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Planning changes: what do new permitted development rules mean for London homeowners?

Sweeping planning changes means London is poised for a building frenzy that could change the look and feel of our city. What do these changes mean for you?



By [Sara Yates](#) | 2 days ago

London does not have enough homes. According to the [Mayor](#), the capital needs 66,000 new homes built each year, yet official data shows only 10,890 homes were completed in London the first half of 2021.

A combination of sky-high house prices and hefty moving costs mean many households look to buy and improve or extend, a process set to change enormously. Here's what the proposed changes are and what they could mean for you.

Permitted development

Permitted development is a government scheme which gives developers and homeowners the green light to extend/renovate their home or convert commercial properties into homes, within certain constraints.

“Permitted development is not a magic wand, but it does mean the rules have eased up and is definitely worth exploring” commented Paul Vick, Founder of Paul Vick Architects.

Not all properties are included, however. Notably, permitted development rights do not apply to flats and maisonettes. Listed properties are also excluded.

In addition, some London boroughs have tried to wrestle back local planning control by issuing Article 4 Directions. These typically remove permitted development rights within certain parts of the borough.

Both the City of London Corporation and Royal Borough of Kensington and Chelsea are looking to issue them across their entire jurisdiction for some building works.

Commercial to residential conversions

To kick start homebuilding, the Government recently increased developers permitted development rights.

These new rights mean a whole additional group of commercial buildings, such as retail, restaurants, light industry, nurseries and gyms, can be converted into homes without seeking planning permission.

All that matters is that the unit is under 1,500 square metres, has been vacant for three months (to protect successful businesses on the premises) and been in use for the last two years. In other words, a big chunk of the high street is now ripe for development.

What developers do need before donning their hard hats is prior approval from the local authority. In the absence of an Article 4 Direction, this is fairly straightforward since local authorities are limited to considerations about flooding risk, noise, provision of light and the impact of the loss of local service provision when vetoing development.

These changes will undoubtedly deliver much needed homes for the capital. Those behind the scheme also believe it will help regenerate areas by bringing in local footfall. But the lack of a requirement on affordable home provision, may mean the extra supply is still out of reach of the average Londoner, while there have also been some serious questions raised about the design and quality of such homes.

“With such a new policy, it will take time to see the lasting impacts and whether an ill-advised balance has been struck between managing the housing shortage against an already struggling post pandemic high street. Or an alternate view, that allowing some conversions around existing high streets will help “place making” and create activity in otherwise empty high streets” said Emma Roche, Legal Director of BDB Pitmans.

What am I allowed to do in my home under permitted development?

On paper, the expanded permitted development rights for homeowners are very clear. They allow households to extend to the back and side, to convert the loft or garage into living space and to even add a two-storey extension without needing planning permission.

All the homeowner need do is ensure the additions are consistent with the scheme's strict design criteria. For more detail see planningportal.co.uk.

In practice however, household permitted development is shrouded in uncertainty.

Under the scheme, households are given the right to build and the responsibility for ensuring the build is compliant with the scheme's rules.

This makes the build quicker and cheaper. But, it also leaves the household without any proof that their shiny new kitchen extension is compliant. This can be a particular problem when the property is sold.

Paul Vick recommends households get a Lawful Development Certificate before building. This takes about the same length of time as a planning application, but crucially focuses on whether the development is in accordance with the rules, rather than the planning officer's opinion or neighbours' objections.

It also costs around half the normal planning fee. It is worth consulting an architect for help with the application and accompanying materials.

Do note, each property only gets one permitted development budget, per piece of work. This is benchmarked against how the property stood on the 1st July 1948. Consequently, any space added since then is already counted towards your allowance.

The rise of rooftop homes

For those living in blocks of flats, increased permitted development rights maybe more of a headache. Not only are their rights withheld, but the freeholder is permitted to add two additional stories on properties built after 1948 without needing planning permission.

Flat owners can take control of the block's skyward ambitions to build or not by exercising their collective right to enfranchisement and jointly buying the freehold.

For this, at least half of the leaseholders must participate. Do take legal advice and consult a surveyor before proceeding.