

M20 Are the presumption in favour of small housing developments of between 1 and 25 homes in Policy H2 and the targets in Table 4.2 justified and deliverable and will the policy be effective?

- 20.1 The draft London Plan and Housing Strategy have outlined why small sites should play a much greater role in meeting housing needs to significantly increase overall housing output and recent reports and policy documents support this approach.¹ This includes the need to:
- Reduce the reliance on large, complex brownfield sites and volume house builders;
 - Diversify the sources, locations, type and mix of housing supply;
 - Support small and medium-sized house builders;
 - Increase housing provision in accessible parts of outer London to help address the considerable housing need in these areas;
 - Increase the range of market homes delivered across London, including increasing the number of homes that are affordable to households on a wider range of incomes;
 - Support those wishing to bring forward custom, self-build and community-led housing;
 - Support suburban town centre economies.
- 20.2 Analysis of London's pipeline of planning approvals shows that London has historically been heavily reliant on very large approved schemes to meet its housing requirements.² Because of their size, scale and complexity, these can take a number of years to complete due to phasing, site constraints, infrastructure delivery timescales and market absorption issues. In addition, this analysis showed, of large sites containing 20 or more homes, over half of the starts in 2013 were by just nine firms.³
- 20.3 Small sites can be delivered relatively quickly, often without large upfront capital investment, and can therefore make a significant cumulative contribution to overall annual housing completions, helping to supplement the increasing rates of housing delivery on large sites.
- 20.4 Recent reports and policy documents have identified the important role of small sites in contributing towards increasing housing delivery.⁴

¹ NLP/HOU/005: OLC, Removing the Barriers to Housing Delivery, March 2016; DCLG, Consultation on proposed changes to national policy, December 2015; DCLG, Fixing our broken housing market, February 2017; HTA, London's Rooftops: Potential to deliver housing, August 2016; HTA et al, Transforming Suburbia: Superbia – semi-permissive, 2015; NHBC Foundation, Small House builders and Developers current challenges to growth, 2017; NHBC Foundation, Improving the prospects for small builders and developers, 2014; London Chamber of Commerce & Industry: Getting our house in order, 2014; Lendinvest, Starting small to build more homes – A blue print for better policy making in the property and SME market, 2017; Shelter, When brownfield isn't enough, 2016; Future of London, Delivering Infill Development, 2011; and Paul Hunter, Towards a suburban renaissance: an agenda for our city suburbs, 2017

² NLP/HOU/005: OLC, Removing the Barriers to Housing Delivery, March 2016

³ *Ibid*, March 2016; (these firms were Berkeley Group, Bellway, Barratt, Battersea Power Station Development Company, L&Q Housing Trust, Taylor Wimpey, Countryside, Galliard Homes and Ballymore Group)

⁴ NLP/HOU/005: OLC, Removing the Barriers to Housing Delivery, March 2016; DCLG, Consultation on proposed changes to national policy, December 2015; DCLG, Fixing our broken housing market, Feb 2017; HTA, London's

- 20.5 The 2018 NPPF clarifies that small and medium sized sites should make an important contribution towards meeting the needs of an area because they can often be built out relatively quickly. Of particular relevance is the provision that planning authorities should *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes⁵*.
- 20.6 The Self-build and Custom Housebuilding Act 2015 introduced a requirement on local planning authorities to maintain a list of people and groups interested in building their own homes. Small sites can play an important role in meeting this demand, particularly as many of them are idiosyncratic in shape or context and consequently of less interest to volume builders.
- 20.7 To increase housing output on small sites, the Outer London Commission recommended⁶:
- a more tailored planning policy framework for small sites in the London Plan;
 - greater planning certainty through brownfield registers and accelerated planning mechanisms (e.g. Permission in Principle and Local Development Orders);
 - a stronger policy framework to encourage incremental housing intensification and higher residential densities close to suburban stations and in areas that are well connected by public transport; and
 - a more permissive approach to residential conversions (sub-division of houses into flats) in these locations.
- 20.8 Recent research by Estates Gazette indicates that smaller developments in London (those of between 10 and 25 units, as Estates Gazette data does not include those of less than 10 units) experience higher rates of refusal than larger developments, and that the rate of refusal on smaller developments has risen particularly sharply since 2015⁷. This evidence supports the need for a new approach to planning small sites, as set out in the draft Plan.

