



## **DCLG and Mayor of London Consultation on upward extensions in London Historic England Submission**

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to LPAs, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response on the following points.

### **Introduction**

- Historic England supports the need to address the current issues of housing supply across England and especially in London. We also support the general prioritisation of brownfield/urban development, as discussed further below. The consultation proposals do raise some important concerns for us, however.
- These concerns relate primarily to Option 1 (permitted development right for additional storeys in London), which we consider is likely to lead to unsustainable development, contrary to the National Planning Policy Framework (NPPF). We are particularly concerned about the impact that deregulating this type of extension could have on the quality of London's historic environment. This is because the type of building selected (para. 3.6) in this consultation for the upward extension permitted development right is ill-defined and likely to be ill-suited (see response to question 1) to delivering additional residential units. This view is supported in the consultation, which provides evidence from the London Development Database suggesting that these proposals would not lead to a significant increase in new housing (para 1.5). No evidence is provided to suggest the contrary.
- We also consider that Option 1, as described, would run contrary to the Government's requirement for good design. Historic England firmly agrees with the Government that good design is a key aspect of sustainable development.<sup>1</sup> Failure to address this concern could lead to an undermining of public confidence in permitted development rights, if people see their neighbourhoods blighted by poor quality development. Such justifiable concerns could discourage the long term supply of new housing.
- Finally, and more generally, a related concern is a potential shift in the overall balance of policy, given the extent of the proposed changes (and particularly if demolition is to be included). In its current form, the NPPF successfully balances a range of core planning principles within the overall presumption in favour of sustainable development. Further prioritisation of any one element of policy would undermine this balance, and thus

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<sup>1</sup> NPPF paragraph 56.

jeopardise the delivery of sustainable development, including its heritage protection dimension.

## Delivering upward extensions

*Q1. 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?*

- In the appropriate locations, greater freedom to build upwards on existing premises could be a viable option to increase housing supply. However, we do not consider that the approach promoted in this consultation is focused on the correct locations. This appears to be due to a lack of evidence supporting the proposals, or understanding of the implications, both for the built environment and local planning resources.
- Historic England considers that these consultation proposals, especially Option 1, assume that one element of London's environment must be sacrificed in order to create additional housing; either 'open space', or London's built environment. We note that 'open space', which we understand to be London's Green Belt and Metropolitan Open Land, is an important element of the environment for Londoners.<sup>2</sup> However research demonstrates that a well-designed built environment is also highly valued.<sup>3</sup> Furthermore, London's townscape quality directly affects the amenity of most of its open spaces, so to harm the appearance of one, through inappropriate development, would consequently detract from the other. Such an approach is inherently unsustainable. As is made clear in the NPPF, to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.<sup>4</sup>
- Unlike Options 2 and 3, Option 1 does not allow upwards extensions to be directed to appropriate locations. It also makes no provision for the control of the quality of design, including massing and materials. Ensuring the quality of design is a key role of the planning system, correctly promoted through the NPPF: a system that Historic England considers is essential in supporting the delivery of London's housing supply, while protecting those things which are considered important to the public. Design quality is particularly important in conservation areas, designated for their special historic or architectural interest. It also applies to other types of heritage asset which this consultation does not adequately address.
- Many of our concerns are a result of the complexity of London's streets. These are often characterised by a variety of architectural forms with little stylistic uniformity, and therefore do not lend themselves to a one-size-fits-all policy approach to upwards extensions. Therefore, more broadly, when considering all three options, we consider

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<sup>2</sup> A 2015 Ipsos MORI poll for CPRE found that 64% of people agree the Green Belt should be protected, while just 17% disagree. <http://www.cpre.org.uk/media-centre/latest-news-releases/item/4033-60th-anniversary-poll-shows-clear-support-for-green-belt>.

<sup>3</sup> In 2013 Berkeley Homes commissioned an Ipsos MORI poll on the importance of architecture and design. In response to the question 'On a scale of 1 to 10, where 10 is very important and 1 is not at all important, how important is good architecture and design to the success of London?' it found that 62% of Londoners said between 7 and 10, and only 9% said between 1-3. Likewise, when responding to the question 'how important is it that the buildings and public space in your local area look good and work well?' 71% gave an answer between 7 and 10 and only 5% between 1 and 3. <https://www.ipsos-mori.com/researchpublications/researcharchive/3268/New-homes-more-Londoners-prioritise-building-quality-over-quantity.aspx>.

