

Draft Planning Policy Statement on Replacement or Extension of Dwellings in the Countryside

Consultation Analysis and Feedback

1 Purpose , Summary and Overall Conclusion

- 1.1 This paper is a summary of those responses received in relation to the consultation. It was prepared following analysis of the responses received in relation to each of the questions as set out in the document.
- 1.2 There were a wide range of views expressed about the proposed Draft Planning Policy Statement. These ranged from those who felt the policies and PPS were too restrictive to those who sought greater prescription and protection of the countryside from development. It is clear that there is no consensus on the draft PPS, with further work required in the Strategic Plan and its interpretation with regards to houses in the countryside and the diversity of the housing market from affordable housing provision through to meeting the needs of High Net Worth Individuals.
- 1.3 On this basis, after careful consideration of the issues and the numerous responses, it has been determined that rather than re-draft the Planning Policy Statement and give greater detail with regards to the definitions it would be better to review the policies as part of the Strategic Plan review.

2 Consultation Date and Description

- 2.1 The draft Planning Policy Statement was issued for consultation on 30th September 2011. The announcement was made through a press release and the consultation was placed on the Department's consultation section of the website.
- 2.2 Respondents to the consultation were encouraged to use a "survey monkey" online response form and the majority of responses were submitted in this manner.
- 2.3 The consultation opened on 30th September 2011 and closed on 11th November 2011.

3 Response statistics – number of responses and breakdown.

- 3.1 A total of 48 separate responses were received which can be broken down into the following groups:

Government Departments/Agencies	3
Consultants/Developers	12
Local Authorities	7

Members of the Public/Amenity Groups	24
Members of the Planning Committee	1
Planning Inspector	1

3.2 A list detailing all those who responded is included in the annex to this report.

4 Structure of this response report

4.1 The report is structured around the questions which were included as part of the consultation package, although as an introduction a summary of all the general comments on the consultation is given. At the end of each of the questions there is a section outlining further work requirements and how the views are going to shape any further review of the Policies within the Strategic Plan.

5 General Comments

5.1 There was a general view expressed by a number of respondents that the review was too limited and should have been widened to look at some of the other Strategic Plan housing policies (namely Housing Policy 12) and there were concerns about the impact on these other policies.

5.2 There were some comments submitted which raised the question of housing requirements for High Net Worth Individuals (HNWI). In general terms those who mentioned this issue seemed to suggest that this should be part of a separate study, and that the Department should not be trying to meet these requirements through this Planning Policy Statement. One respondent went even further and suggested that an approach should be adopted which would enable some large houses in well landscaped settings rather than the current replacement approach as the suggestion was that the only way to get a new house in the countryside was at the expense of older properties.

5.3 Many of those responding also suggested that this should be part of an overall review of Planning Circular 3/91 "Guide to the Design of Residential Development in the Countryside" and that the interpretation of the Strategic Plan policies should not be carried out in isolation of any review of this document. Examples of guidance issued in the Republic of Ireland, Scotland and England were cited as best practice examples, which we might wish to consider. Where these were specified by respondents they are detailed in Annex Two of this report.

5.4 One respondent stated that the countryside is an evolving entity, trying to "freeze" it by making a document where "one size fits all" rules is likely to lead to the whole island looking the same, whereas at present there are distinct regional variations in the look and feel of the countryside.

6 Detailed Comments

Replacement Dwellings in the Countryside

Question 1

Do you agree that “visual impact” means not only the appearance of the building and site works as viewed from the highway and any other public vantage points, but also the impact of the appearance and character of the landscape?

- 6.1 The majority of the respondents replied **yes** to this question.

Question 2

Do you agree that visual impact should be assessed having regard to the following criteria:

(a) the relationship of the building and site works to existing topography and trees particularly those landscaped features and trees adjacent to the application site in the control of the applicant?

- 6.2 The majority of the respondents replied **yes** to this question.

(b) the extent of the established residential curtilage?

- 6.3 The majority of respondents replied **yes** to this question (although there was a significant proportion who replied no)

(c) in terms of siting, scale, form, materials and style, the relationship of the building to any existing outbuildings which are to be retained; a new building will usually be more readily assimilated in the landscape if it is part of, or close to, an existing group

- 6.4 The majority of respondents replied **yes** to this question.

