one another.

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?

14.1. Yes.

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

15.1. It is entirely appropriate that any permitted development right or local development order should be capable, through conditions or prior approval, of ensuring that any usual concerns could be dealt with by providing protections commensurate with those which would be obtained through a normal planning permission route.

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

16.1. We are against any proposals which would lead to a loss of fees for planning departments as a result of continued work load to manage permitted development but a lower rate of fee. The fees chargeable for prior approval should be commensurate with the work done by planning departments, including advice from historic environment specialists. We do not believe that a fee is likely to be of the order of magnitude necessary to deter potential developers and that the main benefit of a permitted development right or local development order is the increased confidence that time expended in drawing up plans will not be wasted due to permission being refused.

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?

17.1. 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?

18.1. No.

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