

<u>No:</u>	BH2018/03174	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	37 Clarke Avenue Hove BN3 8GD		
<u>Proposal:</u>	Installation of disabled access ramp from pavement to front elevation of property. (Retrospective)		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	12.11.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	07.01.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	28.01.2019
Agent:	Applicant: Brighton & Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to GRANT planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	01/000	A	16 October 2018
Proposed Drawing	02/000	A	22 October 2018
Location Plan	-	-	12 November 2018
Block Plan	-	-	22 October 2018

2. The development hereby approved is of the benefit of Mrs Joyce May Ruff to provide improved accessibility to the property. When the property ceases to be occupied by Mrs Joyce May Ruff the railings and landscaping hereby approved shall be removed and the site shall be returned to its previous condition.
Reason: As the railings and works carried out do have some harmful visual impact however the circumstances of the applicant have been given material weight in this case.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a two-storey semi-detached dwellinghouse on the south side of Clarke Avenue. Retrospective planning permission is sought for the erection of an access ramp leading from the public highway to the front door of the application site, with an associated hand-rail.

3. RELEVANT HISTORY

None

4. REPRESENTATIONS

Five (5) letters have been received objecting to the proposal on the following grounds:

- The ramp is over and above what is necessary to access No.37
- The ramp causes harm to the streetscene and appears as an incongruous, alien feature
- There has been no balancing exercise by the Council to assess the needs of the resident of No.37 against the rights of neighbouring residents
- Loss of green space
- Contrary to council policies
- The ramp causes a loss of light and overshadowing
- Previous attempts to purchase the green space (in order to create a hardstanding) has been rejected by the Council
- The application for planning permission has only been submitted as the result of an enforcement complaint
- The ramp was installed without notifying neighbouring residents
- The application is lacking in detail
- A condition should be attached (in the event of permission being granted) tying the presence of the development to the presence of the current occupant.

One letter has also been received from **Councillor Barnett**, objecting to the proposal. A copy of the letter is attached.

5. CONSULTATIONS

None

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development

QD14 Extensions and alterations

QD27 Protection of amenity

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the impact of the proposal on the character and appearance of the host building and wider streetscene, as well as the potential impact on the amenities of local residents. Also of consideration will be the improved access afforded by the ramp for those with mobility-related disabilities and the potential impact on archaeological remains.

8.2. Design and Appearance:

The natural ground level slopes gently downwards from the public highway to where it meets the principle elevation of the application site and its neighbouring properties. This helps to reduce the visual impact of the ramp itself as it does not project more than a single brick height above the public highway to which part of it is adjacent, with the exception of the metal handrails. These handrails are highly visible from the public highway but they are fairly lightweight in appearance and it was noted on a site visit that other handrails of this design (though not on this scale) are evident within the wider streetscene. The ramp sits alongside an existing pathway and although a preferred design would have been to modify the original path to accommodate the ramp, this design has limited the disruption to the front garden layout and subsequent loss of green-space as far as possible.

- 8.3. As a result, although there is recognised harm to the wider streetscene due to the scale of the handrail and modest loss of green-space, it is not considered severe enough to warrant outright refusal and the suggestion of a condition

tying the presence of the ramp to the presence of the current occupant of No.37 is supported, successfully mitigating the harm to an acceptable level.

8.4. Impact on Amenity:

Given the low height of the ramp and low visual impact of the handrails it is not considered that the works have had any significant impact on the amenities of local residents. The reported loss of light and overshadowing caused to ground floor windows of neighbouring properties has not been supported by what was seen on site.

8.5. Other Considerations:

Given that the works have already been carried out it has not been possible to fully assess the potential impact they may have had on archaeological remains. This is considered acceptable given the modest area of land developed and the fact that the design would not require any deep excavation works.

8.6. Concerns have been reported that works were carried out without consulting local residents. Consultation was carried out as part of this planning application and the fact that the applicant has sought retrospective planning permission has not been weighed against them as part of this assessment. The fact that this application has only come in due to a complaint being lodged to the Local Planning Authority will also not be weighed against the applicant.

8.7. Concerns have also been reported that previous attempts to purchase areas of the green space to convert to a hardstanding have been rejected by the Council. This application has been weighed on its own merits but it is considered that the proposal has far less of a visual impact than would a hardstanding in front of a similar property in the streetscene.

8.8. The application has been criticised for lacking in detail and that alternative designs have not been explored, however it is considered that adequate information has been submitted in order to come to a decision.

9. EQUALITIES

9.1. The works as built offer improved level access for the current occupant. This benefit is considered to outweigh the moderate harm to the character of the streetscene and, due to the aforementioned condition limiting the presence of the ramp, the works are considered to be acceptable.