<sup>4</sup> NPPF paragraph 8.

that the specific focus of this consultation on terraces is misplaced. This is not helped by the consultation not setting out precisely what it means by terrace.<sup>5</sup> We do not consider that the images in example 1 and 2 help clarify this.

- If by terraces the consultation means traditional Georgian and Victorian London terraced town houses, we consider all three of the proposed options are likely to add further complexity to the planning system. This is largely because these buildings were designed as densely constructed single family dwellings. While flexible, terrace town houses are difficult to adapt to create additional dwellings that meet modern standards without causing great disruption to other users or residents in the building. This is because many of these buildings were built before modern space standards and fire regulations were introduced. The addition of two further floors is also likely to raise structural questions given the shallow foundations and historic methods of construction typical of terraces from these periods.
- Our publication [London terrace houses 1660-1860](#) is essential reading to understand how terraced houses were designed to function and how they can be adapted in an efficient and attractive manner.<sup>6</sup> It describes the terraced house as the common form of development from the late 17<sup>th</sup> century until the early 20<sup>th</sup> century, creating a remarkable urban legacy that dictates the character of large areas of London. As such, terraced housing frequently coincides with areas protected for their historic character and architectural quality. Historic England has recently commissioned consultants to undertake research looking at the character of London's built environment. Early indications suggest it will confirm that areas of terraced housing are mostly located in Central London, which has the highest coverage of conservation areas.<sup>7</sup> The British Property Federation has identified this as a reason why this approach is unlikely to deliver many new homes.<sup>8</sup>
- While areas of London with terraced houses can often accommodate significant growth, there are issues around the degree of change (rather than the principle) that can be accommodated before their character and appearance is damaged or destroyed. Understanding the potential for change requires an assessment of significance, character, and impact and understanding of local needs is undertaken, to ensure that the increased development pressures are managed appropriately.

### **Option 1: Permitted development right for additional storeys in London**

*Q2. 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?*

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<sup>5</sup> The OED definition of terrace is “loosely, a row of houses of uniform style, on a site slightly, if at all, raised above the level of the roadway”.

<http://www.oed.com/view/Entry/199483?rskey=pbOW0N&result=1&isAdvanced=false#eid>

<sup>6</sup> <https://historicengland.org.uk/images-books/publications/london-terrace-houses-1660-1860/>.

<sup>7</sup> Historic England would be happy to share this research into Character and Density with the Mayor of London and DCLG once it has been completed.

<sup>8</sup> “Central London boroughs are unlikely to see much change as the number of listed buildings and conservation areas will prohibit large numbers of proposals coming forwards”

<http://www.bpf.org.uk/media/press-releases/upward-extension-proposals-will-encourage-%E2%80%9Cinnovation-and-efficiency%E2%80%9D-capital#sthash.vU0tuCtv.dpuf>.

- Historic England does not consider that a permitted development right with prior approval as described in Option I would be an effective way of promoting more housing. We agree with the Outer London Commission that the Government and the Mayor are justified in exploring the mechanisms available to encourage additional housing through upwards extensions, **providing appropriate safeguards are put in place to secure high quality design and take into account the impact on local character and heritage assets** (our bold).<sup>9</sup> In our view, were this option to be introduced it would:
  - remove controls over the quality of design including massing, materials and relationship to context, contrary to the Government’s good design agenda;
  - undermine the consideration given to locally designated heritage assets, many of which are terraced houses that make important townscape contributions;<sup>10</sup>
  - put at risk World Heritage Sites and their settings; listed buildings and their settings; and other designated heritage assets, with no mechanism in place to ensure that the impact that these developments could have on heritage significance was adequately assessed. As some heritage assets are of strategic importance, particularly World Heritage Sites due to their international heritage significance, any assessment of the impact on setting may need to be subject to wider consultation with bodies such as Historic England, Historic Royal Palaces, The Royal Botanical Gardens Kew, The Royal Parks, Westminster Abbey....
  - impede the plan led system approach undertaken by local planning authorities (LPAs) and neighbourhood forums in positively planning for the conservation and enjoyment of heritage assets for this and future generations, and call into question the discharging of statutory duties of having special regard to preserving listed buildings and their settings and paying special attention to preserving or enhancing the character or appearance of conservation areas set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Historic England considers that the net result of Option I would be lower levels of protection for London’s heritage – including its most significant assets – than the rest of the country. We do not consider London’s heritage to be less important than that of the rest of England.
- Additionally, we understand that upwards extensions on terraced buildings are normally to create extra space for existing dwellings, rather than self-contained additional housing. Since merging two dwellings into one does not require planning permission, it seems likely that Option I might not ultimately deliver new housing units. This can be controlled more easily when planning permission is granted for the creation of additional units.

