

Supplementary Evidence (SE1)

Document Overview

This document has been prepared to provide Supplementary Evidence relating to the proposed installation of a first floor emergency exit door and an external emergency escape staircase to the rear of Baldock Methodist Church, as part of the proposal to remodel and refurbish the church.

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Appended to Supplementary Evidence (SE1) - *copy of Appeal Decision for Harood Bashir versus Walsall Metropolitan Borough Council (2020)*

1. Introduction

As part of the proposed remodelling and refurbishment of Baldock Methodist Church, a first floor emergency escape door and external emergency escape staircase (*hereafter* “staircase”) are proposed to the rear of the church building.

In response to the Neighbour Notification and subsequent consultation, objections have been received from the adjacent residential property located to the rear of the church and a residential property further away. The substance of the objections is overlooking and loss of privacy from the proposed staircase.

This document sets out the Applicant’s case for why the proposed staircase would not cause sustained or material overlooking and loss of privacy to neighbouring properties and may therefore be considered acceptable.

2. The essential need for an external emergency escape staircase

The planning application has established the essential need for the staircase to the rear of the church building.

The proposed staircase is a critical piece of life safety apparatus required to meet building regulations and no other viable options exist to provide this within the envelope of the building.

The Design and Access Statement confirms *“The proposed external fire escape staircase and associated external fire exit are required to provide safe and compliant emergency egress from the first floor accommodation. The external solution represents the only viable option for achieving a safe evacuation route in a way which wouldn’t render the configurations of the first floor and ground floor inadequate and unable to provide for the main essential needs of Baldock Baptist Church, as set out in the Statement of Need. The alternative option – to provide an internal enclosed fire escape staircase – would result in the loss of a Sunday School classroom on the ground floor as well as cause significant harm to the front view of the worship sanctuary by virtue of the presence of a substantial “box” feature. The church’s Sunday School currently consists of five separate classes. In addition, a group for adults runs concurrently. The presently proposed configuration of the ground floor would provide two classrooms plus teaching spaces for a further three classes in the hall (shown on the ground floor indicative furniture layout). It is acknowledged even this configuration is tight for the church’s needs and the loss of one of the classrooms would mean the building would be inadequate for the church’s needs. Therefore an external first floor fire exit and external fire escape staircase are an essential part of the proposal.”*

The Statement of Need further affirms *“It must be stressed that the existing internal configuration and condition of BMC is unable to provide for the essential requirements of Baldock Baptist Church, and unless permission is granted for the proposed works, the church will at some point be most likely to dispose of the property and seek an alternative.”*

3. Design Proposals

Both the first floor emergency escape door and the staircase are proposed to be a brick red colour, to match the rear elevation of the church as far as possible, thus reducing the visual impact of the proposed interventions to a minimum. Views of the church’s rear elevation from public vantage points are extremely limited and the elevation is distinctly untidy in appearance; being constructed of a non-facing brick and still bearing traces of the former adjoining roof pitches from the now demolished church hall.

The proposed staircase and balustrade do not interrupt the lines of direct daylight to windows in the adjacent residential property to the rear of the church, as demonstrated by drawing *MP-BMC-ZZ-DR-A-070 (Proximity Relationship to 11 Aldridge Court – proposed escape stair)*. In addition, both the proposed staircase and platform area at the top of the stair do not directly align with any first floor window positions in the adjacent residential property to the rear of the church.

The applicant is willing to alarm the proposed first floor emergency escape door to prevent it being opened other than in an emergency and to provide a replacement secure gate to the front of the passageway which runs along the side of the church. This would be kept locked at all times when the church is unoccupied and would prevent unwanted access to the side and rear of the church, including access to the proposed staircase. The present dilapidated gate has no lock.

