
Appeal Decision

Site visit made on 13 August 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/B4215/W/19/3224809

467, Princess Road, Manchester M20 1BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss A Lu against the decision of Manchester City Council.
 - The application Ref 122075/FO/2018, dated 16 November 2018, was refused by notice dated 26 February 2019.
 - The development proposed is to install a fire escape staircase.
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Decision

1. The appeal is allowed, and planning permission is granted to install a fire escape staircase at 467, Princess Road, Manchester M20 1BH in accordance with the terms of the application, ref 122075/FO/2018 dated 16 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings and documents:

Fire Escape staircase location plan, site plan dated 25.10.2018 and stamped received on 10th December 2018.

Drawings titled Stair Floor Plan and Staircase Elevation stamped received on 10th December 2018.
 - 3) Prior to the commencement of the development and notwithstanding the details shown on the approved plans details of the external finishes of the fire escape stairs and details of the fire escape door, which shall be openable from the inside only, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority before the staircase is brought into use and thereafter maintained.

Procedural Matters

2. The appellant in final comments proposed the relocation of the staircase to a new position. No new plans have been submitted although an image in the final comments document shows the new location. Without a drawing I am unable to consider the new proposals. Further, the Council and any interested parties would need to be provided with the opportunity to comment on alternative

plans. Without the opportunity to comment it is possible that the interests of parties would be prejudiced¹. I have therefore determined the appeal based on the original plans.

Main Issue

3. The effect of the development on the personal safety of its users.

Reasons

4. The appeal property comprises a shop unit with residential accommodation above, located in the middle of a row of shops in an otherwise predominantly residential area. During my site visit I noted that the ground floor shop is currently vacant.
5. The shop's rear yard is enclosed by relatively high walls and is dominated by the location of an existing outbuilding so that entrance in to the rear area is narrow and secluded. The approach to the yard is enclosed, lacks lighting and has poor natural surveillance. I agree that as a main entrance to residential accommodation the use of a staircase that is approached via the rear of the building would not provide adequate measures to ensure the personal safety of its users.
6. However, I am mindful that the staircase is required for fire safety, when the need to exit the building would be paramount. A planning condition would prevent the use of the fire escape route as a main entrance by requiring details of the fire escape door. This door should be designed to be openable from the inside only thus preventing its inappropriate use as a main entrance to the flats. I am satisfied that an appropriately worded condition would meet the tests for applying conditions set out in the National Planning Policy Framework.
7. The Council do not raise any concerns about the design of the external staircase, and I see no reason to disagree.
8. Consequently, I conclude that the proposed fire escape subject to conditions would comply with the requirements of Policy DM1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document adopted 11 July 2012 and the National Planning Policy Framework which require that development creates safe and accessible places.

Conditions

9. Conditions should be imposed to list the plans in the interests of certainty and to ensure the occupants of the flats are not left vulnerable to crime and antisocial behaviour. Details of the staircase materials are required in the interests of the appearance of the area. The materials are required pre-commencement, to which the appellant has agreed, to allow proper sequencing of the development. The design of the fire escape door is necessary to prevent the staircase being used as a main entrance to the building.

Conclusion

¹ Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

10. For the reasons set out above, and having considered all matters raised, the appeal should be allowed.

Diane Cragg

INSPECTOR