

DECISION DATE 3 February 2009	APPLICATION NO. 08/01371/FUL A6	PLANNING COMMITTEE: 9 February 2008
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION FOR THE RETENTION OF A RAMP TO PROVIDE DISABLED ACCESS TO GARDEN		SITE ADDRESS 87 CRAG BANK ROAD CARNFORTH LANCASHIRE LA5 9JB
APPLICANT: Mr Paul O'Sullivan 11 Shakespeare Road Lancaster LA1 2JR		AGENT: Mr Robert Partington

REASON FOR DELAY

Referral to Planning Committee.

PARISH NOTIFICATION

Carnforth Town Council - No objections, approve in principle.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - No specific proposals.

Lancaster Core Strategy - No specific proposals.

STATUTORY CONSULTATIONS

None.

OTHER OBSERVATIONS RECEIVED

Access Officer - This application meets the requirements of Lancaster District Local Plan Policy R21 and supports the continued occupancy and access to the amenities of the house by the resident.

Two letters have been received from neighbouring residential occupiers. Both letters do wish to raise objection to the principle of a ramped access to the garden area but raise concerns over the development of this ramped access; the main areas of concern relate to loss of privacy/intrusion and new flooding problems which until construction of the ramp and platform had not previously occurred.

REPORT

Site and its Surroundings

The application site is located to the northern end of Crag Bank Road close to its junction with The Drive, Carnforth. The property is one of a number of small two-storey stone-built cottages running along the southern side of Crag Bank Road. The cottage has a side open access to its western gable leading to a long narrow rear garden.

The property enjoys a rear flat-roof single-storey extension to form a kitchen, a detail replicated in many of the neighbouring dwellings including the adjoining one. The land immediately to the rear of the extension is maintained at the same level of the ground floor of the property, to create a small private patio area, again a detail replicated at the neighbouring properties. The remaining garden area drops down approximately 1.3m and falls gently to the south.

The rear boundaries adjacent to the higher level patio comprise 1.6/1.8m fencing to either side. The boundary at the lower level is a 1.0m high fence to both garden boundaries.

The Proposal

The development is a retrospective one for the construction of a stone ramp which provides disabled access to a level-raised flagged garden area to the southern end of the original garden, some 25 metres from the rear of the patio area. The ramp is 1.2m wide and approximately 800mm above ground level as it leaves the patio. Due to changes in the ground level the ramp is approximately 1.1m above ground level at its highest point, falling to 200mm above the new garden level when it joins the new level flagged area.

The development of the ramped garden access is part of an overall scheme to upgrade the house and adapt it for occupancy by a wheelchair-bound resident.

Planning History

The site has no related planning history.

Planning Policy

In considering the application saved Policy H19 and Supplementary Planning Guidance Note (SPG) 12 ('The Residential Design Guide') of the Lancaster District Local Plan needs to be considered. Policy H19 seeks to ensure that new residential development would not have an adverse effect upon the amenities of nearby residents. These aims are again reflected in the design guidance contained within SPG 12.

Comments

As indicated earlier in the report, the application is a retrospective one and as a consequence, this allows the development to be fully assessed. At present, the construction is not wholly completed as it would involve the mounting of edge restraints to prevent a wheelchair from running off the side of the ramp. However, it is sufficiently complete to assess its impact upon the amenity of neighbouring residents as required by saved Policy H19.

It is clear from the boundary treatments currently on site and the level of patio areas that a section of higher level garden area remains private immediately to the rear of the house at the application site and neighbouring dwellings. The residents of this length of housing currently choose to have low level boundaries between each property at their lower level which allows overlooking of these garden areas. The development of a raised ramp 1.0m above garden level allows overlooking not only of the lower garden area but also of the more private garden areas immediately to the rear of the houses by anyone utilising the ramped access. It is considered that this relationship is one which should not be encouraged in principle.

A general approach when assessing development which introduces overlooking issues would be whether new or enhanced boundary treatments, or other measures, could be developed which would mitigate the impact of the proposal. As indicated, the current boundaries are only 1m high alongside the lower level. This is obviously the choice of the current occupiers of the houses but increased privacy could be developed by the construction of a higher fence of 1.6/1.8m height. However, in this case a tall boundary treatment would need to be introduced (at least 2.5m in height from the lower garden level) to develop/maintain adequate levels of privacy. This scale of boundary would be unduly dominant and overbearing in relation to the neighbouring residential occupier.

The agents have responded to the concerns of the neighbouring residents/owners indicating that the historical layout of the gardens has always allowed overlooking of the rear patios. The design of the ramp has been laid out not only to satisfy the physical needs of the applicant but also to allow planting to be developed in the open, curved areas. It is anticipated that the planting will mature over time to aid screening of the neighbouring gardens but no details have been provided. The agent acknowledges that the ramp does enable overlooking but consider that it is only likely to occur when the applicant is being pushed back up the ramp towards the house.

The issue of recent flooding has also been raised by the neighbours. The agents have indicated that this area has always been low-lying and subject to occasional flooding. The agent further indicates that the design of the ramp incorporates cross drainage to enable surface water to move naturally across the site.

Conclusion

For the reasons outlined above, it is considered that despite the obvious needs of the applicant, the approach taken to develop disabled access into the garden area is unduly detrimental to the amenity and privacy of neighbouring residential occupiers. Reluctantly, as a consequence, a recommendation for refusal has been reached. It is considered that a more appropriate method which enables level change needs should be developed that will enable the applicant to have access to the garden area but without undue impact upon the neighbouring properties. Of course, the local planning authority will continue to liaise with all parties in an attempt to find an appropriate solution.

HUMAN RIGHTS IMPLICATIONS

The applicant's right to use and develop their property has to be balanced against the rights of neighbouring residents, namely, their right to respect for their private lives and homes. As set out above, the impact of the proposed development on neighbouring properties is considered unacceptable and, therefore, it is considered necessary and proportionate to refuse this application.

RECOMMENDATIONS

That **PERMISSION BE REFUSED** for the following reasons: -

1. In the opinion of the local planning authority the access ramp, by reason of its design and height is unduly detrimental to the amenity and privacy of neighbouring residential occupiers. As such the development is considered to be contrary to saved Policy H19 and the aims and objectives contained within Supplementary Planning Guidance Note 12 (The Residential Design Guide) of the Lancaster District Local Plan.