

LOCAL DEVELOPMENT FRAMEWORK FOR BRADFORD

**APPENDIX 3: HOUSEHOLDER
SUPPLEMENTARY PLANNING DOCUMENT**

**EQUALITIES IMPACT ASSESSMENT
DRAFT FOR PUBLIC CONSULTATION**

December 2011

The wording in this publication can be made available in other formats such as large print or Braille. Please call 01274 434296

HOW TO COMMENT

Bradford Council welcomes your comments on this draft Equalities Impact Assessment.

Comments can be sent to the following freepost address:

Bradford Local Development Framework
FREEPOST NEA 11445
PO Box 1068
BRADFORD
BD1 1BR

Comments can also be:

- Emailed to ldf.consultation@bradford.gov.uk
- Faxed to 01274 433767
- Handed in to the Planning Offices at Jacobs Well, Bradford or the Town Halls in Ilkley, Keighley and Shipley.

Please head the letter, email or fax **Equalities Impact Assessment - Householder Supplementary Planning Document** and clearly set out your comments.

Please ensure that your comments arrive no later than **Monday 30th January 2012**

The document will be made available in different formats on request.

If you have any queries regarding this document, or the Local Development Framework, please do not hesitate to contact the Local Development Framework Group on (01274) 434296.



Planning Aid England (PAE) provides a free, independent and professional planning advice service to individuals and groups who cannot afford professional fees. The organisation may be able to assist groups and individuals who would like support and advice in order to get involved in this consultation process. Contact the PAE Community Outreach Coordinator for further information: Tel:- 0781 268 2797 or E-mail mike.dando@planningaid.rtpi.org.uk

Website: <http://www.rtpi.org.uk/planningaid> <http://www.planningaid.co.uk/>

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1.0 INTRODUCTION

- 1.1 The City of Bradford Metropolitan District Council is preparing a Householder Supplementary Planning Document (SPD) which will form part of the Local Development Framework (LDF) for the Bradford District.
- 1.2 The purpose of the Householder SPD is to provide clear and practical design guidance to supplement the Council's Development Plan, with the following key aims:
- Give homeowners and designers a clear basis for developing proposals, with some certainty that the final result is likely to be acceptable to the Council
 - Ensure that proposals are well designed and complement or enhance the character of the original property and the wider area
 - Protect the residential amenity of neighbours
 - Safeguard the natural environment, including trees and protected species
 - Prevent the creation of dangerous highway conditions
- 1.3 This draft Equalities Impact Assessment (EqIA) has been produced alongside the draft Householder SPD to assess the potential adverse impacts of the SPD on various equality groups. The assessment process will be ongoing throughout the life of the SPD through monitoring and reviewing the impacts of the SPD and where necessary seeking to mitigate against any unexpected adverse effects.
- 1.4 This document will set out how the needs of equality groups have been taken into account during the preparation and development of the draft Householder SPD. Its purpose is to thoroughly and systematically assess the likely implications of the proposed SPD on various equality groups once it is adopted. This enables the Local Planning Authority to identify direct and non-direct discrimination against equality groups and explore options for mitigating such impacts and improving the document.
- 1.5 This draft EqIA sits alongside the draft Householder SPD for public comment. Representations received at this stage will be taken into account and where appropriate or necessary, changes may be made to the final SPD to ensure that all equality groups positively benefit from the SPD. This EqIA will then be reviewed and re-published alongside the final adopted Householder SPD.

2.0 EQUALITY IMPACT ASSESSMENTS

- 2.1 The need to undertake an EqIA stems from a duty placed on local authorities by law to eliminate unlawful discrimination, promote equality of opportunity and promote good relations between people of different racial groups. The City of Bradford Metropolitan District Council is fully committed to ensuring that everyone has an equal opportunity to play an active and positive role in considering the planning issues which affect them and the District as a whole.
- 2.2 The production of an EqIA is a proactive approach which meets the aspirations of the Council's Equality and Diversity Strategy 2010–2013 and its statutory obligations under the Race Relations (Amendment) Act (2000), Disability Discrimination Act (2005) and Equality Act (2006) which can be summarised as:
- Eliminating unlawful discrimination in the provision of goods, facilities and services
 - Promoting equality of opportunity
 - Promoting good relations between different groups
- 2.3 These general duties are supplemented by specific duties to be undertaken by the Council, which include the need to monitor and review all functions and policies, both new and existing, to identify any adverse impacts and then to act on those results to ensure statutory obligations and the aspirations of the Council's Equality and Diversity Strategy are met.

