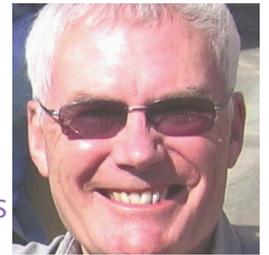


Spot the difference



Andy Rogers has gathered together some nuanced meanings (with dictionary definitions in brackets) that you might find useful in considering the wording of planning reports

Starting with a classic:

What is the difference between an alteration and demolition?

This has over the years been the subject of many appeals and court cases. It is now well established that an alteration (change in characteristics, position, etc, from the Latin alter, other) can be wide-ranging and encompasses almost any change to a building short of its complete demolition (pulling down, destruction, from the Latin de moliri deconstruction). This allows a pretty wide interpretation of how much change can be implemented, especially in a conservation area, before the building may be considered to have been demolished.

What is the difference between predetermination and predisposition?

The planning committee member has to tread carefully between an opinion that is predetermined (settled beforehand) and one that is predisposed (rendered favourable). This is certainly one to watch out for when lobbying local councillors or even when approaching pre-application discussions.

What is the difference between a section 106 legal agreement restricting the ability to apply for parking permits and a planning condition aiming to do the same thing?

Here the current position is confused. While it has been ruled that a legal agreement cannot in planning law be used to restrict, for example, the ability to apply for parking permits, this has not stopped planning authorities, particularly in London, from continuing to prefer the imposition of section 106 agreements that allegedly have a better chance of enforcement over planning conditions that can be more easily challenged. This is why your standard parking permit restriction document now has such complex legal wording that attempts to sidestep the judgment as to make it completely impenetrable. More case law required.

What is the difference between intention and intensification?

This might seem obvious but again there are

appeals and cases that throw up the distinction between something that might be intended (an object or purpose), which is not enforceable or even relevant in planning terms, and something that has already intensified (increased). The simple example being whether your home office, which might in the future expand if you're successful but is at the start clearly ancillary to the residential use, can become enforceable against when you employ several staff and have continuous deliveries and clients coming and going.

What is the difference between a dwelling-house and a flat?

Here there is no logic in planning terms and definitions are critical when dealing with permitted development rights – widely available to a dwellinghouse but never allowed for a flat. Which brings up the fun to be had with defining dwellinghouse (a place of residence) that enjoys Permitted Development rights as opposed to a flat (rooms on one floor), apartment (set of usually unfurnished rooms), bed-sit (combined bedroom and sitting room), duplex (two-storey flat), or maisonette (part of a house let separately, usually not all on one floor) – none of which, for reasons that I cannot understand, do not.

What is the difference between a wobbly bridge and a garden bridge?

This is a London question and remains to be resolved. One was for a while a complete white elephant until considerable sums of money were found to make it work: the other is a white elephant that started off as a good idea until it was realised that it needed considerable sums of money to make it work.

What is the difference between an elected Mayor and a Member of Parliament?

Also a London question and carries the supplement Can

one person really be both? Again we have to wait and see whether Boris manages to fulfil his duties to everyone's satisfaction and whether if elected Zac resigns as an MP.

What is the difference between public affordable housing and private affordable housing?

The answer according to George Osborne is £30,000 per annum (or £40,000 in London). What is rather intriguing is that the word affordable does not appear at all in my Concise Oxford Dictionary, 6th edition, 1976. It is a relatively new concept especially when applied to housing. Whether the dwellinghouses (or flats, etc) or the occupants are to be subsidized remains a question to debated in another column.

And, finally, for pedants

What is the difference between a terrace of houses and a row of houses?

My own feeling is that the row house – generally an American expression – is the proper term for what is a street with houses along one or each side, while the terrace – commonly a row of contiguous uniform houses – is not really correct. How otherwise are we to differentiate between the humble row and the grand terrace? ■