Rooftops: Potential to deliver housing, August 2016; HTA et al, Transforming Suburbia: Superbia – semi-permissive, 2015; NHBC Foundation, Small House builders and Developers current challenges to growth, 2017; NHBC Foundation, Improving the prospects for small builders and developers, 2014; London Chamber of Commerce & Industry: Getting our house in order, 2014; Lendinvest, Starting small to build more homes – A blue print for better policy making in the property and SME market, 2017; Shelter, When brownfield isn't enough, 2016; Future of London, Delivering Infill Development, 2011; and Paul Hunter, Towards a suburban renaissance: an agenda for our city suburbs, 2017

⁵ MHCLG, NPPF, July 2018, Paragraph 68

⁶ NLP/HOU/005: OLC, Removing the Barriers to Housing Delivery, March 2016

⁷ Estates Gazette, London Residential Refusals on the Rise, 2018 (<https://www.egi.co.uk/news/london-residential-refusals-on-the-rise/>)

In particular:

a) Is the modelling of delivery from small sites in the SHLAA justified, including reliance on PTALs?

- 20.9 The capacity assumptions on small sites⁸, informed by modelling undertaken by the GLA, provide a realistic and reasonable estimate of London’s small site capacity. In contrast with recent small sites housing delivery trends, these figures are considered to better reflect the step-change in delivery that can be achieved through the application of Policy H2, in particular the presumption in favour of small housing development, alongside measures outlined in the Mayor’s Housing Strategy.
- 20.10 Small site capacity includes housing completions through new build developments, change of use and residential conversions. The borough-level small sites housing targets reflect the identified capacity in each borough; full details are available in the SHLAA.⁹ The targets are derived from a modelling exercise that examined the scope in each borough to increase net additional housing supply within existing residential areas through conversion of houses to flats and new-build infill development of 10 or fewer homes. Findings from the modelling are then added to a remaining windfall trend for housing completions on other types of small sites not covered in the modelling.
- 20.11 The modelling uses the most up-to-date Census data for houses, which excludes purpose-built or converted flats, with amendments made to remove estate regeneration schemes and changes to the existing stock of homes since 2011 through conversions.
- 20.12 The modelling accounts for a range of factors that will impact upon delivery, including heritage assets and conservation status, PTALs, proximity to stations and town centres, and the age and typology of the existing housing stock. There are relatively few areas in London with a PTAL of 3-6 that is further than 800m from a station or town centre. However, these locations are still an important source of housing as they are well connected by public transport and have good access to facilities that reduce the need to travel by car and increase walking and cycling. Their inclusion reflects this and the national policy objective to focus new housing provision towards these sustainable locations.¹⁰
- 20.13 A net growth factor is applied to different residential typologies that reflects average uplifts that have been achieved on different housing typologies on residential intensification schemes. The net growth factor of detached and semi-detached homes is 2.23 and for terrace homes it is 1.34. These provide a robust and realistic assumption for the average level of net additional housing that could be achieved through residential intensification in each borough, without seeking to estimate or determine the form or density of development at a site-specific or neighbourhood level. At the London-scale this is considered to form a robust assumption, although it is accepted that specific local areas may have a lower or higher net growth factor.
- 20.14 Finally, a growth rate, or rate of intensification, is then applied to the stock of qualifying houses in each output area. A rate of 1 per cent is used in defined spatial

⁸ Sites below 0.25 ha

⁹ NLP/HOU/002: GLA, Strategic Housing Land Availability Assessment, November 2017

¹⁰ NLP/GD/03: DCLG, NPPF, March 2012, Paragraphs 34 – 35

areas¹¹, with 0.25 per cent used within defined spatial areas within conservation area designations. A growth factor of 0 per cent is applied to housing outside a defined spatial area.

