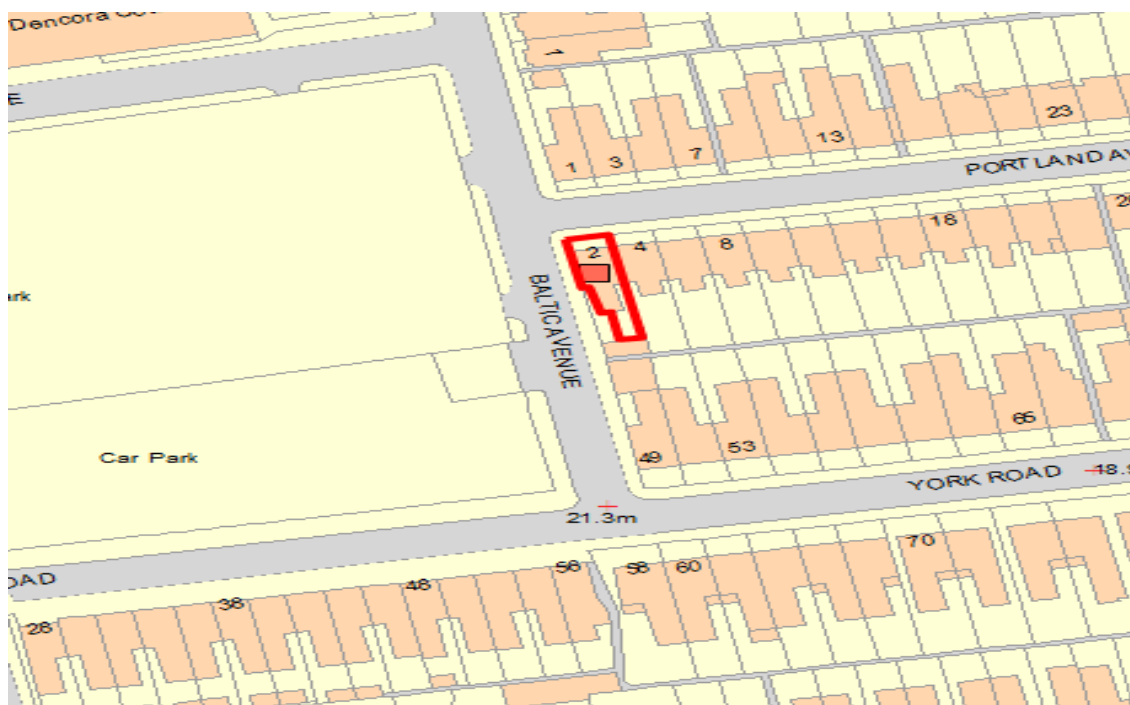


Reference:	17/02009/FUL	
Ward:	Milton	
Proposal:	Replace existing external staircase (Partially retrospective)	
Address:	2A Portland Avenue Southend-On-Sea Essex SS1 2DD	
Applicant:	Mr William Price	
Agent:	Tony Merry	
Consultation Expiry:	29.01.2018	
Target Date:	09.02.2018	
EOT Expiry Date:	09.03.2018	
Case Officer:	Robert Lilburn	
Plan Nos:	91336 01, 91336 02 revision C, 91336 03	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought retrospectively (in part) to erect a wooden staircase with landing from the rear door of a first floor flat, leading from an external yard space.
- 1.2 The application has been submitted following a planning enforcement investigation into the staircase and associated landing at the site, which has been built to replace an earlier stair and landing.
- 1.3 The submitted plans show that the stairs are the same external dimensions as those replaced, at 0.9m in width, and that the platform measures approximately 1.675m in rearward extent as per the former platform.
- 1.4 The scheme differs from the former arrangement by the addition of an approximately 0.5m sideward projection of the platform towards the common boundary with nos.4 and 4A Portland Avenue. The resulting width of the platform is approximately 1.4m, compared with the earlier width of 0.9m.
- 1.5 Photographs have been submitted which show that the former stair which the current stair has been built to replace appeared to be in an advanced state of decay.
- 1.6 The applicant has revised the submitted plans to address neighbour concerns. The first revision is to incorporate an additional proposed balustrade along the line of the edge of the former platform.
- 1.7 The anticipated effect of this would be to reduce the useable extent of the platform on which people can stand, and to reduce the potential for disturbance and intrusion to neighbouring occupiers over and above the former situation.
- 1.8 In addition a 1.7m high privacy screen would be installed along the outer edge of the platform. The anticipated effect of this would be to reduce the potential for intrusion to neighbouring occupiers over and above the former situation, and to deter the use of the platform as a balcony.

