

Planning Service

Advice UDP Policy BE14

Background

The basis for policy BE14 is to protect adjoining occupiers from any unreasonable impact which would result from a large extension. This policy is particularly relevant where dwellings are close together.

Policy BE14

UNLESS THE PROPOSAL WOULD HAVE A DETRIMENTAL EFFECT ON VISUAL AMENITY, ADJOINING DWELLINGS OR ANY OCCUPIER OF ADJACENT LAND, EXTENSIONS TO TERRACED, SEMI-DETACHED OR CLOSELY SPACED DETACHED DWELLINGS WILL NORMALLY BE PERMITTED WHERE THE PROPOSAL:

- i IS TO THE FRONT OR MAIN ELEVATION OF THE PREMISES AND IS RELATIVELY SMALL IN SCALE;**
- ii IS TO THE REAR AND DOES NOT EXCEED 3.0M IN OVERALL PROJECTION; OR**
- iii DOES NOT RESULT IN AN UNDESIRABLE TERRACING EFFECT BEING ESTABLISHED IN RELATION TO ADJOINING DWELLINGS.**

Where decisions have been made which do not fully conform to the above policy this has usually been due to either a precedent of larger extensions on the same street or terrace or due to personal circumstances. The remainder of this note refers to the subject of personal circumstances.

National Advice

Ministerial advice does not favour much weight being given to personal considerations within planning decisions. However, a series of court cases have indicated that such matters may nevertheless be given consideration where other matters are finely balanced. The conventional citation is *Great Portland Estates v Westminster CC* where it was stated that *'the personal circumstances of an occupier...are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present of course indirectly in the background to the consideration of the land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance'*.

Exceptional or Special Circumstances

Applicants may argue a wide range of personal circumstances which they consider exceptional or special. However in terms of policy BE14 these should usually be confined to a medical need for space which exceeds the usual limits set out in BE14. This will most likely include instances such as the need for a larger than normal extension to accommodate wheelchair access.

Verification Procedure with Housing and Health Unit

In most cases where the applicant requires additional accommodation for a defined medical need it is likely the Housing and Health Unit will approach Planning Services whilst discussions are on-going with any applicant. However in the few instances when Housing and Health Unit are not involved from the outset there may be a need to consult with them. Housing and Health Unit should only be consulted on planning applications when **all** of the following criteria have been fulfilled.

1. The extension is greater than the criteria usually acceptable under policy BE14
2. The extension would be likely to have a detrimental impact upon the occupiers of adjoining properties.
3. There is no precedent for extensions of a similar size in the immediate locality.
4. The applicant indicates the extension is required to fulfil an identified medical need.

If following an assessment by the case officer it is determined the application fulfils all the above criteria a consultation should be sent to;

Paul Howard, Adaptations Manager, Housing and Health Unit, Strategic Housing, 6 Silver Court, Aspley, Huddersfield, HD5 9AG.

Housing and Health Unit will then check their records too see if the applicant is registered with them and if the proposals are fit for their needs. In line with other consultations a response will be sent back to Planning Services within 21 days of receipt. The consultation should include all details of the application, including internal layout and any supporting statement from the applicant.

Where the applicant is not registered with Housing and Health Unit it is likely they have not had their medical needs assessed. In such instances applicants should be requested to forward any assessment which may have taken place or advised to have their needs assessed by an occupational therapist. In case of the latter scenario the applicant should be advised to withdraw their application and resubmit once they have had their needs assessed.

Decisions

The demonstration of exceptional or special circumstances must be taken into account in any decision. However this should only outweigh issues of impact upon adjoining occupiers of adjacent land where the decision is finely balanced.