- 20.15 The growth rates used are considered to provide a realistic and achievable basis for estimating the cumulative annual contribution this form of housing supply can make towards overall housing provision. The draft London Plan supports boroughs to convert their modeled small site targets into housing delivery through implementation of the provisions of Policy H2, alongside delivery-focused local plans and supplementary measures. At the neighbourhood level, the pace and scale of growth required from small housing development is modest. To illustrate by means of a hypothetical example, a neighbourhood of 100 terraced houses would be expected to provide just 13 new homes over a 10-year period. The net additional housing stock could be accommodated through 13 separate developments that generate a net uplift of one home or a smaller number of developments, each with a larger uplift. A neighbourhood of 100 semi-detached or detached homes would be expected to provide 22 new homes.
- 20.16 The alternative approach of rolling forward historic windfall trends on small sites, would not be justified or appropriate, as the use of this data would embed the impact of the recession (which has been more pronounced on smaller developments) and the impact of restrictive planning policies and decision-making practices, which have been less supportive of small site development than the policy approach taken in the draft London Plan. Hence, past trends significantly under-estimate the cumulative potential capacity from this source, given that Policy H2 provides a far more supportive and enabling policy environment for these types of development.

b) Is it realistic to expect the small sites target to be achieved in the outer London Boroughs?

- 20.17 The policy approach to small sites and small housing development is the same across London. Similarly, the methodological approach to identifying development capacity has been applied consistently. Evidence demonstrates that small housing developments should generally be viable across London¹², and that previous low rates of delivery in parts of outer London are likely to have been a result of restrictive policy rather than any economic or physical barriers. Appendix 1 provides an overview of restrictive planning policies that discourage or prevent small housing developments.
- 20.18 Over time, the supportive policy approach taken in the draft Plan will be reinforced by proactive planning approaches at a local level, including local Housing Design Codes, which, like the London Borough of Croydon's Suburban Design Guide SPD¹³, will be focused on proactively encouraging additional housing on small suburban sites. Housing Design Codes are illustrated design rules which govern the physical development of an area and provide planning certainty. Design codes will typically define the range of possible plot scales, shape, materials, layouts, urban forms, street

¹¹ PTAL 3 to 6 or 800m to town centre boundary or tube, rail, DLR or tram station. The 800m boundary, measured as the crow flies, is considered a conservative upper limit on local walk trips. It is broadly equivalent to the 960m distance as measured through the walk network that is used in the calculation of rail access for PTAL.

¹² NLP/VI/004: GLA, London Plan Viability Study Addendum Report, November 2018

¹³ LB Croydon, Draft Suburban Design Guide Supplementary Planning Document, 2018 (<https://www.croydon.gov.uk/planningandregeneration/framework/localplan/spdandoapf>)

and style of development in a defined area. They do not prevent development that falls outside of the parameters set out in a design code, however, proposals that do fall outside these parameters will be subject to more scrutiny. The Mayor has recently invited boroughs to bid for funding to prepare Housing Design Codes.¹⁴ The Mayor is also preparing supplementary planning guidance on the principles of appropriate development on small sites and the preparation of Housing Design Codes.

c) Has adequate consideration been given to the cumulative impacts of this policy on, amongst other things, infrastructure, affordable housing provision and the character of some neighbourhoods as referred to in paragraph 4.2.5?

- 20.19 The results of the 2011 Census showed that rapid population growth is already occurring across large swathes of outer London. Between 2001 and 2011, growth in the number of households did not keep up with population growth. This was particularly evident in outer London, where the population grew by 12 per cent but the number of households grew by only 6 per cent. In inner London the population grew by 16.5 per cent and the number of households grew by 12 per cent.¹⁵
- 20.20 Population growth in outer London therefore occurred largely through increased occupancy of the existing stock rather than through the provision of new housing. By contrast, an explicit policy approach to deliver more homes on small sites, coupled with small sites housing delivery targets, enables boroughs to plan infrastructure to support population growth resulting from the cumulative and planned development of small sites. New housing development also contributes towards local infrastructure through the Community Infrastructure Levy, council tax and New Homes Bonus receipts. Furthermore, housing growth on small sites has the potential to add new vitality to suburban locations, enhance the social and economic vitality of town centres and improve public services, such as transport and health care.
- 20.21 Policy H2 encourages boroughs to require tariff-based affordable housing contributions on minor developments which can be pooled to deliver additional affordable housing. The London boroughs of Islington, Richmond and Lambeth currently operate such an approach. Further Minor Suggested Changes are set out in Appendix 2 to clarify the approach to affordable housing contributions requirements for developments providing nine or fewer homes. Policy H6 also confirms that the threshold approach applies to all major developments, including small housing developments, providing 11 to 25 homes. These developments should provide on-site affordable housing unless the borough agrees to an in-lieu payment.
- 20.22 Additional housing achieved through incremental intensification of existing housing is particularly suited for suburban contexts, which are relatively common in outer London and which happen to have relatively low-value housing. Therefore, compared to much of the high-density development delivered in more urban settings, small housing sites in areas of London with lower house prices are more likely to provide market housing for rent or sale that is relatively more affordable.
- 20.23 The policy is clear that the character of many areas will need to evolve to meet London's housing needs. However, character is an important consideration in the small sites capacity modelling in the SHLAA and this is reflected in lower growth rate

