ROGERS

A tale of two sillies

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Andy Rogers brings us a little New Year quiz. What is remarkable about these two houses?

Silly: Foolish, imprudent, imbecilic... – The Concise Oxford Dictionary

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The answer goes back to my continuing concern about the interpretation of planning terms and the lack of common sense displayed by many local planning authorities when making their decisions. For both of these houses, the planners decided that a remarkably obtuse interpretation should be placed on the wording in planning policy documents.

Number one is a semi-detached house where the owners wanted to extend to the side , behind a close-boarded fence, using permitted development rights. The planners determined that this would not be allowed because the extension would be sited forward from the front of the house. You may think this odd, because it seems to me that the front of the house is where the entrance door, porch and small garden (enclosed by a picket fence) are situated. But the planners decided that the front of the house should be the "principal elevation" as defined in the General Permitted Development Order:

"...in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house." So here we have a problem as to what is the definition of a highway (generally agreed to be the roadway that allows vehicles to pass and re-pass), which in this case is of course at the side of the house. But the GPDO definition goes on to say that the principal elevation "will usually contain the main architectural features such as main bay windows or or a porch serving the main entrance to the house". Therefore for this house the front elevation not only doesn't face the highway, but the so-called 'front' (gable) elevation doesn't include the main entrance or any other similar architectural features.

The definition then goes on to say that "where there are two elevations which may have the character of a principal elevation, for example on a corner plot [as here], a view will need to be taken as to which of these forms the principal elevation". You would think that a sensible planning authority would consider the words "in most cases" and "may" to realise that there are sometimes cases where very rigid interpretation of the wording in planning policy makes little sense.

Number two is a partly derelict building on the edge of a Welsh village where the owners wanted to apply for demolition and the construction of a state-of-art modern sustainable home in its place. The local planning authority decided that modern was not a good idea and said that permission would not be granted. This was followed by declaring the modest house to be a non-designated heritage asset (NDHA). This is of course rather less important than a listed building, but is nevertheless a much-used designation to make it more difficult to obtain planning approval for modern designs (however beautiful) and brings into play the procedures for designation.

The question is whether this can be done by an officer expressing his own personal opinion or whether the designation should go to a planning committee. Either way, there seems to be no chance of challenging such a designation except by going through the appeal process if an application for permission is refused. This will then hinge upon whether there is a reasonable foundation for considering its heritage significance - which I submit in this case, with no other buildings nearby, means that a modern house has nothing to be "in keeping" with.

Yet another reason for local planning authorities to block redevelopment against the wishes of Mr Gove and the current government. ■

*...but 'modern' would change the character of the area so falling under Mr Gove's new universal reason for refusing any new develop*ment. - Ed.

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