Extent of the Equality Impact Assessment

- 2.4 It is the responsibility of the Council to ensure that the organisation does not discriminate in the way it provides services and employment and that it promotes equality, diversity and positive community relations across the equality stands listed below.
- 2.5 This draft EqIA ensures that equality issues are addressed from all angles in the preparation and development of the Householder SPD. This report highlights the equality and diversity considerations which have been discussed via a working group comprised of key officers within the Council. This supports the assessment process and could potentially pre-empt any adverse impacts on equality groups which may result from the content of policies within the SPD. It will also enable Bradford Council to review the document and consider alternative ways of achieving the same ends.
- 2.6 For the purpose of this assessment, the following equality groups have been identified:
- Age
 - Disability
 - Gender

- Gender reassignment
- Pregnancy & Maternity
- Religion & Faith
- Race
- Sexual Orientation

2.7 This report explores and recommends actions that, if adopted, will help Bradford Council to anticipate and address any negative consequences which may arise and identify opportunities for the ongoing promotion of equality within the District.

Overview of the Equality Impact Assessment Process

2.8 In undertaking the EqIA, the Council has followed guidance from the Improvement and Development Agency (I&DeA) for Local Government. The Council's Equality and Diversity section has also produced corporate guidance, which includes the pro-formers completed in sections 3 and 4. The EqIA methodology consists of the following six key stages as outlined in Table 1 below.

Table 1: Six Stages of an Equality Impact Assessment		
Stage	Process	Description
1	Initial Screening	This stage determines whether a full EqIA should be undertaken through the completion of a series of questions. If the work is deemed to potentially cause an adverse impact or discriminate against different groups within the community then an EqIA should be undertaken.
2	Scoping and Defining	This stage defines the scope of the assessment which will take place. It requires an understanding of what the activity is looking to achieve. A series of questions about the work will be answered at this stage.
3	Information Gathering	The assessment should be based upon up-to-date and reliable information which outlines the current state of the area which uses a variety of sources of information.
4	Making a Judgement	This is the most important element of an EqIA. Information gathered in the earlier stages is used to decide whether or not there is a potential for the policy, strategy, procedure or function to result in a less favourable outcome on any group within the community or unlawful discrimination of any kind.

5	Action Planning	The real value of completing an EqlA comes from the actions that will take place and the positive changes that will emerge through conducting the assessment.
6	Publication and Review	It is a legal requirement to publish the EqlA to allow the public to see that the Council is actively engaged and committed to challenging potential discrimination, as well as improving service delivery. Progress against the action plan should be reviewed bi-annually.

2.9 This report completes Stages 1, 2, 3, 4 and 5 of the process as outlined above. However, it should be noted that this report is not final and that it will be amended to reflect the comments of consultees, including equality groups, if necessary. Once it is finalised the EqlA of the Householder SPD will be reviewed and updated on a regular basis to identify any unexpected impacts.

3.0 INITIAL EQUALITY IMPACT ASSESSMENTS OF THE DRAFT HOUSEHOLDER SPD

Service Manager/Responsible Officer: Julian Jackson (AD Planning)	Date of initial screening: 22 September 2009	Contact Officer: William Cartwright	
Function/policy area to be assessed: <i>DRAFT HOUSEHOLDER SUPPLEMENTARY PLANNING DOCUMENT</i>		Is this existing or new function/policy?	New/ Replace ment
1. Describe the aims, objectives or purpose of the function/policy.	<p>The purpose of the Householder SPD is to provide clear and practical design guidance to supplement the Council's Development Plan, with the following key aims:</p> <ul style="list-style-type: none"> • Give homeowners and designers a clear basis for developing proposals, with some certainty that the final result is likely to be acceptable to the Council • Ensure that proposals are well designed and complement or enhance the character of the original property and the wider area • Protect the residential amenity of neighbours • Safeguard the natural environment, including trees and protected species • Prevent the creation of dangerous highway conditions 		

<p>2. When this function/policy was last reviewed?</p>	<p>The proposed Householder SPD will replace the existing House Extensions Policy and Dormer Windows Policy Supplementary Planning Guidance (SPG), with one single document.</p> <p>The House Extensions Policy was initially adopted in March 1994, revised in February 2000 and revised again in February 2003. The Dormer Windows Policy was initially adopted in November 1989 and revised in March 1994. Prior to their initial adoption and subsequent amendment(s), both documents underwent a formal period of public consultation, as detailed within the annex of each document. However, an EqIA was not a requirement at the time either of these documents were adopted and one has not been completed since.</p> <p>The new Householder SPD will form part of the emerging Local Development Framework (LDF) for the Bradford District. However, until the LDF is further advanced the SPD will supplement 'saved policies' contained within the Replacement Unitary Development Plan (RUDP) (2005), which is currently the statutory Development Plan for the Bradford District. The RUDP has undergone extensive public consultation and a public enquiry, however, it has not been subject to an EqIA.</p>
<p>3. Who monitors this function/policy?</p>	<p>To date, there has been no formal monitoring of either the House Extensions Policy SPG or the Dormer Windows Policy SPG. However, through their day-to-day use of the documents, Council officers have informally monitored the effectiveness of the documents on a continuous basis.</p> <p>The RUDP (2005) is monitored by the LDF Group that produces an Annual Monitoring Report (AMR) each year. However, the policies which the House Extensions Policy SPG and the Dormer Windows Policy SPG could be said to supplement, and the policies which the new Householder SPD will supplement, are not specifically monitored at the present time. At the time of writing, the proposals for the formal monitoring of the Householder</p>