¹⁴ <https://www.london.gov.uk/what-we-do/housing-and-land/homes-londoners/homebuilding-capacity-fund>

¹⁵ GLA, Housing in London 2014, April 2014 (<https://www.london.gov.uk/what-we-do/housing-and-land/housing-and-land-publications/housing-london-2014>)

assumptions within conservation areas (0.25 per cent). This assumes some growth will occur through conversions and sympathetic infill. Appropriate intensification within conservation areas will be managed by design guidance, conservation area appraisals and conservation area management plans to ensure that design is of high quality. The character of areas outside conservation areas can be effectively managed at a local level through local Housing Design Codes and neighbourhood planning documents that have been informed by characterisation studies. The Mayor is also preparing supplementary planning guidance on the principles of appropriate development on small sites and the preparation of Housing Design Codes.

d) Is the policy support for infill development within the curtilage of a house consistent with national policy in paragraph 53 of the NPPF which refers to resisting inappropriate development of residential gardens?

20.24 Yes. The core objective of the 2012 NPPF, which must be read as a whole, is for the planning system to contribute to the achievement of sustainable development. Having had regard to the 2012 NPPF, and the overall level of housing need in London, the Mayor has concluded the approach set out in Policy H2 would accord with the overarching priority in the 2012 NPPF to sustainably meet London's objectively-assessed housing need. The approach also accords with the core planning principles of the 2012 NPPF, specially:

- encourage the effective use of land by reusing land that has been previously developed; and
- actively manage patterns of growth to make the best use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

20.25 It should also be noted that development of residential gardens is not included in the 'specific policies' of the 2012 NPPF which specify where development should be restricted¹⁶.

20.26 Policy H2 restricts the footprint of development creating new homes on existing residential plots to no more than 50 per cent of the total area of the curtilage (excluding the ground area of the original dwelling house). This is a similar approach to permitted development rights for residential enlargements¹⁷. However, the approach contrasts with permitted development rights as these include no requirements relating to green cover. Policy H2 requires no net loss of green cover for minor developments and contributions to urban greening in line with Policy G5 for major developments. Boroughs may also bring forward policies and local design guidance, including design codes, to ensure that any development within the curtilage of a house is appropriate.

¹⁶ NLP/GD/03: DCLG, NPPF, 2012, Paragraph 14

¹⁷ Statutory Instrument, 2015 No 596, The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 Development within the curtilage of a dwellinghouse, A.1(b)

e) Will the provisions of Policy H2 provide an effective strategic context for the preparation of local plans and neighbourhood plans including support for custom, self-build and community-led housing? Are the detailed criteria necessary and would they provide an effective basis for development management? Are the qualifications at Policy H2 HA-HC justified in themselves and would they effectively eliminate the positive presumption for small housing developments?

20.27 The aim of Policy H2 is to shift the emphasis of planning decisions towards approving well-designed and appropriate small housing developments and to ensure boroughs proactively encourage and plan for additional housing and good-quality design. Local plans and neighborhood plans should be focused on supporting additional housing delivery from small sites, ensuring high-quality design and proactively managing change, taking into account the specific characteristics of an area and capacity for change, and making use of the planning mechanisms listed, including Housing Design Codes, site allocations, masterplans, Local Development Orders and Permission in Principle. Policy H2 provides a clear strategic framework, with flexibility for local planning authorities and neighbourhood planning forums to shape growth and strengthen and enhance local characteristics.

