

**TO: GOVERNANCE AND AUDIT COMMITTEE  
2 JULY 2013**

---

**SCHEME OF DELEGATION – DWELLING EXTENSIONS PRIOR APPROVAL  
Director of Corporate Services – Legal**

**1 PURPOSE OF REPORT**

- 1.1 To seek an amendment to the delegated powers of the Chief Officer: Planning and Transport required in consequence of recent alterations to “Permitted Development” rights in respect of extensions/alterations to dwellings.

**2 RECOMMENDATION**

- 2.1 **That Council be recommended to amend the delegated powers of the Chief Officer: Planning and Transport as proposed in Section 5 of this report.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 To allow the Council to determine whether or not prior approval should be given for dwelling extensions or alterations within the period of 42 days stipulated by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Not to amend the Scheme of Delegation but that would place the Council at risk of not being able to determine within the prescribed period of 42 days whether or not prior approval should be given to a proposed extension or alteration which would have the consequence that the proposed extension or alterations would be deemed to be Permitted Development.

**5 SUPPORTING INFORMATION**

- 5.1 Planning legislation permits the Secretary of State to make regulations granting “blanket” planning permission for certain categories of development. The specified categories are known as “Permitted Development”. One of the (many) specified categories is enlargement or alterations to Dwellings, the parameters of which enlargement or alteration are specified in the regulations. The Secretary of State has recently issued regulations which effectively grants planning permission for larger extensions than those previously specified as Permitted Development. However, before the larger extensions acquire Permitted Development status a process has to be followed as set out below.
- 5.2 The process to be followed is:-
- prior to commencing construction the developer has to serve notice upon the Council providing specified information (e.g. the maximum height of the extension/alteration).

## Unrestricted

- in turn the Council must serve notice of the information upon owners and occupiers of any adjoining premises.
- if an adjoining owner/occupier objects the prior approval of the Council is required as to the impact of the proposed development on the amenity of adjoining premises.
- however, if within 42 days of the Council being served notice by the developer, the Council has not served notice that prior approval is refused the developer may proceed with the proposed extension/alteration.

5.3 The exceptions and limitations to the powers of the Chief Officer: Planning and Transport to determine planning applications include:-

- (a) where a Member requests that the application should be determined by Planning Committee (provided that the request is made in writing, and supported by a valid planning reason), and
- (b) where objections are received from more than three households and/or organisations.

If either (a) or (b) occur the application would have to be brought to the Planning Committee.

5.4 Bearing in mind that the 42 day period for giving or refusing prior approval runs from the date of the initial notice by the developer, rather than the date of any subsequently received objections, it will, unfortunately, almost invariably be impractical or indeed impossible to bring the matter before a scheduled meeting of the Planning Committee. Accordingly, it is proposed that the Scheme of Delegation should be amended to exclude decisions on prior approval for extensions/alterations from the exceptions to the delegated powers of the Chief Officer: Planning and Transport alluded to in 5.3 above. The effect would be that prior approval applications will be determined by officers. However, ward Members will be appraised of any such proposals. It should be noted that regulations provide that the enlargement of Permitted Development rights for extensions/alterations will cease in 2016.

## 6 **ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

6.1 The Borough Solicitor is the author of this report.

### Borough Treasurer

6.2 There are no financial implications directly arising.

### Equalities Impact Assessment

6.3 Not required.

### Strategic Risk Management Issues

6.4 None.

Other Officers

- 6.5 The proposed amendment to the Scheme of Delegation is supported by the Chief Officer: Planning and Transport.

**7 CONSULTATION**

Principal Groups Consulted

- 7.1 None.

Method of Consultation

- 7.2 Not relevant.

Representations Received

- 7.3 None.

Background Papers

None.

Contact for Further Information

Alex Jack, Borough Solicitor – 01344 355679

[alex.jack@bracknell-forest.gov.uk](mailto:alex.jack@bracknell-forest.gov.uk)

Doc. Ref.

AIJ/f/reports/GOVERNANCE AND AUDIT – Scheme of Delegation – Home Extension – 2 July 2013