	<p>SPD are yet to be finalised, however the Equalities Impact Assessment will be reviewed at least every three years.</p>
<p>4. Who is intended to benefit from this function/policy and in what way?</p>	<p>The overarching purpose of planning legislation and the planning system is to manage/ regulate the development and use of land in the public interest. In the case of house extensions, the Council is required to balance the needs/ desires of applicants with those of neighbours' and issues of wider public interest. By providing a Householder SPD, there are benefits to each of these groups, as outlined below.</p> <p><u>Applicants</u></p> <ul style="list-style-type: none"> • The SPD will give homeowners and designers a clear basis for developing proposals, with some certainty that the final result is likely to be acceptable to the Council. This should help to reduce the number of unacceptable householder planning applications received by the Council, thus preventing applicants and the Council from incurring avoidable costs and inconvenience. <p><u>Immediate neighbours'</u></p> <ul style="list-style-type: none"> • The SPD contains guidance which seeks to prevent unacceptable harm to the residential amenity of adjoining neighbours' by way of loss of privacy, loss of natural light and overbearing impact. <p><u>The wider public</u></p> <ul style="list-style-type: none"> • The SPD contains guidance which seeks to ensure that new development complements or enhances the visual character of the original property and the wider area. This should help to ensure that the wider public do not have to live, work or visit unattractive neighbourhoods, which have been harmed by visually insensitive householder developments. In addition, the document also contains guidance which seeks to

	prevent the creation of dangerous highway conditions and damage to the natural environment.							
<p>5. Are there any concerns that the function/policy could have differential impact in terms of equality? If yes please indicate for each what they are or could be?</p>	<p>Age</p> <p>No (N/A)</p>	<p>Disability</p> <p>Yes (High)</p>	<p>Gender</p> <p>No (N/A)</p>	<p>Race</p> <p>Yes (High)</p>	<p>Religion/ Belief</p> <p>Yes (Low)</p>	<p>Sexual Orientation</p> <p>No N/A</p>	<p>Gender Reassignment</p> <p>No (N/A)</p>	<p>Pregnancy and Maternity</p> <p>No (N/A)</p>
<p>6. Do your answers reveal there is potential adverse impact of this function/policy on any of the groups? If so, is this High (1), Medium (2) or Low (3). Briefly explain how.</p>	<p>Age</p> <p>Some members of the working group expressed concern that elderly persons were likely to find the requirements and processes involved in submitting a planning application particularly daunting and that this impact may be accentuated by the fact that they were more likely to have disabilities/ illnesses that necessitate the adaptation and/ or extension of their homes. However, following debate, it was agreed the provision of the new SPD would not necessarily make the process any more onerous and that issues of disability could be addressed adequately independently of age.</p> <p>Other members of the working group felt that growing families were more likely to require substantial extensions, which may be contrary to the SPD, and therefore they could be disproportionately affected. However, as families (in particular extended families) normally comprise individuals of varying age groups, it was not considered that it was possible to highlight a disproportional impact on any particular age group.</p> <p>In summary, it is not foreseen that the new SPD would have a significant disproportional impact on any</p>							

	<p>identifiable age group.</p> <hr/> <p>Disability</p> <p>In the opinion of the working group, there is potential for the Householder SPD to have a disproportionate impact on people with physical, sensory and/ or cognitive impairments, because:</p> <ul style="list-style-type: none"> • They are more likely to have housing needs which necessitate the substantial adaptation and/ or extension of their homes in a manner that may be contrary to the Householder SPD. • The lack of choice of current housing either in the public or private sector which is adaptable/suitable to meet their needs makes it difficult to move. • It is likely that they will be less able to withstand the mental health burdens, in particular the disruption to social infrastructure, associated with moving home. Therefore, in order to meet their housing needs, they may be more likely to extend/ alter their home, perhaps in a manner which would be contrary to the Householder SPD. • It is likely that they will be less able to withstand the physical burdens associated with moving house. Therefore, in order to meet their housing needs, they may be more likely to extend/ alter their home, perhaps in a manner which would be contrary to the Householder SPD. • Overall, the likely disproportionate impact was considered to be 'high'. <p>Regarding formats and availability of the Householder SPD:</p>
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	<ul style="list-style-type: none"> • To ensure that people with visual or learning disabilities can benefit from the document, it will be made available in large print and audio or brail. • To ensure that people with mobility constraints can benefit from the document it will be made available electronically via the internet and in hard copy via post upon request. • An easy read version will be made available on request
	<p>Gender</p> <p>The working group do not foresee that the SPD would be likely to have a disproportionate impact on persons because of their gender.</p>
	<p>Race</p> <p>In the opinion of the working group, there is potential for the Householder SPD to have a disproportionate impact on some BME communities, because:</p> <ul style="list-style-type: none"> • Evidence from the Council's <i>Housing Needs Assessment</i> (2008) shows that disadvantaged BME communities are much more likely to live in overcrowded housing. Therefore, in order to meet their housing needs, they may be more likely to want to substantially extend/ alter their home, perhaps in a manner which would be contrary to the Householder SPD. • Evidence from the Council's <i>Housing Needs Assessment</i> (2008) shows that disadvantaged BME