2 Site and Surroundings

- 2.1 Portland Avenue is residential in character, characterised primarily by two storey terraced dwellings with small front gardens and modestly-sized rear gardens.
- 2.2 The application site is a two storey end of terrace building, which comprises two flats. It is finished externally in white painted render and concrete roof tiles. The property has a flat-roofed, two-storey rear outrigger measuring approximately 6m in depth.
- 2.3 The adjoining property comprising nos.4 and 4a Portland Avenue is a mid-terrace building, which has also been divided into flats, with a single-storey rear outrigger. It includes a box dormer on the rear, providing additional living accommodation in the roof space.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development, design and impact on the character of the area and impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework, Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Southend Central Area Action Plan (SCAAP) (2016) (submitted version)

- 4.1 The dwelling is located within a residential area. The SCAAP seeks to deliver housing development in the Central Area in a mix of housing types and sizes. The proposal would not conflict with the spatial policies of the development plan or emerging SCAAP. An extension or alteration to the property in association with the living accommodation is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.2 Paragraph 56 of the National Planning Policy Framework states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.3 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.4 Policy DM3 of the Development Management Document states that alterations and additions to a building will be expected to make a positive contribution to the character of the original building.
- 4.5 Policy KP2 of Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.

- 4.6 The wooden staircase appears to have been constructed in the same position as an earlier stair, and appears to have re-used at least two of the pre-existing wooden platform supports. This conclusion is reached having regard to the relatively weathered appearance of the posts and photographs of the former stair.
- 4.7 The stair has been designed with a landing platform at the top, which projects to the side approximately 0.5m eastwards from the outer edge of the stair towards the common boundary with the flats at nos.4 and 4a Portland Avenue. The projecting element of the platform is further supported by a pair of angled wooden supports attached to the main platform support posts.
- 4.8 The stair and platform is consistent with the former arrangement in size, scale and general character, with the exception of the side projection. It has a functional design for the purposes of access and egress from the established door at the back of the first floor flat.
- 4.9 The stair is visible within the rear garden scene behind the property, but is not a feature of the street scene. It is built along the inside of the two-storey rear outrigger and as such is not especially prominent in the general scene.
- 4.10 The projection of the platform to the side ensures that the balustrade does not cut across the rear first floor window at the application site. This may be regarded as a positive aspect of the design, maintaining the integrity of original architectural features. The angled supports are relatively low profile and are considered to not have a significant visual impact.
- 4.11 It is considered that the scale and character of the stair and platform satisfactorily respect the established characteristics of the site and surroundings, and the proposal is therefore consistent with the objectives of the above-mentioned policies and guidance with reference to the character, appearance and visual amenities of the property and the immediate surroundings.

Impact on Residential Amenity:

National Planning Policy Framework; Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3; Design & Townscape Guide (2009)

- 4.12 Paragraph 17 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.13 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”* Policy DM3 of the Development Management Document seeks to avoid over-intensification and to resist a detrimental impact on the living conditions of existing, future and neighbouring residents.
- 4.14 Paragraph 343 of the Design and Townscape Guide states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”*.

- 4.15 Paragraph 364 of the Design and Townscape Guide states that with regard to balconies, *“Obscure screens may be used to prevent overlooking but these should not be at the expense of good design”*.
- 4.16 The proximity of the platform to the kitchen window of the neighbouring flat at no.4a Portland Avenue is noted. It appears that the platform has been extended by approximately 0.5m towards the common boundary with the flats at nos.4 and 4a Portland Avenue, compared with the previous arrangement.
- 4.17 It is considered reasonable that the previous stair and platform be replaced, and it is noted that these existed with no apparent restriction on their use. It is possible that occupiers of the property could sit on the steps or platform for any purpose for any length of time, however in practice this may have been discouraged by the width.
- 4.18 The additional 0.5m projection appears to allow for a person or persons to stand on the platform, while the door can be opened and closed. This appears to have encouraged occupiers to dwell on the platform, and given the close proximity to the neighbouring flats at nos.4 and 4a Portland Avenue has had a consequential impact on the neighbouring occupiers in terms of noise disturbance, and actual or perceived loss of privacy.
- 4.19 It is acknowledged that occupiers could have used the former stair or landing for uses other than access and egress, such as smoking. It appears however that the larger platform has facilitated an increased frequency and duration of such uses, more akin to a balcony.
- 4.20 In order to address this, the applicant has proposed the installation of an additional balustrade within the platform, to separate off the extended platform area, thus restricting the platform to a similar dimension to the previous established arrangement. This is considered a reasonable approach and would effectively return the scheme to the established arrangement in terms of the size of the platform on which people can stand. It is considered that on this basis it would not be materially worse in terms of how it facilitates ‘social’ uses and dwell times, and the degree of visual intrusion.
- 4.21 While the partitioned arrangement could still allow objects to be placed on the platform, it is considered that this is not materially worse than the former arrangement in so far as objects could always have been placed on part of the platform or balustrade. In the event of approval a condition could be attached requiring the installation of the partitioning balustrade within a prescribed timescale.
- 4.22 The applicant has also proposed the installation of a 1.7m high privacy screen along the edge of the platform close to the common boundary with nos.4 and 4a Portland Avenue. It is considered that this would be likely to further discourage the use of the platform, including the partitioned area, for smoking and social purposes, while reducing the potential for associated visual intrusion to the neighbouring kitchen window at no.4a Portland Avenue and loss of privacy the outrigger and rear yard of the lower flat.

