# DELEGATED APPLICATIONS ASSESSMENT SHEET

**APPLICATION NO./ADDRESS:** WB/11/0196/FULL – 18A Marine Drive
**DATE OF SITE VISIT:** 13/04/11

**NEIGHBOURS CHECKED:** Y

**ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):** N

**SITE AND SURROUNDINGS:**

The application site is situated in an area characterised by detached residences set in good-sized plots, adjacent to the sea. Overall the character is relatively mature low-density suburban residential area.

The application property is one such property, with its brick walls painted cream. It has been extended in the past via an incongruous flat roof two-storey rear extension. The building has been converted into two self contained flats, ~~with~~ in a horizontal division.

**PROPOSAL:**

The development has been advertised as external staircase to the rear of property to serve first floor flat. (Re-submission of WB/10/0789/FULL)

Planning permission is sought for:

- Erection of metal staircase running from ground level to first floor with associated balustrade railings and insertion of panelled glazing and door to facilitate access to main building

**RELEVANT PLANNING HISTORY:**

WB/10/0789/FULL
External staircase to the rear of the property to serve first floor flat
Consent Refused 10-11-2010

**RELEVANT PLANNING POLICIES:**

**South East Plan**
CC1, CC6, BE1

**Worthing Core Strategy**
16

**Worthing Local Plan 2003**
H18, H16

**Government Advice**
PPS1

**REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:**

Letters of support from the neighbours of Nos. 16, 18, and 20 Marine Drive are included within the submission. However these neighbours have not written in as individuals on the application.

**PLANNING ASSESSMENT:**

Introduction

Contrary to what is stated in section 5 of the planning application the local planning authority advised against resubmission following an earlier refusal. Nonetheless, the applicant has chosen to do so.

Like previously, the principle planning issues with this proposal is its impact visually and upon neighbours.

In support of this proposal the applicant has stated the staircase is required for safe exit from his flat during a fire.

A Building Control officer from Worthing Borough Council Building Control department has inspected the building. At the time of his visit fire escape arrangements for the flats (18 and 18a) were inadequate.

However the provision of an external staircase is not the only option available to the applicant to make his flat fire safe. It is certainly not a necessity. Indeed it is wholly inadequate as a fire escape. This is because it would become impassable if a fire were to occur in the ground floor flat and burst through its rear facing windows. At the time of the inspection by Building Control those windows were not fire resistant. Because these windows relate to another property it is outside of the scope of any planning permission to be conditioned to that effect. Moreover there are alternative solutions to making the flat fire safe, including installation of fire proof doors and some internal alterations. In fact the Building Control officer believes such alterations would be far more cost-effective than the more expensive external staircase alternative.

The applicant then states his mobility is not always good. The local planning authority then questions the logic in proposing an arduous alternative entrance via a long staircase with many treads, which is open to the elements. Compare this to his presently comfortable internal entrance at the front. It is correct that access to flats 18 and 18a share a communal entrance at the front. But both flats are self contained, so there is no intrusion onto the occupier of flat 18 by his continued use of this entrance.

So having assessed the applicant's justification critically, his argument falls away. It is apparent the purpose of the staircase is to create a more desirable entrance/exit, which has the potential to be used as the principal means of access if the applicant so desires.

Visual

The staircase itself is reasonably lightweight. It is also set around the back of the property, so would not be conspicuously visible in the street. The new glazing is in proportion to the rest of the building's fenestration. So, on

balance, the design of the development is considered satisfactory, and the character and appearance of the street is not adversely impacted upon.

This would not be the case if the staircase where enclosed by screening in an attempt to reduce the impact upon neighbours. Such a solid structure would look incongruous with the design of the host dwelling and, as such, it would not be a satisfactory solution.

Neighbours

Unfortunately this development remains un-neighbourly. The intention is not to limit the use of staircase as a means of escape during the event of fire. Rather it would be used as a regular private entrance/exit for the first floor flat occupiers. This would be an alternative to the existing communal access available at the front.