	<p>communities are much more likely to live in high density terraced housing, which due to limited space about buildings, is typically more difficult to substantially extend than semi-detached or detached house types. Therefore, in order to meet their housing needs, they are more likely to require a substantial house extension that may be contrary to the Householder SPD.</p> <ul style="list-style-type: none"> • There is some evidence which shows that individuals from BME communities are more likely to have disabilities/ illnesses. Therefore, in order to meet their housing and adaptation needs, they are more likely to require a substantial house extension/ alteration that may be contrary to the Householder SPD. • Overall, the likely disproportionate impact was considered to be 'high'. <p>Regarding alternative languages:</p> <ul style="list-style-type: none"> • To ensure that people who cannot read English are able to benefit from the document, the Council plans to make it available in alternative languages.
	<p>Religion/ Belief</p> <p>In the opinion of the working group, there is some potential for the Householder SPD to have a disproportionate impact on faith groups who frequently attend a place of worship or buy from specialised retailers because:</p> <ul style="list-style-type: none"> • They are more likely to be unwilling/ unable to move home, if there is no suitable and affordable housing within the immediate area as and moving home may compromise their access/ proximity to religious facilities. Therefore, in order to meet their housing needs, it is possible that some faith groups could be

	<p>more likely to require a substantial house extension/ alteration which could be contrary to the Householder SPD.</p> <ul style="list-style-type: none"> • The likely disproportionate impact was considered to be 'low'. 							
	<p>Sexual Orientation</p> <ul style="list-style-type: none"> • The working group do not foresee that the SPD would be likely to have a disproportionate impact on persons/ communities because of their sexuality. <p>Gender Reassignment</p> <ul style="list-style-type: none"> • The working group do not foresee that the SPD would be likely to have a disproportionate impact on persons/ communities because of their gender reassignment. <p>Pregnancy and Maternity</p> <ul style="list-style-type: none"> • The working group do not foresee that the SPD would be likely to have a disproportionate impact on persons/ communities because of their Pregnancy and maternity. 							
<p>7. Can this adverse impact be justified on the grounds of promoting equality for</p>	<p>Age</p>	<p>Disability</p>	<p>Gender</p>	<p>Race</p>	<p>Religion/ Belief</p>	<p>Sexual Orientation</p>	<p>Gender Reassignment</p>	<p>Pregnancy and Maternity</p>

<p>one group or any other reason?</p>	<p>N/A</p>	<p>See below</p>	<p>N/A</p>	<p>See below</p>	<p>See below</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>As explained in Section 4, the overarching purpose of planning legislation and the planning system is to manage/ regulate the development and use of land in the public interest. In the case of house extensions, the Council is required by law to balance the needs/ desires of applicants with those of neighbours' and issues of wider public interest. On this basis, the disproportional impact(s) which may arise due to planning legislation and planning policy may be justified but warrant further investigation.</p>								
<p>1. Summary Findings:</p> <p>The Householder SPD may have some potentially adverse and disproportionate impacts on equalities groups, which warrant further consideration via a full Equalities Impact Assessment. The most notable concerns regard the impact of the document upon:</p> <ul style="list-style-type: none"> • Individuals and their families who may want to construct extensions/ alterations to their homes because of a disability or illness • Members of BME communities who are more likely to both live in overcrowded housing and terraced properties which can be difficult to substantially extend <p>There are also notable but lesser concerns about possible impacts on religious faith groups who attend places of worship on a regular basis.</p>								
<p>9. Should this function/policy proceed to FULL IMPACT ASSESSMENT</p>	<p>YES</p>							

Assessor Signature: William Cartwright

Approved by: Julian Jackson

4.0 FULL EQUALITY IMPACT ASSESSMENTS OF THE DRAFT HOUSEHOLDER SPD

<p>Department/ Service Area: Planning Service</p>	<p>Name of function/ policy: <i>Draft Householder SPD</i></p>	<p>Officer responsible for impact assessment: William Cartwright</p>
<p>Informed summary of findings from initial impact assessment</p>	<p>The outcomes of the Initial Equalities Impact Assessment indicated that the Householder SPD may have some potentially adverse and disproportionate impacts on equalities groups, which warrant further consideration via a full Equalities Impact Assessment. The most notable concerns regard the impact of the document upon:</p> <ul style="list-style-type: none"> • Individuals and their families who may want to construct extensions/ alterations to their homes because of a disability or illness • Members of BME communities who are more likely to live in both overcrowded housing and terraced properties which can be difficult to substantially extend <p>There are also notable but lesser concerns about possible impacts on religious faith groups who attend places of worship on a regular basis.</p>	
<p>What data is available to confirm summary findings?</p>	<p>Disability <u>Summary of Research & Analysis</u></p> <p>Despite the concerns identified by the Initial Equalities Impact Assessment, following further research and analysis, the Local Planning Authority has uncovered no data or past experiences which suggest that the new Householder SPD is likely to have a disproportional impact on disabled persons.</p> <p style="text-align: center;">Draft Householder SPD</p> <p style="text-align: center;">Equalities Impact Assessment – December 2011</p> <p><u>Research and Analysis</u></p>	