(d) the quality of the design and external finishes;

- 6.5 The majority of respondents replied **yes** to this question.

(e) proposals for landscaping the space around the building; the extent of the landscaping scheme should relate to the size of the building, the scheme should of course be designed not only to soften the impact of the building and site works, but also to respect the appearance and character of the existing landscape.

- 6.6 The majority of respondents replied **yes** to this question.

Question 3

Measurement of floor area- roof space not used as living accommodation, outbuildings, and garages should be excluded when measuring both existing and proposed floor area. Where underground floor area is so designed that it does not increase the visual impact of the building, it should be excluded from the

assessment. Generally, the significance of any increase in floor area should be assessed having regard to its effect on the visual impact. Do you agree with the proposed interpretation on how floor area should be measured?

- 6.7 Whilst the majority of respondents replied yes to this question there was a significant number of no responses. A number of these no respondents went on to make specific comments.
- 6.8 The only consistent message from the specific comments made in relation to Question 3 was that there is no consensus as to what should be included in the measurement of floor area. There were more responses suggesting that the calculation should take into consideration garages, outbuildings and roof space but sometimes this comment was given with caveats that related to "liveable space", "poor form" and "visual impact". There were also a number of respondents who suggested that the measurement should relate to "footprint" rather than floorspace.
- 6.9 It was pointed out that there was a risk that the definition proposed will be interpreted in such a way that domestic accommodation will be fitted into the roofspace (it may not always be annotated as such on submitted plans) but, with the consequence that roof pitches will be accentuated beyond what is appropriate for a building seeking to mimic traditional form. This runs the risk of creating an adverse visual impact because such structures will not be traditionally proportioned.
- 6.10 In addition to the above there were also a number of responses which suggested that the floorspace measurement was not as relevant as the visual impact of the resulting development. Therefore there should not be a measurement at all but that each case should be determined purely on its impact on the landscape.
- 6.11 From the consultation response, the Department has concluded that the measurement of floor area needs to be reinvestigated to try and devise a more meaningful and useable measure or to determine whether it would be a better approach not to have any measure but to look at each case on its merits. In any further work a clear reason should be provided firstly as to why a measure is needed or not and a reasoned justification for this, including looking in detail at the unintended consequences of both approaches. Should it be determined that a measurement is required then a clear reason should be provided as to why certain elements have been included or excluded from the definition.

Question 4

A "dwelling of poor form" – A building that lacks any cohesion in its design. It may be the result of haphazard addition and alteration in terms of form, design and material use and does not respect the character of its location or neighbouring properties.

Do you agree with the proposed interpretation on how "a dwelling of poor form" should be defined?

- 6.12 The majority of respondents agreed with the definition as provided.
- 6.13 However those who did not agree went on to give detailed comments in regard the definition.
- 6.14 The only issue which was consistently raised in response was that the definition was not precise enough and that it required further clarification. There was also concern expressed with regard to its application either that this may not be consistent or that it may have unintended consequences such as using the "poor form" argument to justify the replacement of fine examples of traditional architecture, this may be overcome with a greater understanding of what traditional architecture is so that it can be afforded greater protection.
- 6.15 It was suggested that it would be more appropriate for the terms "poor form", "inappropriate form" and "non-traditional/traditional architecture" to be defined in a revision of Planning Circular 3/91 "Guide to the Design of Residential Development in the Countryside".
- 6.16 Whilst there was support for the definition as drafted the Department has concluded that this is reviewed in the light of the comments made to ensure that the definition is clarified and easily understood. There may be a requirement to include examples of poor form or to have some seminars on the matter as mentioned by some respondents, consideration will be given to revising Planning Circular 3/91 and reissuing it as a Planning Policy Statement

Question 5

A building of "traditional character" – one designed in accordance with the principles employed by architects and builders whose work is evidenced in the older buildings in the area around the site.

Do you agree with the proposed interpretation on how a building of "traditional character" should be defined?