20.28 The detailed criteria are necessary in order to provide planning certainty for applicants and decision makers, with the aim of providing a clear and consistent approach across London. Where the presumption does not apply, this does not mean development is inappropriate, but that applications will be determined in accordance with the relevant policy framework.

20.29 At present, rather than being used to proactively and positively guide and encourage well-designed development on small sites, several boroughs have policies that directly or indirectly prevent smaller sites coming forward or being fully optimised to deliver net additional housing. This includes a range of restrictive policies which effectively establish a general presumption against many forms of small site development. Appendix 1 provides an overview of restrictive planning policies that discourage or prevent small housing developments.

20.30 The qualifications in Policy H2 parts HA to HC set out pre-requisites for any planning applications seeking to benefit from the presumption in favour of small housing developments and to safeguard against unsustainable development. Policy H2 ensures that boroughs can address such issues in a way that promotes, rather than restricts, sustainable development and additional housing supply.

20.31 The Minor Suggested Changes provide clarity and ensure that there is no ambiguity about the application of other London Plan policies in the context of the presumption – for example, the policy covering internal space standards. The costs associated with meeting these requirements are factored into the London Plan Viability Study Addendum 2018.

f) Based on the historic delivery from sites below 0.25 hectares (whether allocated or windfalls) how will the Plan's expectations for delivery be achieved?

20.32 Historic delivery does not reflect the scale of development that should come forward on small sites through the implementation of Policy H2 and supportive borough

planning frameworks. Recent trends showing delivery of homes on small sites reflect the impact of the recession, which has been more pronounced on smaller developments, and the impact of unclear and restrictive planning policies and decision-making practices.

- 20.33 A central aim of the policy is to provide greater certainty to small and medium housebuilders, and to individual households considering developing their land. This approach serves to incentivise suitable proposals for small housing development without relying on local planning authorities identifying or allocating sites.
- 20.34 The policy must also be considered alongside measures to support housing delivery on small sites including the Mayor's 'Small Sites, Small Builders' programme and the 'Homebuilding Capacity Fund', which will provide resources to boroughs to bring forward area-based Design Codes.

g) What will happen in the interim pending the work to prepare area-wide design codes referred to in Policy H2 B 2)?

- 20.35 In the interim, the implementation of Policy H2 will be supported by supplementary planning guidance, prepared by the Mayor, on the principles of appropriate development on small sites. This guidance is being prepared for publication before publication of the London Plan. The preparation of Housing Design Codes is also within the scope of this guidance.
- 20.36 Policy H2 has also been devised to ensure that key sustainable development criteria, for example, residential quality standards for internal and external open space, are met where no design code is in place. The policy is clear that the presumption applies unless the development would give rise to an unacceptable level of harm that outweighs the benefits of additional housing delivery. This approach incentivises boroughs to bring forward design codes where they are considered necessary to effectively manage development.

h) Are the provisions of Policy H2 H) relating to affordable housing requirements for minor developments justified, notwithstanding that they are inconsistent with national policy?

- 20.37 In November 2014 the Government stated, through a Written Ministerial Statement (WMS), that affordable housing and tariff style contributions should not be sought from minor development.¹⁸ However, this must be taken into consideration alongside the 2012 NPPF, which requires local plans to seek to meet their objectively-assessed need for market and affordable housing and, where a need for affordable housing has been identified, set out policies for meeting that need.¹⁹ The 2012 NPPF also supports the delivery of mixed and balanced communities.
- 20.38 As recognised in a Court of Appeal judgement²⁰, while the WMS is set out in unqualified terms, that does not mean it should be applied indiscriminately with no consideration of its impact on delivering the aims of the plan, including sustainable development. The WMS sought to remove the 'disproportionate burden of developer

¹⁸ Brandon Lewis Minister of State, DCLG, 'Small scale developers', November 2014

¹⁹ NLP/GD/03: DCLG, NPPF, March 2012, Paragraph 47, 50

²⁰ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council CI/2015/2559, 2016

contributions’, however, a tariff-based policy can be developed which takes this into account, based on viability evidence while still ensuring affordable housing contributions are secured where viable, particularly given some of the values secured in London. The Mayor does not, therefore, consider that the provisions of Policy H2 H) relating to affordable housing requirements for minor developments are inconsistent with national policy.