Planning application fees (currently £150 for householder proposals) are not payable for home extensions and alterations if they are required to meet the needs of a disabled person. In the last financial year (2009-2010) the Local Planning Authority received 88 householder applications where fees were not required due to disability or where the word 'disabled' or 'disability' was included in the description. A breakdown of the outcomes is shown in the table below. Of these applications received, as of the 22 April 2010, 69 had been determined of which 62 (90%) were granted planning permission and 7 (10%) were refused planning permission. As the table below illustrates these outcomes compares favourably with that of householder proposals as a whole.

Outcome/ Status	Disabled Applications	All Householder Applications
Grant	62 (70%)	1186 (62%)
Pending Consideration/ Determination	12 (14%)	228 (12%)
Refused	7 (8%)	372 (20%)
Invalid / Returned	6 (7%)	75 (4%)
Withdrawn	1 (1%)	56 (3%)
Other	0 (0%)	3 (0%)
Total	88 (100%)	1920 (100%)

When planning applications for disabled persons are received, the Local Planning Authority has an existing protocol of consulting with the Councils Occupational Therapy Section. In many cases the disabled person(s) are known to the Occupational Therapy Section, particularly if the planning application is supported by a Disabled Facilities Grant. To help Planning Officers make their assessments of proposals submitted for disabled persons, the Occupational Therapy Section provide:

- Confirmation that the proposal is or is not necessary and whether it will or will not meet the needs of the disabled person
- Details of any alternative ways of meeting the needs of the disabled person, such as a scheme of internal adaptations,

which would not require planning permission

Where a proposal is essential to meet the needs of a disabled person and there is not an alternative or more reasonable solution the Occupational Therapy Section will express their support for a planning application. In the past financial year, the Local Planning Authority is not aware of having refused planning permission for any applications that were supported by Occupational Therapy.

For the purpose of this Equalities Impact Assessment the Occupational Therapy Section were also asked about their experiences of the Planning Service and about securing planning permission for proposals that meet the needs of a disabled person. In accordance with the understanding of the Planning Service, none of the Occupational Health Officers could recall a planning application having been refused which they had supported due to a genuine disability need. On the whole they “felt planning were supportive to disability needs and were helpful and flexible when considering applications”.

The amenity guidelines set out in the Draft Householder SPD are the same, more generous, or similar to those set out within the existing House Extensions Policy SPG. As the Local Planning Authority has uncovered no data or past experiences, which suggest that the current long standing House Extension Policy SPG and Dormer Windows Policy SPG have had a significant disproportional impact on disabled persons, there is no evidence to suggest that the new Householder SPD will have any foreseeable negative impacts upon this equality group.

Notwithstanding the above findings, in the following section consideration has been given to including specific policy and guidance for disabled persons.

Race

Summary of Research & Analysis

The Initial Equalities Impact Assessment highlighted concerns that the Draft Householder SPD was likely to have a disproportional impact on some of the Districts disadvantaged BME communities and individuals. However, further consideration has shown that the rationale behind the initial concerns was not robust.

Research & Analysis

The Council's *Housing Needs Assessment* (2008) and Office for National Statistics (ONS) data provide clear evidence that disadvantaged BME communities are much more likely to live in overcrowded housing and much more likely to live in high density terraced housing, when compared to the Districts population as a whole. There is also some evidence that suggests individuals from BME communities are more likely to have disabilities/ long-term illnesses. On this basis, officers who completed the Initial Equalities Impact Assessment were concerned that guidance contained within the Draft Householder SPD, which seeks to restrict the size of extension and dormer windows, could have a significant and disproportional impact on some of the Districts most vulnerable communities and individuals. However, further consideration has shown these initial concerns to be unfounded.

The **Council's Planning Department** does not **currently** collect information about the race or ethnicity of applicants. It is therefore not possible to gather accurate statistical data about the outcomes of planning applications submitted by persons from BME backgrounds to enable a comparison of their outcomes versus the Districts average. **The Council does have data on geographical area and knows which areas have a high proportion of people from BME communities.** Nevertheless, even if such a comparison were possible, it would be flawed because the results could not be directly attributed to the existing House Extensions SPG, Dormer Windows SPG or the race/ ethnicity of applicants.

The original house design, type, plot size, relationship with neighbouring properties and other site constraints are the primary factors which typically dictate the ability of a house to be substantially extended. Although of influence in the determination of householder

planning applications, the Householder SPD itself is not responsible for making some properties difficult to extend. One of the key aims of the document is to 'give homeowners and designers a clear basis for developing proposals, with some certainty that the final result is likely to be acceptable to the Council'. As such, it aims to help the public, including BME households, by providing practical advice on extending properties.