4. Relevant Planning Appeal Decision

In *Harood Bashir versus Walsall Metropolitan Borough Council (2020)* (Appeal Reference: APP/V4630/W/20/3246283), the inspector allowed the appeal for a first floor extension to an existing factory, located to the rear of a row of Victorian terraced properties. The extension included the provision of an external emergency escape staircase from the first floor.

The appeal decision states: *"The main issues are: The effect of the proposed development upon the living conditions of surrounding residents, in particular overlooking from the proposed open metal staircase and noise from the development..."*

"A new external fire escape staircase would be provided to the rear. The primary means of access to the extended 1st floor workshop would remain as existing. On this basis, the proposed external staircase would only be used as a means of escape in times of emergency, or when employees are required to practice evacuation drills. During these times, when staff would be exiting the 1st floor, there would be potential for overlooking of the neighbouring properties in Richmond Street and Bernard Street. This would, however, be only for a very short period of time and would occur very infrequently. To prevent any informal use of the staircase and to ensure it is only used for this purpose, a suitably worded condition could be attached to any planning permission to restrict the use of the staircase for emergency purposes only."

The appeal decision further clarifies *"To protect the living conditions of surrounding residents, a condition to ensure that the external metal staircase is used only as a means of escape is necessary."*

The condition attached to the allowed appeal is *"The external metal staircase shall only be used as a means of escape from the building, with the door to the staircase being kept closed at all times, except in the case of an emergency."*

The inspector goes on to confirm *"I have reviewed the Council's suggested conditions 4a and 4b, which relate to an enclosure around the staircase and consider this to be unnecessary in light of the condition restricting its use."*

The appeal decision in *Harood Bashir versus Walsall Metropolitan Borough Council (2020)* establishes several key planning principles relevant to the proposal for an external emergency escape staircase as part of the application for the remodelling and refurbishment of Baldock Methodist Church. These are:

1. That even where there is an acknowledged risk of overlooking and loss of privacy, permission may still be granted on the strict basis the external staircase would be for emergency use only. Any potential overlooking would be transitory and very infrequent, occurring only in exceptional emergency circumstances. Therefore, the staircase would not cause a sustained or material loss of privacy.
2. To prevent any informal use of the staircase and to ensure it is only used in emergency situations, a suitably worded condition could be attached to any planning permission to restrict the use of the staircase for emergency purposes only. The

condition imposed by the Walsall inspector was *“The external metal staircase shall only be used as a means of escape from the building, with the door to the staircase being kept closed at all times, except in the case of an emergency.”*

3. That additional control measures are unnecessary (i.e. an enclosure around the staircase, a door alarm or a gate), in view of the condition restricting use of the staircase for emergency use only.

5. Overall Assessment

The planning application has demonstrated the essential need for an external emergency escape staircase to the rear of the church. The proposed staircase is a critical piece of life safety apparatus required to meet building regulations and no other viable options exist to provide this within the envelope of the building.

The design proposals have sought to minimise the visual impact of the proposed staircase as far as possible. The proposed staircase and balustrade do not obstruct the lines of direct daylight to windows in the adjacent residential property to the rear of the church. In addition, both the proposed staircase and platform area at the top of the stair do not directly align with any first floor window positions in the same residential property.

The appeal decision in *Harood Bashir versus Walsall Metropolitan Borough Council* establishes three key planning principles relevant to the Baldock Methodist Church application. Cases such as *North Wiltshire District Council versus Secretary of State for the Environment (1992)* have established previous similar planning decisions are a material consideration.

Notwithstanding principle 3 established by the Walsall decision, the Applicant is willing to alarm the proposed first floor emergency escape door to prevent it being opened other than in an emergency and to provide a replacement secure gate to the front of the passageway which runs along the side of the church, to be kept locked at all times when the church is unoccupied.

Accordingly, it is the Applicant's position that the proposed external staircase is essential to the proposed remodelling scheme for Baldock Methodist Church and would not cause a sustained or material loss of privacy to adjacent properties, given the proposed control measures which include a specific planning condition.

The Applicant
14th September 2026