Q3. Do you agree that the proposed options for neighbour consultation provide adequate opportunity for comment on development proposals for upwards extensions?

<sup>9</sup> Paragraph 9.6, Outer London Commission Sixth Report: Removing the Barriers to Housing Delivery, 2016.

<sup>10</sup> <http://planningguidance.communities.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/what-are-non-designated-heritage-assets-and-how-important-are-they/>.

- As this type of extension would be highly visible and impact on local visual amenity, and given that good design is a key tenet of Government policy, we consider that appropriate consultation to reflect this would be required and would need to be broader than the proposed option for neighbour consultation. By removing power from LPAs and local communities, especially those creating Neighbourhood Plans, to promote good design, a London wide permitted development right would undermine the Government's good design and localism agendas, both of which Historic England supports.
- Where multiple types of prior approval are required, notably when assessing the impacts on views, conservation areas or other heritage assets, a prior approval system is likely to be more unwieldy and complex than the existing planning system. This is likely to slow down the delivery of housing, as it will add confusion to the existing system for applicants, neighbours and other groups affected by the development.

*Q4. 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 rebuild up to the height of an adjoining roofline, incentivise building up? If so, would this raise additional considerations which should be taken into account?*

- As set out above, a London permitted development right is, in our view, likely to lead to unsustainable development. This could be greatly exacerbated if the permitted development right includes other works that would normally require planning permission. It is unclear what is meant in the question by partial or full demolition, but proposals which encourage partial or full demolition could have far reaching impacts on buildings in conservation areas and locally listed buildings, which are recognised in national planning guidance and account for a significant number of heritage assets in London.<sup>11</sup> The buildings on these lists play an essential role in building and reinforcing a sense of local character and distinctiveness. This includes places not designated as conservation areas.
- Local lists can helpfully complement the understanding and management of what is special in a place and provides an opportunity for communities to express their views on local heritage. London boroughs such as Wandsworth have innovatively engaged with communities to develop their local lists.<sup>12</sup> Similarly, local groups such as the West Ealing Neighbourhood Forum, have identified locally significant buildings located outside of conservation areas, and have developed policies to protect and enhance them.<sup>13</sup> This work, and the significance of the buildings highlighted by local groups and local authority

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<sup>11</sup> For example the London Borough of Ealing has c.1500 buildings on its local heritage list; the map on p.46 (fig 76) of the Westminster City Council Harley Street Conservation Area Audit shows the number of 'Unlisted Buildings of Merit', locally designated heritage assets, in one conservation area in the City of Westminster. [http://www3.westminster.gov.uk/docstores/publications\\_store/Harley%20Street%20CAA%20SPD.pdf](http://www3.westminster.gov.uk/docstores/publications_store/Harley%20Street%20CAA%20SPD.pdf)

<sup>12</sup> Wandsworth have developed an online web facility adapting the Placecheck methodology developed for neighbourhood planning. This will allow the local amenity societies to nominate candidate buildings using smartphones and tablets to record descriptions and photographs of the buildings for later display on the Council's website.

<sup>13</sup> West Ealing Neighbourhood Plan draft heritage proposals evidence base (February 2016) <http://www.wecnf.org/wp-content/uploads/2016/02/Heritage-Proposal.pdf>.

specialists, is likely to be undermined by the introduction of an Option 1 permitted development right.

- The potential for harm identified above could be exacerbated if features such as lift shafts, or fire escapes, were included as permitted development. Notwithstanding the process, these features are often at odds with the design of terraced buildings and can be unsightly and detract from visual amenity in their own right. They normally require careful consideration for the particular location proposed and such provision would not be possible through a London wide permitted development right.