It is inequitable that a disproportionate number of the Districts BME households live in overcrowded housing, which can often be difficult to substantially extend. However, this inequality is not attributable to the existing House Extensions Policy SPG or Dormer Windows Policy SPG and will not be compounded by the adoption of the Householder SPD.

Notwithstanding the above, it is clearly desirable for the Householder SPD to maximise its positive impact, particularly for those who have the most acute housing needs. For this reason consideration is given to a number of options in the next section.

Belief/ Religion

Summary of Research & Analysis

The Initial Equalities Impact Assessment identified a potential for the Householder SPD to have a disproportionate impact on faith groups who frequently attend a place of worship or buy from specialised retailers. However, further consideration has shown these initial concerns to be unfounded.

Research & Analysis

The Initial Equalities Impact Assessment identified a potential for the Householder SPD to have a disproportionate impact on faith groups who frequently attend a place of worship or buy from specialised retailers. The rationale behind this was that such groups

may be more likely to be unwilling/ unable to move home, if there is no suitable and affordable housing within the immediate area as and moving home may compromise their access/ proximity to religious facilities. Consequently, in order to meet their housing needs, it was considered possible that some faith groups could be more likely to require a substantial house extension/ alteration which could be contrary to the Householder SPD.

To date the Council's Planning Department hasn't collected information about the religious beliefs of applicants. It is therefore not possible to gather accurate statistical data about the outcome of planning applications submitted by different faith groups. Nevertheless, even if a comparison were possible and it were identified that a particular faith group were receiving disproportionately less favourable outcomes, such results could not be directly attributed to the existing House Extensions SPG or Dormer Windows SPG. It is more likely that such results would indicate that members of a particular faith group were more likely to live in larger householder and perhaps also live in housing that is more challenging to substantially extend. For the reasons explained above, the fact that a property is difficult to extend is not primarily attributable to the existing House Extensions SPG and/ or Dormer Windows SPG and would not be compounded by their replacement with the Householder SPD.

<p>Options considered to alleviate the adverse impact or make improvements</p>	<p>Disability</p> <p>Although it is not foreseen that the Householder SPD would be likely to have any disproportional negative impacts upon disabled people, it is desirable for the Local Planning Authority to help meet their housing needs. For this reason options 1, 2 and 3, set out below, were considered. Options 1 and 2 were discounted for the reasons explained below but option 3 is to be implemented.</p> <p><u>Option 1: Include more relaxed policy and guidance specifically for disabled persons</u></p> <p>The Local Planning Authority is bound by law to determine planning applications in accordance with the Development Plan, unless other material considerations indicate otherwise. Many planning decisions are not clear cut. In the case of house extensions, the Council is often required to balance the needs or desires of individual applicants (e.g. a large extension to accommodate a disabled person or a growing family) with those of neighbours' (e.g. the safeguarding of reasonable daylight and outlook) and issues of wider public interest (e.g. the impact of a proposal on the character and appearance of the property and wider area).</p> <p>It is well established in planning law, policy and guidance that issues such as the impact upon neighbours amenity and the character and appearance of an area are material planning consideration to which significant weight is given when making planning decisions 'on balance'. However, it is also well established (rightly or wrongly) that only limited weight is normally given to the personal circumstances of an occupier. This is reflected by <i>The Planning System General Principles</i> (2005) which states in paragraph 21 that:</p> <p style="padding-left: 40px;">“... the personal circumstances of an occupier, personal hardship, or the difficulties of business which are of value to the local community, may be material to the consideration of a planning application. In such circumstances, a permission maybe made subject to a condition that is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations...”</p>
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Further guidance on the use of personal planning conditions is provided by *Circular 11/95 The use of Planning Conditions in Planning Permission*. Paragraph 93 states:

“Unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There are occasions, however, where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so. In such a case the permission should normally be made subject to a condition that it shall endure only for the benefit of a named person-usually the applicant... [Such a] condition will scarcely ever be justified in the case of a permission for the erection of a permanent building”.

In light of national guidance and legislation, it is considered that there is no scope for the LPA to consider the inclusion of specific guidance which would allow for more generous extensions and alterations where personal needs are considered to be a material consideration. It should be noted that the guidance within the SPD which seeks to restrict the size and design of house extensions and alterations does so because larger extensions are likely to have harmful impacts on the amenity of neighbours or issues of wider public interest. Nevertheless, where the specific characteristics of a site, wider area, or the design of a proposal mean that harm would not occur or would be very limited, the personal needs of families or individuals may justify relaxation of the guidance set out in the Householder SPD. The only pragmatic and workable way to deal with such applications is on a case by case basis. This is reflected by text contained within the introduction of the Householder SPD and an exceptions policy, which will allow extensions which are not in conformity with the Design Principles of the SPD if there are no other viable alternatives following consultations with Occupational Health. The Council acknowledges this is not the primary solution for overcoming the issue of housing stock being unsuitable for a number of disabled people. The main emphasis for establishing a strategic policy will be through promoting Life Time Home Standards through the Core Strategy DPD and Allocations DPD, in combination with strategic

policy and guidance produced by the Council's Housing Department.