- 20.39 As evidenced by the SHMA, London has a significant need for new affordable housing. For many boroughs, minor development makes up a significant proportion of their housing supply.²¹ Were boroughs unable to require affordable housing contributions on minor developments, their capacity to meet affordable housing needs, as required by the 2012 NPPF, would be significantly curtailed. Policy H2 H) and paragraphs 4.2.12 and 4.2.14 support the use of a tariff-based approach to securing affordable housing contributions on minor developments. However, Policy H2 does not require boroughs to seek tariff-based affordable housing contributions from minor development and boroughs would need to have evidence to support such an approach. Furthermore, the policy encourages boroughs which require tariff-based contributions to provide the flexibility for payments to be collected prior to the occupation of development to support viability. Further Minor Suggested Changes are set out in Appendix 2 to clarify the approach to affordable housing contributions requirements for developments providing nine or fewer homes.
- 20.40 The Addendum to the London Plan Viability Study tested a range of notional minor residential development schemes across London’s value bands which included tariff-based affordable housing requirements. In most cases the analysis identified that notional schemes could be developed viably and contribute towards affordable housing through an in-lieu payment. In the case of just one notional scheme, affordable housing contributions could not viably be supported in the lowest value band tested. However, the notional scheme would have been viable in the absence of an affordable housing requirement.
- 20.41 The London Plan Viability Study and Addendum Report tested a range of minor residential development typologies across different value bands which included tariff-based affordable housing requirements.²² In most cases the analysis identified that schemes could be developed viably and contribute towards affordable housing through an in-lieu payment. Some typologies were not viable in the lower value areas when tested on the basis of current day costs and values. Viability for these schemes improved without an affordable housing contribution. Testing on the basis of projected costs and values indicated the potential for improvements to viability over time. The Plan allows for boroughs to determine a locally-specific approach to affordable contributions on minor development which will include consideration of viability.
- 20.42 Given the above, it is considered appropriate for the Plan to recognise the potential role of affordable housing contributions from minor developments in meeting local and strategic affordable housing needs. This approach has already been taken in some London boroughs. In 2017, the Inspector examining the London Borough of Camden’s

²¹ London Development Database data shows on average over the financial years 2014-2016 completions of less than ten units made up 20 per cent of London’s total conventional completions and for four boroughs (Hammersmith and Fulham, Kingston upon Thames, Merton and Richmond upon Thames) represented over 40%

²² NLP/VI/001: GLA, London Plan Viability Study, December 2017; and NLP/VI/004: GLA, London Plan Viability Study Addendum Report, November 2018

local plan concluded it was appropriate to require affordable housing contributions from minor developments.²³ This was justified by the London Borough of Camden's affordable housing needs and evidence, which demonstrated the potential impact of pooled in-lieu contributions towards meeting local affordable housing needs. Furthermore, Camden prepared evidence demonstrating that the proposed tariffs would not jeopardise housing delivery on small sites. A similar approach has also recently been adopted by the London Borough of Richmond upon Thames.²⁴

- 20.43 In 2009 The London Borough of Richmond upon Thames adopted a policy requiring affordable housing contributions from minor development. An inspector decided in 2017 that, given the need for affordable housing in Richmond, the local plan requirement should carry more weight than the 2014 WMS.²⁵ This followed a letter from the Planning Inspectorate that acknowledged that the effect of the WMS was not to reduce the weight that should be given to the statutory development plan, or automatically to outweigh relevant development plan policies. This was justified on the grounds that small sites comprise a significant proportion of Richmond's housing supply and that the required levels of contribution would not harm the viability of developing small sites. More recently, a similar decision was reached in relation to the weight that should be applied to The London Borough of Islington's Core Strategy (2011) requirement for tariff-based affordable contributions from minor developments.²⁶ This acknowledges the 2018 NPPF provision that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.²⁷
- 20.44 In conclusion, the Policy supports an approach to deliver the affordable homes London needs as required by the 2012 NPPF. This approach has already been accepted through the examination of a number of borough local plans and appeal decisions.
- 20.45 Further Suggested Changes are set out in Appendix 2 to clarify the approach to affordable housing contributions requirements for developments providing nine or fewer homes.