## **Option 2: Local development orders for additional storeys in specific areas**

*Q5. 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?*

- Historic England considers that local development orders (LDOs) could be the most effective way of promoting upwards extensions that would contribute to the delivery of additional homes in a sustainable way. This is because, LPAs are best placed to identify the most appropriate development options for their areas, taking into account the whole range of relevant considerations including heritage and good design. It is also because this option supports a plan led approach to development, which gives confidence to developers and has the potential to positively shape places.<sup>14</sup>
- If the LDO process is undertaken in a pro-active manner by a local authority it could greatly encourage housing development, through upwards extensions to all different types of buildings. Targeted effectively this would have the benefit of enhancing the vitality of areas, while protecting and potentially enhancing the amenity of the area subject to the order. This could be particularly beneficial when considering how to enhance conservation areas that have been identified as being 'At Risk', by encouraging sympathetic development that will encourage investment and improve their appearance.<sup>15</sup> This is in line with the NPPF which states that LPAs should consider the desirability of new development making a positive contribution to local character and distinctiveness. This could be undermined if a general borough wide approach were taken.<sup>16</sup> This has additional the benefit of contributing towards the Mayor's key performance indicator 24, on Heritage at Risk.<sup>17</sup>

*Q6. What measures should a local development order contain to encourage proposals for upward extensions to come forward?*

- For an LDO to be effective it is necessary to have clear and concise guidance, identifying which properties are included, and detailed design guidance which prescribes the most appropriate solution for the building type. This should all be supported by a proportionate and sound evidence base, underpinned by a robust methodology. This

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<sup>14</sup> <http://www.bpf.org.uk/media/press-releases/upward-extension-proposals-will-encourage-%E2%80%9Cinnovation-and-efficiency%E2%80%9D-capital#sthash.QXwrvpBK.dpuf>.

<sup>15</sup> For more details on conservation areas at risk, and on the Historic England Conservation Area Management Survey, see <https://historicengland.org.uk/advice/heritage-at-risk/conservation-areas-at-risk/>.

<sup>16</sup> NPPF paragraph 126.

<sup>17</sup> GLA <https://www.london.gov.uk/sites/default/files/amr12.pdf>, Key performance indicator 24: Protecting and improving London's heritage and public realm. Target: Reduction in the proportion of designated heritage assets at risk as a % of the total number of designated heritage assets in London.

methodology should be based on a sound understanding of place, and of the building types affected. In conservation areas this is usually provided through conservation area appraisals, or character assessments. Historic England has recently updated its good practice advice on how these assessments may be undertaken.<sup>18</sup>

- When looking more widely at the character of whole boroughs to identify areas most suitable for LDOs, historic landscape character assessments will form an important and robust part of the evidence base as set out in the NPPF.<sup>19</sup> Many of the outer London boroughs already have such characterisation work, while much of central London is covered by conservation areas as set out above.<sup>20</sup>
- One local authority which has produced documentation to actively encourage upwards extensions within a sensitive heritage context is the City of Westminster. Following assessment by their specialist conservation staff, the City Council have used their conservation area audits to highlight properties where upwards extensions would normally be considered acceptable, subject to analysis of impact on amenity. They have also highlighted listed properties where upwards extensions may be acceptable subject to further analysis of the building's historic significance. This provides certainty to building owners and encourages sustainable investment.<sup>21</sup>
- To support applicants in formulating proposals that will reinforce locally distinctive character, the City Council also produced guidance on roof extensions, which includes helpful drawings and general rules.<sup>22</sup> However, we note that this guidance requires specialist input and is not a model that would be appropriate for all building types. This means that extensions to many building types, particularly those with architecturally significant upper floors and rooflines, may still be best considered through a planning application in order to protect the quality of the townscape.

*Q7. We would welcome the views of London borough on whether they consider they would introduce local development orders for upward extensions, and what might encourage them to do so?*

- There is broad agreement within the development industry that LPAs need to be properly resourced to help London meet its housing needs.<sup>23</sup> This is particularly relevant if Government and the Mayor wish to encourage boroughs to produce LDOs which require the input of staff with technical skills in urban design, heritage conservation, planning policy and local community engagement to be sustainable.