Option 2: Do not adopt the Householder SPD

One of the Householder SPDs key objectives is to 'give homeowners and designers a clear basis for developing proposals, with some certainty that the final result is likely to be acceptable to the Council'. As such, it aims to provide practical advice on extending properties. In the absence of such guidance, decisions regarding householder planning applications would have to be determined on the basis of the Development Plan, national planning policy and other apparent material planning considerations alone. Such a situation is unlikely to be beneficial to disabled persons.

Option 3: Consult with Equality Groups

Consult with equality groups to seek their views and additional options for improving the final Householder SPD, Sustainability Appraisal Report and the EqIA.

Race

It is inequitable that a disproportionate number of the Districts BME households live in overcrowded housing, which can often be difficult to substantially extend. However, this inequality is not attributable to the existing House Extensions Policy SPG or Dormer Windows Policy SPG and will not be compounded by the adoption of the Householder SPD. Nevertheless, it is clearly desirable for the Householder SPD to maximise its positive impact, particularly for those who have the most acute housing needs. For this reason consideration is given to a number of options below. Options 1, 2 and 3 have been discounted for the reasons explained below. Option 4 has been implemented and option 5 is to be implemented.

Option 1: Positive Action

It could be argued that, in the interest of promoting equality, planning policy ought to include an element of 'positive action', thus allowing more generous extensions to dwellings in order to meet the housing needs of recognised equality groups. Such an approach has been discounted because it is likely to harm social cohesion and community relations, particularly in areas where families of various ethnicities face similar challenges in meeting the housing needs of their families. Furthermore, even if the Council wished to pursue such an approach, it is unlikely that it could be legitimately implemented by the Householder SPD as there is not a robust policy basis in national, regional or local planning policy.

Option 2: Include more relaxed policy and guidance specifically for identified overcrowded households

Consideration has been given to establishing an exceptions policy for overcrowded households. The policy would allow applicants (who have submitted documented evidence of overcrowding in their households and it is accepted by the Council's Planning and Housing Departments that this is the case) the freedom to build a larger than normally permitted extension under the design principles of the SPD. The policy would stipulate this would only be acceptable in exceptional circumstance and where there is no other viable alternative. The proposals would also be taken on a case by case basis, and thus not establishing any definitive guidance on sizes and what documented evidence would need to be submitted, allowing the case officer to be subjective when assessing each planning application relating to a supposed overcrowded household.

The Council acknowledges this is not the primary solution for overcoming the issue of overcrowded households in the District. The main emphasis for establishing a strategic policy will be delivery of new housing through the Core Strategy DPD and Allocations DPD, in combination with strategic policy and guidance produced by the Council's Housing Department.

The Council acknowledges the fact this may lead to increased overcrowding within a household, intensifying the overcrowding of neighbourhoods and adding extra strain on the local infrastructure and services. Taking this into account, the policy shall be closely monitored and amended / withdrawn if it is causing significant detrimental harm to the local community and it's residents.

Option 3: Do not adopt the Householder SPD

One of the Householder SPDs key objectives is to 'give homeowners and designers a clear basis for developing proposals, with some certainty that the final result is likely to be acceptable to the Council'. As such, it aims to provide practical advice on extending properties. In the absence of such guidance, decisions regarding householder planning applications would be determined on the basis of the Development Plan, national planning policy and other apparent material planning considerations alone. The experiences of officers prior to the adoption of the House Extension Policy SPG and Dormer Windows Policy SPG, suggest that such a situation would not be beneficial to applicants from BME backgrounds. Indeed, the lack of clarity and guidance is likely to, firstly, deter the Districts poorest BME families from applying for planning permission for fear that their money will be wasted on unsuccessful planning applications, and secondly, result in a higher proportion of refused planning applications which will unnecessarily cost applicants time and money.

Option 4: Include Additional Guidance on Joint Extensions

Neighbours can sometimes build extensions at the same time to provide mutual benefits. The main advantage is that two (or sometimes more) adjoining neighbours can often both build larger extensions than would otherwise be allowed. This is because building together can mitigate the impact that one neighbour would be likely to have on another if they were to construct a large extension alongside a shared boundary alone. Further advantages include the opportunity to reduce building costs and create a new purpose built party wall (instead of two external walls abutting each other).

The Draft Householder SPD has been revised to include additional guidance on extending with your neighbour. It is envisaged that this addition will be particularly beneficial to adjoining neighbours who both require large extensions to meet their housing needs. Such an approach would allow construction of two storey extensions to the rear of some terraced properties which would otherwise only be able to accommodate single storey extensions.

Option 5: Consult with Equality Groups

Consult with equality groups to seek their views and additional options for improving the final Householder SPD, Sustainability Appraisal Report and EqIA.

Belief/ Religion

It is not foreseen that the Householder SPD would be likely to have any disproportional negative impacts upon any particular faith group. Nevertheless, two options were considered to make improvements for faith groups. Option 1 has been discounted and option 2 is to be implemented.