- 6.17 Although the majority of the respondents responded positively to this a number of respondents went on to give further comments about the definition. There were a number of terms which it felt needed further clarification for example "older", "area around the site" and "designed". The term "area around the site" was seen to be particularly problematic as this was both open to interpretation and it may be more beneficial to look further afield. Also the term "older" was meaningless as this could mean anything the possibility of framing this to include both vernacular buildings and Victorian/Edwardian buildings up to 1920 was put forward as a possible solution.
- 6.18 There was also confusion about the terms used in this and other policies namely "traditional character", "traditional dwelling" and "traditionally styled properties" are they intended to mean the same thing or are they different? There was a concern expressed that this approach would not be appropriate in all cases and could stifle design solutions rather than assist. There was also a view that in reality as drafted the definition would not move the situation at present any further on.

- 6.19 The Department has concluded that further consideration should be given as to whether this definition is required and if so there will need to be a clear reasoned justification as to why this is required within the policy. If it is to be included then additional work needs to be undertaken to ensure that this definition is clearly understood and capable of being applied.

Question 6

If you have any further comments on how Housing Policy 14 should be interpreted, what alternative/additional wording should be included in the Planning Policy Statement?

- 6.20 There were a number of responses received in relation to this question. There was a common theme to these responses in that they felt that the PPS as drafted did not adequately address all the issues, for instance it was silent on the matter of High Net Worth Individuals and that the only way in which a real change could be brought about would be through changes to primary legislation. There was also confusion as to how the PPS could deal with Housing Policies 14 and 15 in isolation and not address the other Housing Policies of the Strategic Plan. There was another call for circular 3/91 (Guide to the Design of Residential Development in the Countryside) to be reviewed as it was felt that this would give greater assistance to those making decisions than any further clarification of Housing Policy 14. A number of respondents referred to the role of planning being "to protect and enhance the environmental quality of the Isle of Man" and that this should be at the foremost when decisions are being made landscape is an asset to be appreciated rather than exploited. There was a view that the interpretation of Housing Policy 14 to be distilled into merely a "change in visual impact should be no than neutral" over simplifies both the policy and what it is trying to achieve and takes no account of other impacts.
- 6.21 It was stressed by one respondent that there is a need for whatever changes are agreed that they are applied consistently across the Island.
- 6.22 More detailed responses to the question related to the need to draw from off island examples of good design, that planning should consider the impact of the building in the existing landscape and not take into consideration any planting schemes intended to create a new landscape.
- 6.23 It was suggested by some respondents that a rigorous application of the 50% "rule" should be adopted as anything other than this would have such a negative impact on the landscape was counter balanced with the view that size is not important it is the impact on the landscape which should be the determining factor. In contrast, it was also felt by some that there was a danger with being over prescriptive and that innovative cutting edge design will not be allowed in the countryside there was an urge to place more trust in the architects. By allowing this greater flexibility it was felt that this may enable people to live within the countryside.
- 6.24 One respondent was deeply concerned that the terminology used to define a "dwelling of poor form" and "a building of traditional character" misunderstands the concept of vernacular architecture and the circumstances

that give rise to it. They suggested that there is a need to consider the historic quarterland farms - it is quite possible for a building of traditional or vernacular type to exhibit poor form, to lack coherent design, to contain haphazard addition and alteration, and to be of different character from its neighbours; no architects will have played a part in the establishment of local building character, and yet examples of this kind of structure may be amongst our most important historic buildings.

- 6.25 There was one suggested rewording of the policy as follows: "In determining the size and form of proposals positive consideration will be given to those which significantly increase the size of the existing built form where it can be demonstrated that the proposals contribute positively to an environmental improvement. Any such proposals shall include details of ALL trees, together with a management programme for preserving them in their context, landscape details which respect and enhance the setting shall be provided including a full method statement for implementation including remediation of the areas being improved. Any proposals which suggest as increase in the size of the residential curtilage shall also be accompanied by a full environmental statement which clearly sets out the full assessment proposals within the application".
- 6.26 As there is no opportunity to alter the wording of the Policy through a Planning Policy Statement, the only matter which the Planning Policy Statement can cover is the clarification of the terms used in the Policies. Therefore in the light of concerns raised the Department has concluded that further work is required on the issues of how planning policy can address the demand for very large houses in the countryside.
- 6.27 It is clear that the intended purpose of the policy is not to meet the needs of High Net Worth Individuals. Whilst it may be a policy to allow replacement or extensions, this is not a mechanism to enable very large houses to be built in the open countryside.