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<sup>18</sup> *Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1*

<https://historicengland.org.uk/images-books/publications/conservation-area-designation-appraisal-management-advice-note-1/>.

<sup>19</sup> NPPF paragraph 170.

<sup>20</sup> Historic England has commissioned research to explore the extent of characterisation work in London. We expect the results of this work to be available by May 2016.

<sup>21</sup> See map on p. 44 (fig. 74) of Westminster City Council's Harley Street Conservation Area Audit: [http://www3.westminster.gov.uk/docstores/publications\\_store/Harley%20Street%20CAA%20SPD.pdf](http://www3.westminster.gov.uk/docstores/publications_store/Harley%20Street%20CAA%20SPD.pdf).

<sup>22</sup> See section 5 of Westminster City Council's supplementary planning guidance *Roofs: A Guide to Alterations and Extensions on Domestic Buildings*. <http://www3.westminster.gov.uk/spgs/publications/Roof%20guide.pdf>.

<sup>23</sup> "Properly resourcing public sector planning in London must be a priority if London is to identify, enable and approve the levels of housing required in the capital over the next 10 to 20 years." Outer London Commission *Sixth Report: Removing the Barriers to Housing Delivery*, 2016.

- Historic England is particularly concerned that London has lost 31% of its specialist conservation staff over the past decade, at a time when listed building consent applications have risen by 21%.<sup>24</sup> This has resulted in boroughs having insufficient or no specialist staff who, in our view, are necessary for the successful and sustainable implementation of this option. If sufficient LDOs are to be produced to make a difference to housing numbers, there needs to be the expert knowledge to draft and implement them.

### **Option 3: Support in the London Plan**

*Q8. 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?*

- Historic England is not convinced that a strategic level policy on upwards extensions would add certainty or incentive new housing. This is because most of the issues that need to be considered for this type of development are of a local nature. Any such policy would need to be underpinned by detailed evidence for it to be robust. As we noted above in response to question 6, this evidence of local context is currently produced by the boroughs who are best placed to provide certainty on local issues.

*Q9. What are your preferred option/s to support upward extensions to increase housing supply in London?*

- Historic England considers that a plan led approach, based on a robust evidence base, is the best way to identify sites and building types that are suitable for additional housing. We would be keen to work with the Mayor and Government to promote the methods, tools and training required to develop appropriate policies and evidence bases to achieve this. While we do not believe that there is any one building type that lends itself to upward extensions without planning controls over their design and location, we consider that LDOs, targeted appropriately, could facilitate the delivery of new homes and the enhancement of London's built environment.

### **Considerations for upward extensions**

*Q10. 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?*

- Historic England supports mixed use development in most locations, particularly on larger sites where it is possible to accommodate the range of needs that different land uses have. However, introducing new homes into existing buildings that are in different uses and do not already have residential accommodation may prove difficult for existing users, and may affect the viability of those other uses in some cases, warranting appropriate consideration.
- By way of illustration, the need for separate access in such buildings could affect the appearance of buildings at street level, and reduce the size of offices, shops, and their street presence. Uses which produce noise or smells, including pubs and theatres, which are often nationally or locally listed buildings, risk becoming unviable if their activities are

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<sup>24</sup> London Historic Environment Forum, *Heritage Counts* 2015.

curtailed by noise complaints from their new residential neighbours. This could have knock-on effects for Heritage at Risk and London's cultural offering.

- Finally, in some instances the character of conservation areas is significantly commercial, or industrial. The introduction of new residential uses could detract from this character and harm the significance of the conservation area. An example of this is Kingston Old Town Centre Conservation Area. Here a significant and distinguishing feature of the conservation area is its strong retail and commercial character. This character is important to its success and merits careful consideration when deciding where new accommodation is appropriate. This is interrelated with other planning matters such as separate access affecting retail floorspace and the prominence of goods/services on sale, and the amenity concerns mentioned above. These diverse considerations - environmental, social and economic - illustrate the importance of directing upwards extensions to appropriate locations, which the LDO process is best suited for.