Option 1: Do not adopt the Householder SPD

One of the Householder SPDs key objectives is to 'give homeowners and designers a clear basis for developing proposals, with some certainty that the final result is likely to be acceptable to the Council'. As such, it aims to provide practical advice on extending properties. In the absence of such guidance, decisions regarding householder planning applications would have to be determined on the basis of the Development Plan, national planning policy and other apparent material planning considerations alone. Such a situation is unlikely to be beneficial to any of the Districts faith groups.

Option 2: Consult with Equality Groups

Consult with equality groups to seek their views and additional options for improving the final Householder SPD, Sustainability Appraisal Report and EqIA.

<p>Proposed actions to alleviate the adverse impact or make improvements</p>	<p><u>Action 1: Include Additional Guidance on Joint Extensions</u></p> <p>Neighbours can sometimes build extensions at the same time to provide mutual benefits. The main advantage is that two (or sometimes more) adjoining neighbours can often both build larger extensions than would otherwise be allowed. This is because building together can mitigate the impact that one neighbour would be likely to have on another if they were to construct a large extension alongside a shared boundary alone. Further advantages include the opportunity to reduce building costs and create a new purpose built party wall (instead of two external walls abutting each other).</p> <p>The Draft Householder SPD has been revised to include additional guidance on extending with adjoining neighbours. It is envisaged that this addition will be particularly beneficial to adjoining neighbours who both require large extensions to meet their housing needs. Such an approach would allow for two storey extensions to the rear of terraced properties which would otherwise only be able to accommodate single storey extensions.</p> <p><u>Action 2: Consult with Equality Groups</u></p> <p>As part of the consultation process equality groups will be identified and invited to provide feedback regarding the Householder SPD, the Sustainability Appraisal Report and this EqIA. Careful consideration will be given to the views of equality groups, particularly if they disagree with the content and findings of this assessment and/ or they are able to identify additional options to make improvements. Following consultation a report setting out a summary of the comments receive, the Councils response to these comments, and the subsequent amendments made to each of the documents (if necessary) will be presented to Executive along with a revised Householder SPD. More information regarding consultation can be found in the Engagement Plan.</p> <p><u>Action 3: Include more relaxed policy and guidance specifically for identified overcrowded households</u></p>
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The Draft Householder SPD has been revised to include additional guidance on exceptions for applicants who have proven overcrowding within their household. The policy will allow applicants (who have submitted documented evidence of overcrowding in their households and it is accepted by the Council's Planning and Housing Departments that this is the case) the freedom to build a larger than normally permitted extension under the design principles of the SPD. The policy will stipulate this would only be acceptable in exceptional circumstance and where there is no other viable alternative. The proposals would also be taken on a case by case basis, and thus not establishing any definitive guidance on sizes and what documented evidence would need to be submitted, allowing the case officer to be subjective when assessing each planning application relating to a supposed overcrowded household.

The Council acknowledges this is not the primary solution for overcoming the issue of overcrowded households in the District. The main emphasis for establishing a strategic policy will be delivery of new housing through the Core Strategy DPD and Allocations DPD, in combination with strategic policy and guidance produced by the Council's Housing Department.

Action 4: Include more relaxed policy and guidance specifically for disabled persons

The Draft Householder SPD has been revised to include additional guidance on exceptions for applicants who need to provide an extension for a disabled person living in the household. This will allow extensions which are not in conformity with the Design Principles of the SPD if there are no other viable alternatives following consultations with Occupational Health. The Council acknowledges this is not the primary solution for overcoming the issue of housing stock being unsuitable for people with restricted mobility. The main emphasis for establishing a strategic policy will be through promoting Life Time Home Standards through the Core Strategy DPD and Allocations DPD, in combination with strategic policy and guidance produced by the Council's Housing Department.

<p>Is any internal/ external consultation required? If yes who and why?</p>	<p>Extensive internal and external consultation regarding the Draft Householder SPD, the Sustainability Appraisal Report and this Equalities Impact Assessment is required. Refer to the Engagement Plan for further details.</p>
<p>How will views be obtained?</p>	<p>Refer to the Engagement Plan for further details.</p>
<p>Name/ nature of individual/ groups consulted</p>	<p>Refer to the Engagement Plan for further details.</p>
<p>Are there any amendments required to the initial summary findings as a result of consultation? If so what?</p>	<p>To be completed following consultation.</p>
<p>Does the function/ policy need legal vetting? How will the results of the impact assessment be</p>	<p>The Householder SPD will be vetted by Legal and Democratic Services.</p> <p>Following consultation this Equalities Impact Assessment will be revised and published alongside the final Householder SPD.</p>

published?		
Assessor Signature: TO BE COMPLETED FOLLOWING CONSULTATION AND AMENDMENT		Approved by: TO BE COMPLETED FOLLOWING CONSULTATION AND AMENDMENT
Date of review:	TO BE COMPLETED FOLLOWING CONSULTATION AND AMENDMENT	