Extensions to Dwellings in the Countryside

Question 7

Measurement of floorspace – floor space should be measured as for Replacement Dwellings; extensions which measure more than 50% of the existing floorspace may be permitted if the objectives of Housing Policy 15 are met.

Do you agree with the proposed interpretation on how floorspace should be measured?

- 6.28 The majority of respondents answered **Yes** to this question.
- 6.29 However, as in response to the earlier question with regards to floorspace there was a real division between those respondents who clearly supported the use of the floorspace measurement within the policy but were seeking a clearer definition alongside those who were against any limit being included within the policy.

- 6.30 Those who supported the inclusion of the floorspace measurement within the policy stressed that it was vital to get it right. It was felt that the existing system was insufficiently closely defined and that the changes suggested did not improve matters.
- 6.31 There was no clear consensus between those who were supportive of including a measurement, as to how this should be measured. Some were of the view that it should include all the available floor area, both existing and proposed. Others thought that it should be footprint rather than floorspace. Some felt that attics which are served by a staircase and basements should be included whilst others cautioned that constructing a new basement will involve massive landscape works which will have an impact on the landscape.
- 6.32 There were also those who felt that it is not the definition of floor area that this the problem but using floor area as the basis for planning decisions. Floor area is immaterial to the appearance and assimilation of a building but overall external size is a fundamental factor. Height is also very significant and therefore consideration should be based on overall volume of the building. One suggested rewording of the policy was as follows "only exceptionally will focusing on interpretation of the existing building in terms of total volume (measured externally), or where the maximum height exceeds that of the original building by more than 10%.
- 6.33 Those who were against including a measurement at all justified this by stating that the policy should be flexible taking into account the location. In conjunction with this, one respondent stated that it was important to assess proposals against the landscape that exists, not what they can create. It was felt that it was important to remember that people will need to live in the countryside.
- 6.34 From the consultation response the Department has concluded that the measurement of floor area needs to be reinvestigated. This investigation would try and devise a more meaningful and useable measure or determine whether it would be a better approach not to have any measure but to look at each case on its merits. In any further work, a clear reason should be provided, firstly, as to why a measure is needed or not and a reasoned justification for this, including looking in detail at the unintended consequences of both approaches. Should it be determined that a measurement is required, then a clear reason should be provided as to why certain elements have been included or excluded from the definition.

Question 8

Do you agree that extensions which measure more than 50% of the existing floorspace may be permitted if the objectives of Housing Policy 15 are met?

- 6.35 The majority of respondents answered **Yes** to this question.
- 6.36 However, there were a number of provisos given based on how the 50% was calculated and used in determining applications. Some felt that only where the original dwelling was so small that any extension to it would bring it up to

current standards should a larger than 50% extension be permitted. One respondent suggested that consideration should be given to restricting the percentage of the plot that was built on, this was to reflect that the same "rule" would apply to a small dwelling on a large plot as to a large dwelling on a small plot, there was a call in this respect for a more flexible approach to be adopted.

- 6.37 Again, there was a call to provide a policy framework which would consider innovative design solutions.
- 6.38 In addition to the above one respondent was concerned that until all those buildings which are worthy of registration in the countryside are indeed registered there should be no approvals for extensions over 50%.
- 6.39 The Department has concluded that there is a need to look at the implications as to how the 50% "rule" is applied and that this should be carried out in conjunction with the clarification of the floorspace measurement.

Question 9

"traditionally-styled properties" – buildings having a style which is recognisably that of a particular historical architectural period or of a local Manx vernacular.

Do you agree with the proposed interpretation on how a building of "traditionally-styled properties" should be defined?

- 6.40 The majority of respondents answered **Yes** to this question.
- 6.41 However many respondents repeated the views expressed previously in response to earlier questions. There was some concern that some of the proposed definitions do not accurately reflect the reality of how vernacular architecture developed. In particular, traditionally-styled buildings may display several styles or phases of construction, rather a single style and the given definition of "non-traditional dwellings" may put outstanding yet unusual historical dwellings at risk of inappropriate extension under the terms of Housing Policy 15.
- 6.42 It was pointed out that there is difficulty in interpreting Manx vernacular and that it should be made clear that the term includes a wider range that is generally accepted at present and that there is a need to ensure that planning officers are able to recognise these styles. It was identified that there may be a need for training and/or the production of a Design Guide.
- 6.43 It was also raised that there is a need to consider that there may be appropriate well designed innovative and modern solutions that should be allowed in certain cases.
- 6.44 The Department has concluded that further consideration should be given as to whether this definition is required and if so there is a need to provide a clear reasoned justification. If it is to be included then additional work needs

to be undertaken to ensure that this definition is clearly understood and capable of being applied.