*Q11. 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?*

- Historic England welcomes that listed buildings, scheduled monuments, World Heritage Sites and their settings are covered by the list of excluded locations. This recognises the important considerations that listed buildings, scheduled monuments, World Heritage Sites and their settings raise within the planning process, and their contribution to London's cultural offer as a World City. However, we are concerned that this list does not include conservation areas given that this consultation relates to upwards extensions that would be highly visible from all locations, unlike other forms of permitted development.
- As we noted above in response to question 2, in order to exclude the locations listed in paragraph 3.3 from a permitted development right, it would be necessary to ensure that the settings of World Heritage Sites and listed buildings were adequately assessed. This could be extremely complicated, as the NPPF sets out the setting of a heritage asset is "the surroundings in which a heritage asset is experienced. **Its extent is not fixed and may change as the asset and its surroundings evolve...**"<sup>25</sup> Our advice on the assessment of the setting of heritage assets is published on our website.<sup>26</sup>
- As the exercise of planning functions by local authorities concerning the setting of listed buildings is covered by a general duty in law, there have been important legal challenges that have led to a complex body of planning law developing on this issue.<sup>27</sup> As such it seems likely that local authorities would be cautious in how they interpreted paragraph 3.3, as they may be open to judicial review if they have not considered setting properly. This might be manifested by the potential refusal of prior approval applications, meaning that applicants had to go through additional bureaucratic processes, slowing down the planning process further. It would also be evident in the extent of information that local authorities would require to make the prior approval decision. This would be in line with the information required for a planning application with detailed architectural drawings and statements of heritage significance necessary in most cases.

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<sup>25</sup> NPPF Glossary.

<sup>26</sup> <https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf>.

<sup>27</sup> Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990.

- As we noted in response to question 2, given the strategic importance of some heritage assets, particularly World Heritage Sites, these assessments of impacts on World Heritage Sites and their settings would need to be subject to wider consultation with consultative bodies such as ourselves to ensure that there is not a reduction in the levels of protection offered to London's most high profile and sensitive heritage assets. This process operates effectively through the consultation mechanisms included within the planning system as it stands. Erosion of this consultation process risks undermining the State Party's position with UNESCO, that the UK planning system is suitably rigorous and provides adequate protection to its World Heritage Sites and their settings. This is especially sensitive since the impacts of development on World Heritage Sites and their settings are of particular concern to UNESCO (see paragraph 172 of UNESCO's Operational Guidelines for the Implementation of the World Heritage Convention) and have been identified as a threat to their Outstanding Universal Value.<sup>28</sup>

*Q12. Do you agree with our proposed approach to protect conservation areas and protected views?*

- The wording of the consultation in relation to Option 1 suggests that London's conservation areas would have less protection from harmful alterations than other conservation areas across the country. Historic England would object very strongly to any policy wording that sought to reduce protection for London's conservation areas, which cover some of the most significant historic and internationally recognisable townscape in England. In our view the current limitations on permitted development rights in conservation areas appear to operate successfully to conserve and enhance their heritage significance. For this reason we would strongly encourage the exclusion of conservation areas (and other heritage designations including buildings within strategic viewing corridors) from any permitted development regime.
- Paragraph 3.4 of the consultation suggests that LPAs can ensure that upward extensions are designed in a way that complements or enhances the local area. However this would not be possible if the extensions were given permitted development rights, only subject to prior approval on amenity as set out in paragraphs 2.11 and 2.12.
- The addition of a second prior approval process, which could entail applicants submitting full architectural drawings in order for local authorities to consider the impacts on conservation areas, would be burdensome both on local authorities' resources and for applicants who may still be required to make a planning application. Most, if not all, authorities offer pre-application advice which is a more efficient way to facilitate successful planning applications, often without the need for full drawings. The creation of multiple levels of prior approval may add bureaucratic complexity and uncertainty to the planning system, which in turn could slow down the delivery of additional housing.
- As set out in our response to question 6, while there are good examples of design guidance published by local authorities, any universal design prescriptions or local design codes associated with a permitted development right for upwards extensions would not be appropriate for all building types. This is because the upper floors and rooflines are among the most important architectural features of many historic buildings in terraces. In many locations, taller buildings or features within terraces such as

<sup>28</sup> <http://whc.unesco.org/en/soc/3303> and <http://whc.unesco.org/en/guidelines/>.

pediments, gables, dormers, balustrades, turrets or chimney stacks, are used for architectural or urban design reasons, that a catch-all design response would harm. We would be happy to provide more detailed information on this if required, as we consider it is of great importance to understanding the implications of the measures subject to the consultation.

