

Raised for Views, While the Disabled Lose

The approved plans for Plot 23 provided level, or effectively level, access between the pavement and the principal entrance. The planned distance from the pavement to the front door was approximately 7.114 metres.

The stated 7.114-metre distance between the pavement and front door does not represent 7.114 metres of usable ramp. A wheelchair user approaching the veranda would need a level landing on which to turn through 90 degrees, together with a level entrance landing clear of the door swing. Depending upon the applicable Part M category and the precise arrangement, the available ramp flight may be approximately 6 metres or less. That distance could accommodate only about half of a one-metre rise even at the steepest ordinarily permitted ramp gradient.

Constructing the dwelling approximately one metre above its approved level fundamentally changes that arrangement. If the pavement and frontage remain at their approved levels, the entrance would now be approximately one metre higher over a horizontal distance of only 7.114 metres. That equates to a direct gradient of approximately 1:7.1.

Such a gradient is far too steep to provide an accessible approach. Even a ramp at the steepest gradient ordinarily contemplated by Part M—1:12 over a short flight—would require at least 12 metres of ramp to overcome a one-metre rise, before allowing for landings, changes of direction and the space needed outside the entrance.

The alternatives would therefore appear to involve:

- a substantial ramp extending or turning across the frontage;
- approximately seven or more external steps;
- raising the driveway and surrounding ground considerably;
- additional retaining structures; or
- providing access through some alternative entrance.

None of these consequences is properly shown or explained in application 2026/91657.

The importance of this issue is that the approved scheme had already demonstrated that level access was achievable. Any present difficulty in providing it is not an unavoidable consequence of the natural topography. It has been created by constructing the dwelling substantially higher than the permission allowed.

Part M of the Building Regulations generally requires the approach to a new dwelling to use the shallowest reasonably achievable gradient and to be step-free where possible. A stepped approach may be accepted in appropriate circumstances, but that does not mean a developer should be permitted to remove an approved level approach by raising a dwelling and then present the resulting steps as unavoidable.

This is also a planning matter, not merely something to be left to Building Control. Steps, ramps, raised ground, handrails, retaining walls and altered driveway gradients would affect the appearance and layout of the frontage. Raising the surrounding land to meet the entrance could also conceal part of the building's excessive height without correcting the absolute floor or ridge levels.

Application 2026/91657 cannot therefore be assessed accurately without a fully dimensioned section showing:

- the approved and existing pavement levels;
- the plot-boundary level;
- the approved and as-built front-door threshold;
- the garage threshold;
- the pedestrian-route and driveway gradients;
- every proposed step, ramp and landing;
- any handrails or guarding;
- all proposed finished-ground levels; and
- any associated retaining structures.

SB Homes' marketing places considerable emphasis upon the development's elevated position and far-reaching views. That marketing does not prove why Plot 23 was constructed higher than approved, and it does not authorise the discrepancy. It does, however, demonstrate that elevation and outlook provide commercially valuable benefits to the developer and future purchaser.

The resulting contrast is stark. The dwelling gains additional elevation and outlook, while disabled and mobility-impaired people lose the level access provided by the approved design.

Whatever the reason for the increased height, Kirklees should not regularise a development that retains those benefits while transferring the adverse consequences to people who require an accessible entrance.

Before determining application 2026/91657, Kirklees should require the applicant to demonstrate precisely how compliant and genuinely accessible access can be provided within the available frontage. If the approved level access cannot now be delivered because Plot 23 has been constructed approximately one metre too high, that is a further material reason why the excessive building level should not be retained.