



**REPORT of
CHIEF EXECUTIVE**

to
CENTRAL AREA PLANNING COMMITTEE
26 JULY 2017

Application Number	FUL/MAL/17/00372
Location	26 Washington Road Maldon Essex CM9 6BL
Proposal	Replacement staircase
Applicant	Mrs Kathleen Evans
Agent	-
Target Decision Date	22.06.2017 Extension of Time: 27.07.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

26 Washington Road, Maldon
FUL/MAL/17/00372



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Scale:	1:750
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee 17/00372
Date:	13/07/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Washington Road, in an urban area, within the settlement boundary of Maldon. The building is one half of a pair of semi-detached properties but it has been converted into two residential units. To the rear of the property there is a single storey flat roof extension which is used as a balcony by the users of the upper floor residential unit. A staircase gives access from the garden to the balcony and vice versa.
- 3.1.2 Planning permission is sought for a proposed replacement staircase with associated balustrade to allow access from the garden to the middle of the existing balcony and replacement balustrade around the balcony. The proposed staircase will extend 2.9m to the rear of the building and elevate up to 2.6m above ground level. It has to be noted that the existing staircase which allows access from the side of the balcony is unauthorised and the original “L”-shaped timber staircase was deemed unsafe and subsequently was removed. The balustrade on the staircase and the balcony would be made of galvanized steel.

3.2 Conclusion

- 3.2.1 The proposal is considered to be acceptable and in line with local and national policies as the harm identified by the rudimentary design is outweighed by the lesser overlooking which would be caused by the layout of the staircase.

4. MAIN RELEVANT POLICIES

Members’ attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 - Presumption in favour of sustainable development
- 17 - Core Planning Principles
- 56-68 - Requiring Good Design

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 - Design of Development and Landscaping
- BE6 - Extensions to Dwellings

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- H4 - Effective Use of Land
- D1 - Design Quality and Built Environment

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

- Car Parking Standards
- Essex Design Guide

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal is for alterations to existing residential units. The principle for development of this nature is considered acceptable in accordance with policies BE6 of the adopted Replacement Local Plan (RLP) and H4 of the emerging Local Development Plan (LDP). Furthermore, it has to be noted that there has been a balcony with an associated staircase access on site at least since 2006. Hence, the principle of a staircase on the site is already established. Other material planning considerations are discussed in the following sections of the report.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 The design of the proposed external staircase is utilitarian, rudimentary and of limited architectural merit. However, it must be noted that a stairway existed on site previously. In any case, views of the development would be obscured by the existing built form in the locality and as such it is not considered that the proposal would be visually intrusive or detrimentally harmful upon the character and appearance of the area to such a degree as to warrant the refusal of the application. With regard to materials, it is proposed the development to be constructed with galvanized steel. This material would appear out of place in the locality but would offer other benefits in terms of safety and durability when compared to timber used at the construction of the original staircase.
- 5.2.4 Overall, it is considered that although the proposed design and use of materials would be unsympathetic to the character and appearance of the site and the area, the identified harm would be limited and would not warrant the refusal of the application.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking,

overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.

- 5.3.2 The existing and the previous arrangements required the user of the staircase to turn and look towards the neighbouring properties. The proposed staircase would give access to the balcony without requiring the users to turn their view away from the site. Hence, it is considered that the proposed development would represent an improvement to the impact upon the amenity of the neighbouring occupiers when compared to the existing and the original arrangements. In terms of overpowering, the proposal would be located away from the neighbouring property at No.28 while the existing staircase abuts the boundary of the site. In terms of overlooking, a straight stair will give rise to overlooking at a lesser degree than the original “L”-shaped staircase.
- 5.3.3 The proposal includes the replacement of the balustrade around the balcony. Given the lack of evidence, it is not clear whether there has always been balustrade around the balcony previously. However, the use of the flat roof above the single-storey, rear extension as an amenity area is evident since at least 2006 as it can be demonstrated by aerial photographs of that time. Therefore, the replacement of the balustrade is not considered to give rise to any additional harm upon the amenity of neighbouring occupiers.
- 5.3.4 It is noted that neighbouring occupiers have raised concerns about the proposal. However, the main issue appears to be the use of the balcony as amenity space. The balcony has been used for these purposes since at least 2006 as it can be evidenced by aerial photographs from that time. Also, the use of the balcony is not part of this application. Another point raised by local residents is that the original staircase was not used for a period of time because it was deemed unsafe. It has to be noted that the original staircase which was causing more harm than the proposal could have been repaired without the need for a planning permission.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy BE6 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with alterations and/or additions to dwellings. Likewise, policy D1 of the submission LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council’s adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The proposal would not affect the access or parking arrangements of the site. On this basis there are no objections to the applications in terms of access, parking or highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with one or two bedrooms is 50sq m.

- 5.5.2 The proposed development would not materially affect the private amenity space, which is already in excess of the standard required by policy, or the landscape of the residential units. Therefore, there is no objection to the proposal in relation to amenity space or landscaping.

6. ANY RELEVANT SITE HISTORY

- 6.1 No relevant planning history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object - unreasonable degree of overlooking and loss of privacy to the occupiers of adjacent properties.	See section 5.3 of the report

7.2 Representations received from Interested Parties

- 7.2.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Mr & Mrs Ingvarsson - 28 Washington Road Maldon Essex CM9 6BL
- Mrs Walker - 30 Washington Road Maldon Essex CM9 6BL

Objection Comment	Officer Response
No letter to notify of the application.	Letters are sent only to occupiers of adjoining properties.
No site notice to notify of the application.	A site notice has been displayed on 24 May 2017
The balcony is a large structure highly visible.	See section 5.3 of the report
The balcony is overlooking neighbouring gardens resulting to loss of privacy and impairment.	See section 5.3 of the report
The users of the balcony are causing nuisance which was not present before.	See section 5.3 of the report
The gardens on Washington road enjoy a large, green, leafy outlook. A metal staircase and balcony would be visually out of character. There are no other houses with balconies.	See section 5.2 of the report
The maisonette has an independent external entrance at ground floor level similar to a dwelling house, which makes	See section 5.1 of the report

Objection Comment	Officer Response
the requirement of an external staircase for safety reasons invalid.	

8. **PROPOSED CONDITIONS**

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: In order to ensure that the development is carried out in accordance with the approved details.
3. The development hereby approved shall be constructed of materials and finish as detailed within the application form.
REASON: To minimise the harm upon the character and appearance of the area in accordance with policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.