- Similarly, the relative heights of parts of terraces or urban blocks can indicate their place in the hierarchy of streets. This is an important feature of London's historic morphology, and is an essential part of the capital's character. An example where this is clearly pronounced can be seen with terraces of mews houses at the rear of larger terraces of town houses. Were buildings in mews to be allowed upwards extensions of two storeys due to the proximity of larger town houses, the intimate and quiet character of those small scale streets would be radically altered, in a manner that would cause harm to their amenity. This would be due to the scale of the buildings, but also due to the added pressure on parking, bin storage etc. that would impact on the public realm. Where these are conservation areas, such changes could quickly detract from the area's heritage significance as these extensions would be clearly visible from public vantage points, unlike other types of permitted extension that are limited to the rear of properties in conservation areas.
- Historic England considers that the existing planning system effectively delivers effective control for upwards extensions where they affect heritage assets and protected views. The existing system also effectively ensure that impacts on design quality and space standards, public transport, parking and cycle parking, social infrastructure provision, biodiversity, climate change and energy efficiency that also contribute to the appearance and vitality of the city are adequately considered.

*Q13. 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?*

- Historic England considers that a universal approach to upwards extensions would fail to adequately address the complexity of London's rich built environment. While we agree that the height of neighbouring buildings can be an important consideration when assessing upwards extensions, it can be of equal or lesser importance to the architectural or historic design of the building itself. Where buildings are completed compositions, the addition of additional storeys is likely to harm the appearance of the building unless it is handled with the upmost expertise. The use of inappropriate details or materials for an upwards extensions normally results in both the appearance of the building and its neighbours being harmed.

*Q14. 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?*

- It is unclear what evidence has been used to determine the two storey limit subject to this consultation. While in some locations two storeys upwards extensions may be desirable, in other cases fewer, or potentially more, additional storeys would be the best solution from a contextual design perspective.

*Q15. Do you agree that a prior approval should consider the method and hours of construction?*

- Historic England has no direct interest in the method of construction which is covered by Building Regulations. However, we note that in the same way that basement construction can affect the structural stability of other buildings in a terrace, the addition of further storeys onto party walls and shared foundations may affect the structural integrity of some buildings. Were structural works or investigations required, particularly to foundations, there may be implications on archaeology that would need to be assessed.
- Example 2 suggests that works need to be carried out at the same time as the result of a single application. However, it is unclear what mechanism there would be to ensure that this happened. This type of arrangement, which may be appropriate to protect the appearance of a group of buildings or amenity of an area, is usually secured by S106 agreement.

## Implementing the proposals

*Q16. Have you any views on the likely costs and benefits of these proposals to deliver additional homes in the capital?*

- Depending on which of the proposals in this consultation are taken forward, Historic England considers that there is the potential for there to be significant adverse impacts on London's built environment. This is through harm caused to locally significant buildings, conservation areas and the general appearance and character of the city. By degrading London's environment, this harm is likely to have longer term economic and social implications. Without evidence to illustrate or justify the ideas underpinning this consultation it is impossible to properly assess how many building owners might build one of these upwards extensions. Nevertheless, for the reasons we have indicated above we consider that Option 1 is likely to cause the most harm.

*Q17. 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?*

- The addition of new housing units on top of existing terraced buildings, which usually range from 2-5 storeys and do not have lifts, means they are unlikely to meet the needs of people with reduced mobility. It seems unlikely that such properties would meet other London Plan requirements for new homes (including houses and flats of varying sizes in both the public and private sectors) to adopt the Lifetime Homes Standard, particularly if this is not being controlled through the planning process.<sup>29</sup> In order to meet the target that 10% of all new homes in London should be built to wheelchair accessible standards, there are likely to be knock-on implications for other house builders who may have to provide a higher proportions of units at these standards than they would otherwise.

*Q18. 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?*

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<sup>29</sup> <http://www.lifetimehomes.org.uk/pages/policy-and-regulation.html>.

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