- 4.23 While the privacy screen would be evident from within the kitchen at no.4a, it would not significantly harm the outlook given the existing backdrop of the two-storey outrigger. At 1.7m in height and 1.7m in rear extent it is considered that it would not be unduly overbearing, and would not have a significant effect in terms of daylight or shadowing to no.4a.
- 4.24 The replacement platform projects 0.5m closer to the common boundary with nos.4 and 4a Portland Avenue and as such has a greater visual impact than the former arrangement, when viewed from the ground floor. In light of the short rearward length of the platform at 1675mm, and its situation in the context of the two storey extension, it is considered that the effect on the lower flat in terms of daylight, shadowing, outlook, sense of enclosure, visual impact and actual or perceived loss of privacy is not materially worse than the former arrangement. This consideration includes any impact of the proposed privacy screen and other changes from the previous structure. As such it is considered that a refusal of planning permission on this basis would not be warranted.
- 4.25 No judgement is made as part of this application as to whether the arrangement meets the requirements of other regulatory frameworks, such as Building Regulations.
- 4.26 It is considered that subject to an appropriately worded condition requiring the installation and retention of a partitioning balustrade and privacy screen, the concerns relating to the amenity impacts of the stair and platform can be overcome to a reasonable degree. The development would therefore be capable of maintaining neighbour amenities in accordance with the above noted policies and guidance. The application is found to be acceptable and policy compliant in terms of its impact on neighbouring occupiers' amenities in all relevant regards.

5 Conclusion

- 5.1 Having taking all material planning considerations into account, it is found that the development is acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of altering the building is acceptable; the design is appropriately consistent and sympathetic to the character of the original building, thus protecting the visual amenities of the wider area while allowing for reasonable access to the property. On balance, subject to planning conditions, the stair and platform can sufficiently protect the privacy of neighbouring occupiers.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)

6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

7.1 Eight neighbours were notified and nine representations have been received from two neighbours, as follows:

- Overlooking from the stair to the bedroom window below at 4 Portland Avenue;
- Loss of light to the bedroom window and general harm to neighbour amenity;
- Cigarette smoke from occupiers smoking on the stair is abhorrent and harmful to neighbours' health;
- Occupiers smoking on the stair throwing ash and cigarette ends into neighbour's garden;
- Occupiers congregating on the platform causing noise and disturbance to neighbouring occupiers until the early hours;
- Storage of car parts below the stair and attracting vermin from other storage;
- Storage of refuse and antisocial use of platform;
- Loss of privacy and intrusion of smoke, odours and noise due to proximity to neighbouring dwellings;
- Question legality and positioning of structure.

[Officer comment: As the stair and platform replace an established stair in the same position, the use of which was not restricted, it is considered that the effects of the stair and platform are not materially worse than the previous arrangement and therefore would not warrant a refusal of planning permission, subject to installation of the partitioning balustrade and the privacy screen. The placing of objects including car parts under the stair appears to be incidental to the domestic occupation of the property, however should a material change of use be identified this would be investigated accordingly from a planning enforcement point of view].

The above concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

8 Relevant Planning History

8.1 91/0294: Convert dwellinghouse into two self contained flats, erect pitched roof double garage at rear and widen vehicular access onto Baltic Avenue. Granted.

88/0739: Use dwellinghouse as guest house lay out parking and form new vehicular access. Granted.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 91336 01, 91336 02 revision C, 91336 03.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03 The proposed additional balustrade, planter and screen shown on approved plan 91336 02 revision C shall be installed in full, in accordance with the approved plan within eight weeks of the date of the grant of this permission, and shall be retained in perpetuity thereafter as such.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015), and guidance contained within the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

10 Informatives:

- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**
- 2 For the avoidance of doubt should this development not be implemented in full accordance with the terms of this consent the Local Planning Authority will need to consider whether or not it is appropriate to take enforcement action against the current structure.**