Question 10

“Non-traditional dwellings or those of poor form or inappropriate form” – “non-traditional dwellings” are those whose design and appearance does not relate to any style traditionally employed in the area around the site; “poor form” should be interpreted as for Replacement Dwellings; “inappropriate form” means of a form where the shape, mass or scale do not relate sensitively to the topographical or built context of the site.

Do you agree with the proposed interpretation of how “non-traditional dwellings” should be defined?

- 6.45 The majority of respondents answered **Yes** to this question.
- 6.46 However, there were a number of comments submitted. It was recognised that it is impossible to sweep up every case into a neat phrase.
- 6.47 It was felt that there were subjective terms which dictate how the phrase is interpreted “style traditionally employed” and “relate sensitively” which need to be covered in any future review.
- 6.48 There were problems highlighted with the terms “non-traditional”. It was felt that non-traditional should exclude vernacular buildings which have been extended already; these are still traditional. It was also stated that a non-traditional dwelling may be of good or appropriate design. If they look good in the proposed site they should be allowed.
- 6.49 Again as in response to earlier questions it was suggested that there should be a reference which goes wider than “the area of the site”. It was stated this is far too nebulous to result in anything other than inconsistent decision making it was suggested that it should be “in that area of the Island” or perhaps “whose design and appearance does not relate to any style traditionally employed including vernacular style and any extensions of it in the Island”.
- 6.50 The Department concluded that further consideration should be given as to whether this definition is required and if so there is a need to provide a clear reasoned justification. If it is to be included then additional work needs to be undertaken to ensure that this definition is clearly understood and capable of being applied.

Question 11

Do you agree with the proposed interpretation of how “poor form” should be defined?

- 6.51 The majority of respondents answered **Yes** to this question.
- 6.52 As in response to earlier questions there were a number of additional comments made. It was suggested that the PPS should clarify that there is a

difference between poor form resulting in public impact and poor form resulting in residential impact (eg energy efficiency, freedom from damp, room layouts and size). The PPS should clarify whether or not these types of shortcomings may be material considerations separate from the external visual impacts. There is concern that the countryside is losing its older buildings simply because they are damp and no proof is given in applications that they cannot be renovated,

- 6.53 It was pointed out that in the past modern houses were allowed which today have become landmark admired buildings (Crogga at Santon and Maughold Lighthouse). Need to ensure that similar buildings are permissible today.
- 6.54 The Department concluded that further consideration should be given as to whether this definition is required and if so there is a need to provide a clear reasoned justification. If it is to be included then additional work needs to be undertaken to ensure that this definition is clearly understood and capable of being applied.

Question 12

Do you agree with the proposed interpretation of how "inappropriate form" should be defined?

- 6.55 The majority of respondents answered **Yes** to this question.
- 6.56 As before there were a number of additional comments made. One respondent suggested the following addition "or do not enhance the local environment".
- 6.57 It was also suggested that once the definition of what is non-traditional has been agreed and illustrated in Circular 3/91, then the definition of inappropriate form may be acceptable.
- 6.58 In addition it was also stated that the definition is too narrow and would potentially prevent good designs being built. There has to be scope for some larger homes and some more individualistic design. where the appearance is not traditional but is "pleasing" on the landscape.
- 6.59 The Department concluded that further consideration should be given as to whether this definition is required and if so there is a need to provide a clear reasoned justification. If it is to be included then additional work needs to be undertaken to ensure that this definition is clearly understood and capable of being applied.

Question 13

Do you have any further comments on how Housing Policy 15 should be interpreted, what alternative/additional wording should be included in the Planning Policy Statement?

