

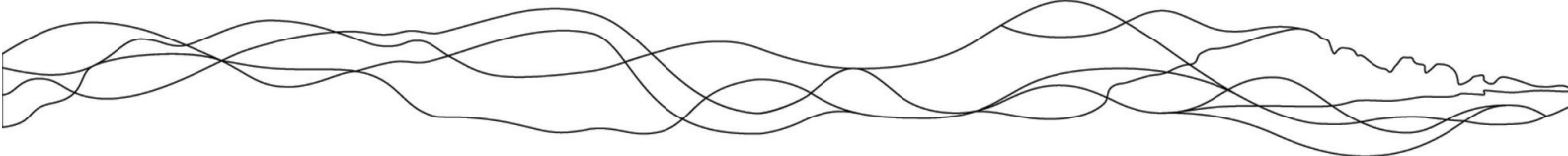
South Downs Local Plan

Extensions and Replacement Dwellings

Technical Advice Note



August 2019



Revisions

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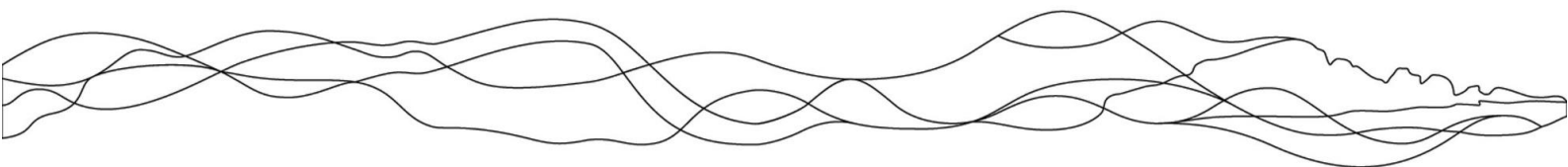
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Introduction

This Technical Advice Note (TAN) has been produced to guide applicants and decision-makers in interpreting relevant policies in the South Downs Local Plan (SDLP). It relates to proposals for domestic extensions, outbuildings and annexes, and to proposals for replacement dwellings.

The Local Plan should be read as a whole. However this TAN has been produced specifically to assist in the interpretation of the following SDLP policies:

- **Policy SD30:** Replacement Dwellings
- **Policy SD31:** Extensions to existing dwellings, and provision of annexes and outbuildings

Objectives of Policies SD30 and SD31

The primary objective of both policies is to reduce the loss of small homes in the National Park through significant extension or replacement by substantially larger homes, and to support windfall supply of small and medium-sized homes on appropriate previously developed sites in the National Park. Towards the same end, Policy SD30 also allows for appropriate intensification of large single dwelling plots. This is consistent with Policy SD27: Mix of Homes and the recommendations of the South Downs HEDNA¹. Such homes are more accessible to low to medium income groups, such as younger people, those with existing family ties in our communities, and holding jobs that support the special qualities of the National Park.

The secondary purpose is to avoid adverse impacts on rural character and landscape, due to over-development.

The main mechanism for achieving these objectives is to limit the increase in the size of existing dwellings to approximately 30%.

Landscape led

All proposals for replacement dwellings and extensions should first be considered for their impact on local character and appearance. In some cases, proposals will not in any event respect local character, fail to complement the scale, height, massing, appearance and character of the existing dwelling, or have an overall adverse impact on the landscape of the National Park. Such proposals should be resisted irrespective of compliance or otherwise with size-based thresholds.

¹ Housing and Economic Development Needs Assessment (GL Hearne, 2017)
<https://www.southdowns.gov.uk/wp-content/uploads/2018/04/TSF-08-SDNP-Housing-and-Economic-Development-Needs-Assessment-HEDNA.pdf>

Settlement boundaries

Policy SD30 applies only to sites that are outside any settlement boundary. Proposals inside a settlement boundary will be judged against other relevant Local Plan policies. Policy SD31 applies the 30% limit to relevant proposals both within and outside settlement boundaries.

Policies SD30 & SD31: Stages of assessment

Stage 1: Calculating the floorspace of the existing dwelling

The supporting test for both policies defines 'existing dwelling' as the residential unit that existed on 18 December 2002, or, if built after that date, as originally built. It also states:

“Where outbuildings were utilised for ancillary domestic purposes on 18 December 2002, and where the number of outbuildings would be rationalised to improve the appearance of the site, the GIA of the outbuildings may be considered in the assessment of any increase in floorspace.”

