



London Upward Extensions Consultation Team  
Department for Communities and Local Government  
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Fry Building  
2 Marsham Street  
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15 April 2016

Dear Sir/Madam

### **Consultation on Upward Extensions in London**

The City of London Law Society (“CLLS”) represents approximately 15,000 City solicitors through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multinational companies and financial institutions to Government departments, often in relation to complex, multi-jurisdictional legal issues.

The views of the CLLS Planning & Environmental Law Committee in respect of the Upward Extensions Consultation are set out below.

The CLLS has significant concerns regarding the upward extension proposals contained in the joint consultation by the Department for Communities and Local Government and Mayor of London dated February 2016. The consultation puts forward three options to provide “*greater freedom to ‘build up’ in London, reducing the pressure to ‘build out’*”:

- Option 1: permitted development rights for additional storeys in London;
- Option 2: local development orders for additional storeys in specific areas; and
- Option 3: support in the London Plan.

While the CLLS recognises that there are inefficiencies in the use of London's potential housing stock and that there is a need to make the most efficient use of existing buildings, the negligible gains that would be achieved by increasing the flexibility for upward extensions hardly justify the significant adverse consequences of such a policy move.

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The fact that one building in a row of terraces extends to a certain height in no way justifies the extension of neighbouring buildings to the same height. Permitting such extensions without appropriate planning controls could have a dramatic effect on the visual amenity not only of that terrace but of the entire locality in which it is situated. A host of rights of light issues would also likely arise.

Adopting any of the three options would deprive London boroughs of the individual discretion which is essential for development works which could fundamentally change the nature of streets and neighbourhoods.

London's cultural landscape is increasingly under pressure from encroaching residential development which has forced a vast number of restaurants, bars and pubs to shut down due to the disturbance they may cause to residential uses. Encouraging upwards extensions - particularly over "retail and other high street uses" as suggested in the consultation document - threatens to result in further closures and to alter the fabric of important social centres, most significantly in central London, but in town centres in the outer boroughs too. Different localities serve different needs. London boroughs should retain the discretion to determine what purposes are served by a particular locality and must therefore be able to determine what uses are permitted in that locality. The proposals would also do nothing for London's depleted affordable housing stock as they would not require any affordable housing element or contribution.

Notwithstanding these important problems raised by the proposals, they are, furthermore, likely to be ill-received by many London boroughs which have already expressed their discontent with the office to residential permitted development right. If Option 1 is pursued, similar Article 4 tussles are likely to ensue. The already minor gains that the proposals might achieve would in this way be watered down.

For the above reasons, the CLLS submits that the proposals should not be pursued. If, however, the Government and the Mayor of London are determined to pursue these proposals, Option 3 (support in the London Plan) is preferable as it would provide the Mayor and the London boroughs with the best set of policy controls to determine what is appropriate in different localities.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Webb', with a long, sweeping horizontal stroke extending to the right.

Stephen Webb  
Chair  
City of London Law Society PELC