

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: **AW/152/15/HH**

LOCATION: 23 Bell Court
 Aldwick

PROPOSAL: Front & rear ramp

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approx. 250 sq.m.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open plan to front. 2 metre close boarded fence to rear garden
SITE CHARACTERISTICS	A semi detached bungalow on a cul de sac with an open plan garden to the front and a concrete driveway to the side of the dwelling. The rear garden is enclosed by a 2 metre fence with a gate to the front. The properties are constructed of concrete tiles and traditional brown bricks with white UPVC windows and black plastic rainwater goods.
CHARACTER OF LOCALITY	Residential area. An open plan estate area consisting of similar small terraced and semi detached bungalows some of which already have ramps with rail to the front door albeit those ramps run along the frontage of the properties.

RELEVANT SITE HISTORY

None relevant

REPRESENTATIONS

Representations received:

None received.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

Aldwick Parish Council - No objection - requested that the ramp run along the front of the property rather than across the lawn as this would benefit the spatial character of the area and the street scene.

Comments on Consultation responses:

The agents for the development were contacted requesting the change of orientation of the ramp made by the Parish Council. The occupational therapist of the independent living team at West Sussex County Council requested that the scheme be kept as submitted because the gradient of the ramp could be lower (1:18) if the ramp ran across the lawn. The two occupants of the property are blind and partially sighted respectively as well as physically disabled. It was considered that the shallow slope is required to reduce the risk of the occupants slipping in icy conditions in Winter. The required gradient could not be provided if the ramp was orientated across the front of the property.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication'

of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

The application seeks planning permission for a disabled ramp and railings 5.8 metres length directly egressing from the front and rear doors of the property to the pedestrian pavement and 3/4 of the way down the rear garden to a footpath respectively. The ramp would have a brick base with free standing galvanised (cylindrical) posts and hand rails 1.2 metre in height. The gradient of the ramp would be 1:18 thereby creating a de facto level access to the dwelling.

The ramp and hand rail would extend directly over the front garden, having the appearance of a 1.2 metre metal post and rail fence in the front garden. It would somewhat affect the open plan appearance of the property and street scene however grounds of need for the particular disabled characteristics of the occupants have been put forward by the occupational therapist requesting the works.

The ramp in the rear garden would not have any impact on visual amenity or the character of the area.

On balance given the function of the ramp and the character of the sheltered housing units in the area the proposed railings are not considered to conflict with Policy DEV19 (v) of the Arun District Local Plan and Policy GEN 7 (ii).

In addition the proposal provides for safe movement of pedestrian thereby complying with Policy GEN 7 (vii).

As such, the proposed extensions in this application are deemed to be in accordance with Policies GEN7(ii),(vii) and DEV19(v) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The ramp and hand rail at 1.2 metres in height does not adversely affect the residential amenity of neighbouring properties by overshadowing or loss of privacy.

It is therefore considered that the proposal complies with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

CONCLUSION

Given the above it is recommended that the application is approved subject to the conditions

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article (insert number and description) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is

also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following positive impacts have been identified upon those people with the following protected characteristics - disability.

The approved development will provide housing suitable for use by physically disabled people including wheelchair users and visually impaired people.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans KG/01/BELLCOURT23 Revision No.1.1.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 and DEV 19 of the Arun District Local Plan.

- 3 The materials and finishes of the brick base and hand rails hereby permitted shall match in colour and texture those of the existing building namely the bricks shall match those of the existing dwellinghouse and the handrail shall match in colour the black rainwater goods of the existing dwellinghouse.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.