In calculating the floorspace of the existing dwelling, the SDNPA and its host authorities will interpret key phrases used in paragraphs 7.86, 7.87 & 7.93 as follows:

- **Residential unit:** The main domestic dwelling as existed on 18 December 2002, or as built if after that date. The presumption is that outbuildings and detached annexes will be excluded from being part of the 'residential unit' as they are physically separate from the main structure – even if they provide habitable accommodation (e.g. as a bedroom or study). However an exception may be made if paragraph 7.87 or 7.93 of the supporting text (regarding rationalisation of outbuildings) applies, as explained further below. See also section below on previous loft and basement conversions.
- **Outbuildings used for ancillary domestic purposes:** For the purposes of policy SD30 and SD31, this term will typically encompass any domestic outbuilding of substantial construction including those used for habitable purposes (i.e. living accommodation) and non-habitable purposes (e.g. garages and some car ports). Such buildings may be included in the calculation of 'existing dwelling' if:
 - the number of buildings would be rationalised to improve the appearance of the site (see below), and
 - they existed in their current form on or before 18 December 2002.

Outbuildings such as greenhouses and sheds will typically be excluded from this definition.

- **Rationalisation of outbuildings:** When deciding if outbuildings should be included in the calculation of the ‘existing dwelling’, a judgement must be made as to whether these buildings will be ‘rationalised to improve the appearance of the site.’ This will usually mean either a reduction in (or elimination of) outbuildings, or their relocation and rebuilding to become better integrated with the main domestic structure. For example, the removal of a detached garage divorced from the main house, to be replaced by a garage that is sensitively integrated into a new extension to the main house. This principle should only be engaged where there is a clear improvement to the overall appearance and setting of the dwelling and its curtilage – as ‘rationalisation’ does not automatically lead to ‘improvement’.
- **Floorspace:** this is measured as per the industry standard, i.e. calculated as gross internal area (GIA). It should not be confused with the buildings’ ‘footprint’. GIA should be calculated in accordance with the ‘Core definitions’ contained within the **RICS 6th Edition Code of Measuring Practice** (which is the standard method when assessing CIL contributions for both residential and non-residential uses). See <https://www.rics.org/uk/upholding-professional-standards/sector-standards/real-estate/code-of-measuring-practice/>.

Previous extensions under Permitted Development rights

Where extensions have occurred as permitted development, applicants will be expected to provide details to include the extension size, and the date of completion. The planning case officer may also use the following to check or ascertain these details:

- Planning history
- Building control records.

In line with supporting text paragraphs 7.86 and 7.93, permitted development which has occurred after 18 December 2002 will automatically be excluded from the calculation of the existing dwelling floorspace.

For avoidance of doubt, the onus will be on the applicant to evidence the date by which previous development has been completed. Where there is any doubt, the case officer will presume that previous extensions do not form part of the ‘existing dwelling’ for the purposes of calculating the percentage floorspace increase.

Loft and basement spaces

Where a loft conversion or basement extension that has created habitable floorspace classed as development has previously taken place, and it is determined that this has happened after 18 December 2002, this would not normally be included in the calculation of the ‘existing dwelling’ floorspace. It will therefore form part of the percentage increase to the ‘existing dwelling’ and therefore be discounted from the 30% allowance applicable to further extensions and outbuildings.

Stage 2: Assessing against the policy criteria

Interpreting 'approximately' 30%

Interpretation of 'approximately' will depend in part on the details of the scheme being considered and what is reasonable to achieve a good scheme. Assuming all other aspects of a proposal are acceptable, a 35% increase on a dwelling may be appropriate if this is what clearly makes sense to optimise design and achieve reasonable functionality. More than 35% increase will not normally be acceptable unless there are exceptional circumstances (see below).