*Overlooking and loss of privacy*

The height and position on the staircase at the rear ensures those using the staircase would have direct views into the private outdoor spaces of surrounding properties, including those of the ground floor flat and the neighbours to the rear (No. 4 Petworth Avenue and No.3 Chelwood Avenue). The ability of people when using the stairs to obtain intrusive views into neighbour's gardens is further enabled by its open design (there is no balcony screen to the development), and close proximity of the staircase to the rear boundaries. Further even when the staircase is unoccupied, there would be perceived loss of privacy as the new expanse of glazing to the dining room ensures activities within that room would be readily apparent to immediate neighbours. Furthermore, any "fall back" argument based on overlooking presently experienced by neighbours from the existing dining room window is diluted by the fact this window is high level in its design and, as such, only allows for much more restricted views onto neighbours. So the proposal would result in a materially accentuated degree of overlooking.

*Noise and disturbance*

The close proximity of a first floor bedroom window of the dwelling to the east and the windows of the ground floor flat below facing out onto their own garden, ensures noise from the use of the staircase would, although dissipated to some extent in the open air, still likely carry into the private spaces of these rooms, to the detriment of the amenities of those occupying them. Further the comings and goings from use of the staircase would generate noise and activity that would be readily experienced by neighbours when out in their gardens. Such impacts are compounded by the choice of the material for the staircase and its associate platform (metal) due to the vibrations and noise arising from activities on it. No sound dampeners are suggested to be used.

Further, the location of the seating platform coming directly off from the dining room and its size would encourage people to occupy and use the seating platform for various activities (potentially noisy and intrusive) including seating out, eating and drinking, entertaining, and socialising. All these activities would generate disturbance onto the neighbour by way of noise.

*Overshadowing and loss of outlook*

The ground floor flat is served by a kitchen window that would sit directly underneath the proposed staircase. Although constructed of open wrought iron, there would be a material reduction in the level of daylight and sunlight entering that kitchen window, to the detriment of the amenities of the occupier of that flat. Moreover, the presence of the staircase structure would result in a severe curtailing of outlook from this window in an easterly direction. Again, this would be detrimental to the occupier's amenities.

Both these outcomes would be accentuated further still if the staircase were to be enclosed by a screen in an attempt to reduce overlooking arising onto neighbours.

Conclusion

Unfortunately this proposal has not resolved the reasons for refusal set out in the previously declined application. There has been no material change in site circumstance since the previous refusal.

So, for the reasons previously detailed the development would have an unacceptable impact upon the residential amenities of certain neighbours by way of unacceptable overlooking and intrusive loss of privacy, adverse noise and disturbance, and unacceptable overshadowing and loss of outlook.

For these reasons this proposal cannot be supported, and permission should, again, be declined.

**RECOMMENDATION:**

Refuse for the following reasons:

The location of the staircase to the rear of the host dwelling and coming off from the dining room of the first floor flat would encourage its use to an extent as to result in unacceptable visual intrusion, loss of privacy, adverse overlooking, and adverse noise and disturbance onto the outdoor private amenity spaces of neighbouring properties, and so would result in adverse impact upon the residential amenities of the occupiers of those properties, in conflict with the Saved Worthing Local Plan Policies H16 and H18 as well as allied Worthing Borough Council Supplementary Planning Guidance for Extending and Altering Homes.

The proximity and position of the metal mesh staircase in relation to the kitchen window of the ground floor flat would result in unacceptable loss of daylight and sunlight entering that room and a severe curtailing of outlook from the same, and so would result in adverse impact upon the residential amenities of the occupiers of that property in conflict with the Saved Worthing Local Plan Policies H16 and H18 as well as allied Worthing Borough Council Supplementary Planning Guidance for Extending and Altering Homes.

**REASONS FOR RECOMMENDATION:**

The proposal conflicts with relevant Saved Worthing Local Planning Policies, together with allied Worthing Borough Council Supplementary Planning Guidance 'Extending or Altering Your Home'

**HUMAN RIGHTS:**

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if refused, would have some impact on the applicant's Rights. However, it is considered that the harm caused by the development outweighs these and that in the public interest the application should be refused. Accordingly it is considered that this decision complies with the Human Rights Act 1998, with regard to Article 8 and Article 1

**IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?**

Yes

**DELEGATED**

Case Officer
Sign..... [redacted] .....Date.....14/6/11.....

Authorising Officer
Sign..... [redacted] .....Date.....15/6/11.....