²³ PINS, Report on the Examination of the Camden Local Plan, 2017, Paragraph 64

²⁴ PINS, Report to the London Borough of Richmond upon Thames, 2018, Paragraph 36 and 37 (https://www.richmond.gov.uk/media/15774/lp_inspectors_report_and_main_modifications.pdf)

²⁵ Appeal decision by S.J. Buckingham 29 June 2017, 2-4 Heath Road, Twickenham. Appeal Ref: APP/L5810/W/17/3168508 (https://www2.richmond.gov.uk/docs/ExaminationIndex/PI_Appeal_3168508.pdf)

²⁶ Appeal decision by R J Jackson, 12 October 2018, 104 Tollington Park, Islington. Appeal Ref: APP/V5570/W/18/3204636, Paragraphs 52 and 53

²⁷ MHCLG, NPPF, July 2018, Paragraph 65

Appendix 1: Overview of restrictive planning policies that discourage or prevent development of small sites

- Restrictions on the density of infill development to match that of the surrounding context in terms of building height, building footprint, plot sizes and separation distances.
- Requiring development to be in keeping with (and effectively not change) the existing local character in terms of building heights, rooflines, densities or residential typologies, irrespective of whether an area is a designated conservation area.
- Prevention of houses being converted to flats where they are less than a predetermined size, irrespective of whether there is scope to enlarge the overall plan footprint of a building in order to achieve both family sized unit and smaller unit complying with minimum space standards.
- Inflexible approaches to the provision of or loss of private amenity space that does not allow for elevated private outdoor space such as a rooftop balcony.
- Conversion quotas or family housing protection zones that apply a presumption against the conversion;
- 'Areas of Special Character' designations, which are not conservation areas, that seek to maintain the established suburban density and form of an area;
- Minimum privacy distances between windows, irrespective of the placement of windows or landscape screening;
- Prevention of any infill development on back gardens, despite the permitted development rights available to houses when being expanded in size.

Appendix 2: M20 Further Suggested Changes

The Mayor is suggesting the following further changes to Policy H2 and supporting text:

- **Bold red** – Minor suggested change text
- ~~Red-strikethrough~~ – original text deletion, minor suggested changes
- **Bold blue** – new text
- ~~Blue-strikethrough~~ – deleted original plan text
- ~~Purple-strikethrough~~ – deleted minor suggested change text

Change ref no	Policy/para /table/map	Further suggested change
M20.1	H2 H	Policy H6 Threshold approach to applications must be applied to small sites, including small housing developments, which provide, or are capable of providing, ten or more homes are major developments and trigger affordable housing requirements. Boroughs wishing to which apply affordable housing requirements to minor developments small housing developments of nine homes or fewer sites capable of delivering ten units or fewer and which have a maximum combined gross floor space of no more than 1,000 sqm should only require this these through a tariff approach to off-site contributions, rather than seeking on-site contributions, and. Boroughs boroughs are strongly encouraged to provide the flexibility for payments to be collected prior to the occupation of development, rather than prior to commencement of development in these instances.
M20.2	4.2.12	As demonstrated by the 2017 SHMA, London has significant unmet need for affordable housing . For some many boroughs, sites developments of ten nine or fewer units are the main a significant source of housing supply and play an important role in contributing to affordable housing delivery, often via cash in lieu contributions which are then used as part of borough-wide affordable housing programmes. Given the important role these sites play, the Mayor believes that boroughs should be capable of securing cash in lieu contributions for affordable housing contributions from such sites. Therefore, boroughs are encouraged to include policies requiring require affordable housing contributions from such sites of ten developments of nine or fewer units in their Development Plans where supported by local evidence.
M20.3	4.2.13	For practical reasons associated with on-site provision of a small number of affordable units (such as management), contributions on minor developments sites delivering ten or fewer units affordable housing requirements from developments of nine or fewer units should be asked for as a cash in lieu contribution . Boroughs should have an identified programme through which additional

		<p>affordable homes will be delivered. Flexibility should be allowed in the timing of payments in recognition of the distinct economics of small and medium-sized housebuilders and to reduce their up-front costs. Further guidance Guidance on the potential application of the threshold approach (Policy H6) for small sites housing developments of ten to 25 units and fewer is provided in Policy H6 Threshold approach to applications.</p>
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