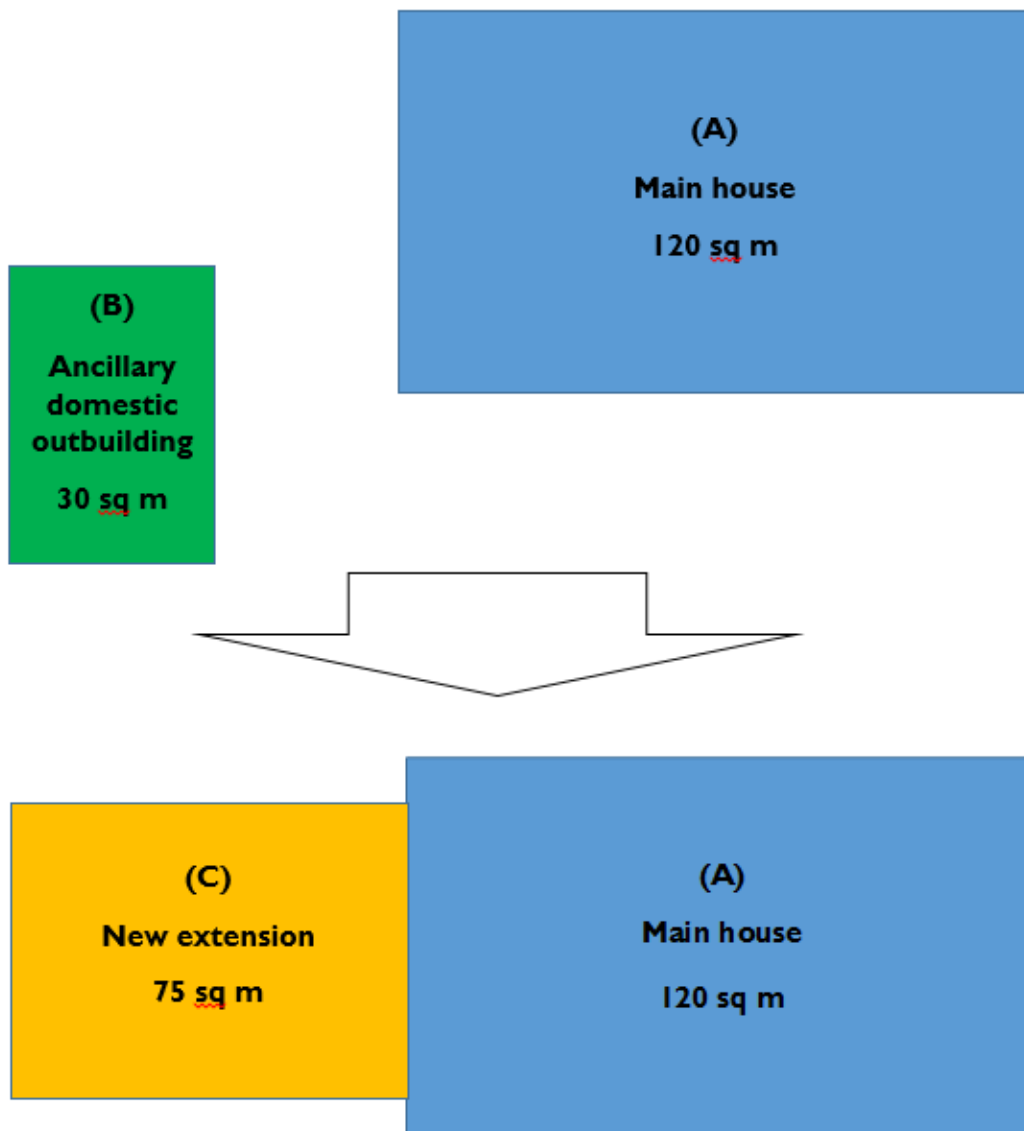
It should be noted that paragraph 7.93 (Policy SD31) states that 'A larger proposal may be permitted where it can be clearly demonstrated that there will be no harmful intrusive impact in the landscape and that there is an enhancement in the appearance of the host dwelling.' This provides some further flexibility, but must be judged against the high standards expected in the SDNP and therefore enhancements should be significant. Whether there is enhancement to the host dwelling should be judged against relevant Local Plan policies e.g. Policy SD4: Landscape Character and Policy SD5: Design.

Rationalisation of existing outbuildings

The principle of 'rationalisation' is explained earlier in this document. This part of the assessment, where applicable, requires a judgement as to whether the removal of outbuildings means there is a clear improvement to the overall appearance and setting of the dwelling and its curtilage. If so, a greater allowance is applied to reflect that this achieves an overall improvement to existing arrangements.

Figure 1 below gives a simple illustrated example of how this principle should apply in practice.

Figure 1: Rationalisation of outbuildings



Applicant proposes to demolish (B) and replace with an extension to (A), shown above as (C).

(B) has no heritage value and considered to have a negative or neutral impact on the setting and character of the residential plot and wider area.

(C) is a sensitively designed to be subservient and complementary to the main house, and is a material improvement compared with retaining (B).

Therefore proposal (A) + (C) conforms with Policy SD31, as it represents a 30% increase against (A) + (B), and rationalises the number of outbuildings in a way that improves the appearance of the site.

Loft conversions and basement extensions

Proposals for loft conversions and new or extended basements that create habitable floorspace and require planning permission will generally be treated in the same way as for a newly constructed extension. The 30% test will be applied in the normal way. This reflects the policy objective of protecting small- and medium-size homes. If a proposal for a loft conversion or basement extension comes forward concurrently with a proposal for new dwellings or an extension, outhouse or annex to an existing dwelling, all new elements should in combination fall within the 30% limit.