- 6.60 There were a number of diverse comments in response to this question. Concern was expressed that there is no opportunity for the policies to encourage any "affordable housing" since the emphasis is generally on "like

for like” provision in terms of numbers of properties. It was suggested that future consideration might be given to granting approvals for larger numbers or footprint of building if an affordable housing benefit resulted. It was stated that affordable housing is probably needed as for households in the countryside rather than in just urban locations.

- 6.61 It was reiterated that the only exception should be for very small houses where even 50% increase in floorspace does not allow and “affordable” floorspace to be reached. It was also thought that where links are proposed to join an existing dwelling to outbuildings in order to create a larger dwelling thus may also be seen as an exception but in making the exception the floorspace of the outbuilding must be taken into account so that in future the house may not be extended again on the claim that it has had an extension of less than 50%.
- 6.62 It was felt that an extension and alteration under policy 15 and 16 should be allowed if the proposed is a better proportioned and more attractive building than the existing. It was felt that this visual impact and overall improvement is more important than whether it is within the 50% limit and a more flexible approach should be adopted.
- 6.63 The Department concluded that further consideration should be given as to whether this definition is required and if so there is a need to provide a clear reasoned justification. If it is to be included then additional work needs to be undertaken to ensure that this definition is clearly understood and capable of being applied.

Question 14

If you have any further comments on how Housing Policy 16 should be interpreted, what alternative/additional wording should be included in the Planning Policy Statement?

- 6.64 Again the response to this question was divided. There was an opinion that there is a “basic human right to extend one’s property once”. A number of respondents were sympathetic to this view point stressing that by simply being able to view an extension should not be a reason to refuse it especially if that view is only a fleeting one obtained in passing.
- 6.65 This viewpoint was more measured by some who stated that consideration has to be given in the first place as to whether any extension can feasibly be done in a traditional fashion. Only if the answer to this is yes should impact on the public take precedence over the right to extend. This was further expanded by respondents who felt that any extension and alteration under policy 15 and 16 should be allowed if the proposed is a better proportioned and more attractive building than the existing by altering and extending the existing proposed if it looks better than the existing should be allowed. This is more important than whether it is within the 50% limit. If the proposed is better, the larger dwelling will also create greater growth for the Island. We should be proud of the dwelling looking better and not put restrictions on regarding size and position of curtilage.

- 6.66 It was also felt that applicants wishing to extend properties of poor form should not be penalised for having a poor starting point and should be encouraged to extend with quality, alternative materials which can with sensitivity enhance buildings of poor form and quality.
- 6.67 It was also stated that there needed to be a greater account taken regarding neighbouring properties in particular height and closeness. It was also felt that a comparison of design with neighbours should also be taken into account.

ANNEX ONE**List of all those who responded to the Consultation**

Government Departments/Agencies	3
Manx National Heritage	
Department of Social Care	
Department of Economic Development	
Consultants/Developers	12
Patricia Newton	
Planning Mann	
Ballafayle Management Ltd	
Hartford Homes	
Mercury Construction	
Heritage Homes	
Cornerstone Architects	
Construction Design	
PMCS	
GCA Architects	
Spectrum Windows	
Dalrymple	
Local Authorities	7
Castletown Commissioners	
Onchan Commissioners	
Marown Commissioners	
Patrick Commissioners	
Port St Mary Commissioners	
Rushen Commissioners	
Malew Commissioners	
Members of the Public/Amenity Groups	24
Derbyhaven Residents Society	
H Benson	
M Wadsworth	
C Kerruish	
M Newby	
D Lewis	
S Craine	
C S Aden	
T Pearson	
P Lenartowicz	
M Gotrel	
D Baxter	
P Leonard	
S Westbourne	
J F Maddrell	
J Payne	

C Lane	
I Costain	
A Davis	
T E Craine	
G Bennett	
B Redfearn	
M Farrant	
Isle of Man Natural History and Antiquarian Society	
Members of the Planning Committee	1
Hamish Killip	
Planning Inspector	1
Mr Langton	

Annex Two

Documents referred to in responses to be reviewed in the revision of the guidance

Building a House in Rural Kerry – Design Guidelines – Kerry County Council

Housing in the Countryside – Moray Development Plan 2000 – Moray Council

Sustainable Design Guide – Highland Council

Supplementary Guidance – Housing in the Countryside and Siting and Design

The Conversion of Traditional Farm Buildings: A guide to good practice – English Heritage