It may be reasonable in some instances to have regard to permitted development rights which will often exist for a loft conversion or creating additional basement space. For example habitable roofspace can often be created under permitted development rights. If planning permission was sought for an appropriately designed roof dormer window proposed as part of a loft conversion, but the associated conversion of roof space into living space could itself be achieved without the need for any planning permission, it may be unreasonable to engage SD31 to refuse permission for the development as a whole. This would reflect that permission for the dormer window could be sought separately, and the actual conversion subsequently undertaken via permitted development rights.

The General Permitted Development Order (GPDO) provides definitive guidance on what constitutes permitted development. Information on this can be found at https://www.planningportal.co.uk/info/200187/your_responsibilities/37/planning_permission/2.

Assessing whether replacement dwellings are ‘small’

Paragraph 7.90 establishes that a ‘small’ dwelling is defined as having a total Gross Internal Area (GIA) of 120m² or less. This applies specifically to proposals where SD30 part 2 is engaged, i.e. replacement of a single dwelling with two or more new dwellings.

It should be noted that the term ‘small dwelling’ in Policy SD30 part 2 (b) is distinct from, and mutually exclusive to, general references to ‘small homes’ and ‘small and medium-size dwellings’ elsewhere in the supporting text. The aims of both SD30 and SD31 are to protect and increase the limited supply of small- and medium-sized homes in the National Park, whilst also avoiding adverse impacts on character and appearance. For avoidance of doubt, neither policy refers to the number of bedrooms in this respect, so whether or not bedrooms are gained will generally not be material.

There is purposefully no policy distinction between small/medium and ‘large’ dwellings insofar as relates to the 30% limit. This is because whilst extensions on ‘large’ existing dwellings are not likely to impact on the existing supply of small/medium dwellings, they are more likely to have an adverse impact on character and appearance. The policy is written to achieve both these objectives.

Defining annexes

Supporting paragraphs 7.96 to 7.97, deal with proposals for new domestic annexes. An 'annexe' will normally be an extension to the existing dwelling, and provide semi-independent ancillary accommodation (for example, a 'granny annexe'). As with other extensions, these will generally only be accepted in principle if their size (in combination if there is more than one) does not exceed 30% of the existing dwelling.

New outbuildings and detached annexes

SD31 part I refers to extensions, annexes and outbuildings in respect of complying with the 30% increase limit on existing dwellings. Therefore, new or extensions to detached annexes and any substantively constructed outbuildings will count against the 30% maximum.

Domestic garages may fall within this category, albeit professional judgement will ultimately steer whether the proposed structure constitutes an outbuilding in the context of Policy SD31.

It is recognised that outbuildings of insubstantial construction (for example greenhouses and sheds) are clearly incidental and small in scale. It may, subject to professional judgement on material circumstances, therefore be reasonable to discount such structures from the 30% calculation.

Applications for extensions, outbuildings and annexes which incorporate works that would otherwise be permitted development

There may be cases where part of a proposal subject to planning application could be classed as permitted development. In such cases, the 'permitted development' element will still be viewed as an extension to the original house, and the whole increase subject to the 30% limit.

Extant permissions

There may be cases where an extant, as yet unimplemented permission for an extension, annexe or outbuilding exists. Any future application would be expected to secure significant benefits over the previous scheme in accordance with relevant policies such as SD2: Eco-Systems Services. Previous planning law has established that while an extant permission may be a material consideration, the weight given to this in the assessment of a new application will vary depending on the specific circumstances of each case. In most cases, this is unlikely to amount to over-riding weight to justify a proposal significantly above 30% increase.

Furthermore, if the SDNPA is minded to grant permission for the current application for an extension, it will do so on the basis that the extant permission should not in addition be implemented. As such, the SDNPA may deem it necessary to include a condition or legal agreement on any new planning permission which prevents the implementation of an extant

permission (or alternatively, renders the new permission void should the previous permission be implemented).

In practice, this means that the applicant will have a choice between implementing the earlier permission, or alternatively implementing the new permission (but not both).

For avoidance of doubt, calculations of the 'existing dwelling's' floorspace will not include any unimplemented planning permission.

Exceptional circumstances

There is no prescribed definition of 'exceptional circumstances', although the supporting text does give an example of exceptional family needs, e.g. arising from a disabled or elderly member of the family. Another example of exceptional circumstances might be where a larger extension is shown to be exemplar in respect of landscape, or enhancing a heritage asset or an historic setting. Other exceptions are likely to relate to the National Park's purposes and duty.

The supporting text (paragraph 7.94) states that 'robust evidence' will be required to support applications which cite exceptional circumstances. In the example of exceptional family circumstances, this could be in the form of a letter or statement from a qualified medical or clinical practitioner in relation to their patient. If relating to landscape / setting / heritage, this could require a clear consensus view from relevant officers that the development is of sufficiently high quality to result in a substantial improvement in the setting or heritage status of the site.