

DELEGATED DECISION REPORT

SMD/2026/0305
Valid 02/07/2026

215 ASH BANK FISH
BAR ASH BANK ROAD
WERRINGTON

RETRSPECTIVE APPLICATION
FOR EXTERNAL STAIRCASE
FOR ACCESS TO FLAT

(FULL - MINOR)

MAIN ISSUES

- Impact on character and appearance of the area
- Impact on the amenity of neighbours

DESCRIPTION OF SITE

The site is on Ash Bank in Werrington.

The property appears to be what would have originally been a prewar dwellinghouse, in a row of three, that have long established commercial (retail/hot food) premises at ground floor. The ground floor at 215 Ash Bank, originally a butcher shop, has provided a fish and chip shop at ground floor since the early 1990s. The premises has also been extended to the side, in the early 1990s, to provide a video library business, that unit is now a convenience store.

Either side of the premises there is a hot food takeaway (217) and a hair salon (213). Where the properties were originally built as dwellings, they have long established residential use/flats at first floor.

To the north west of the application property and the neighbour at 213, a row of back gardens to the rear of the properties on Bridle Path begin with 2 Bridle Path.

The rear yard area at the back of the property provides garden and residential curtilage that backs onto the recreation ground to the north.

PROPOSAL

A revised repeat application for development that has already been carried out.

An external steel staircase has been provided at the rear of the property to provide access to a first-floor entrance door. The development is described on the application form as 'external staircase for access to flat'.

Plans detail an internal staircase from within the commercial floor space to a central landing above. The external steps provide an independent and direct access for the residential use of the first floor and an obvious means of fire escape.

The landing at the top of the staircase is provided above a section of flat roof to an existing extension at the rear. Railings limit the extent of that landing to a small area around the door.

Views from the landing to the east and the boundary with 217 at the far side of the development are provided across an expanse of flat roof positioned at the boundary.

Views from the landing to the west/north west, and the nearside boundary, overlook the garden area adjacent that serves the first floor flat above the hairdressers at 213 and toward the garden boundary fence to the side of 2 Bridle Path.

Planning permission has previously been refused for the staircase development because the open platform at the top of the steps provides vantage over neighbouring gardens and opportunity for over looking at the expense of the neighbour's privacy and living conditions.

This revised application seeks to retain the staircase by providing obscure glass screens around part, about half its width, of the upper platform in the form of an enclosure or porch around the exterior door to the applicant's flat. The screens would be supported by metal uprights.

A platform or landing area, of reduced and smaller size, would remain at the top of the steps.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS8 Other Rural Areas Area Strategy
DC1 Design Considerations

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

89/00039/OLD Change of use from butchers to hot and cold food take away and new shop front. REFUSED.

90/00092/OLD Extension to butchers' shop to form self-contained video library unit. APPROVED.

94/00324/OLD Alterations to fish and chip shop and new shopfront. APPROVED.

SMD/2026/0019 Retrospective application for access ramps to shop front. APPROVED.

SMD/2026/0154 External staircase for access to flat. REFUSED.

CONSULTATIONS

Publicity

Site Notice expiry date: 24/08/2026

Neighbour consultation period ends: 24/08/2026

Press Advert: N/A

Public Comments

Three objections received:

- It feels incredibly intrusive as the occupant has a clear view to all of the gardens & those people who are in them.
- Not only that but are able to view into people's properties too from the balcony of the said staircase.
- The current staircase is not fit for purpose, being made of metal it is extremely noisy when the residents ascend or descend, sometimes this is late at night or early in the morning.
- Two of my three bedrooms overlook the staircase directly, the top of the staircase is clearly visible from the bedroom windows, meaning that they can also see into the bedrooms. One of the bedrooms is occupied by my 6 year old.
- Another issue is that my garden is overlooked, I feel like myself and my family are being watched when people are going up and down to the flat, spoiling our enjoyment of our private space.
- Surely this staircase should at the very least be "boxed in" somehow to limit the view into my property and garden, also the noisiness of the stairs needs to be addressed as it is basically a fire escape and surely not fit to be used several times a day.

Town / Parish Comments

Werrington PC: No response within consultation period.

Environmental Health

No response within consultation period.

Previous response to last application:

According to the application the works have been conducted to ensure compliance with fire regulations.

Building regulations - The proposed staircase should be compliant with Building Regulations - Approved Documents B, K and M. We would advise Building Control and Fire Officer

are consulted as this is a retrospective application.

Lighting – there are no lighting details provided, any lighting installed should ensure safe access but not cause an increase in luminance or glare at neighbouring properties. (Condition advised)

The Environmental Health Section have no objection to the proposed development subject to condition controlling artificial lighting.

Staffordshire County Council Highways

Acceptance

Site Visit Conducted on: 21-Apr-2026

Background;

The property is located on Ash Bank Road (Road No. A0052). Ash Bank Road is an A classified road and forms part of the primary route network connecting Stoke on Trent to Ashbourne. The road is subject to a 40mph speed limit and benefits from footways and streetlights.

There is a prohibition of waiting (no parking at any time) on both sides of Ash Bank Road fronting the property.

The property comprises a ground-floor commercial unit in use as Ash Bank Fish Bar (Broadway Fish Bar), with a residential flat above. The site benefits from off highway parking positioned to the front of the building, accessed directly from Ash Bank Road.

This is a retrospective planning application for an external staircase installed to provide a separate access to the residential flat located above Ash Bank Fish Bar (Broadway Fish Bar), as previously submitted under application SMD/2026/0154, but with the addition of an obscure-glazed screen enclosure to the landing area.

The obscure-glazed screen is intended to enclose the landing area. The staircase is located to the rear elevation of the building and does not adversely affect the existing parking arrangements serving either the fish bar or the residential flat.

Having reviewed the amended proposal, I consider that the development would not result in any highway safety or parking implications. I have no objection to the application (SMD/2026/0305).

OFFICER COMMENTS

Principle of Development

For the purposes of the Local Plan, the site is in the 'larger village' of Werrington where area strategy policy SS8 applies. Generally, policy SS8 provides support for the alteration or improvement of residential property to meet local housing needs.

Design and Impact on Character and Appearance

Local Plan Policy DC1 requires that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD.

The development carried out is a simple set of steps to the properties rear brick elevation. The single flight of steps arrives at a small landing that provides access to a first-floor entrance door that sits neatly above the flat roof of a small rear extension. The steps are simple in form and structure. The steps and railings are galvanised steel.

While the steel structure is of functional material, it has a light colouration against the brick elevation and skyline. It is also of note that the rear elevation and yard have a blended commercial/residential character where a small lawn and shed is provided and the rear elevation has largely the character of a dwellinghouse but also houses the commercial facility of flues and extraction units. The staircase structure does not appear discordant in that context.

It is not considered that the introduction of the glass screens at the upper platform would significantly change the appearance or increase the visual impact in that context.

Moreover, while the rear of the property is open to the recreational ground behind, the land to the north of the property boundary is fringe to the parkland and the park footpaths and facilities are not placed or provide access directly to the rear of the property. Also, the rear elevation of the property is set down below a retained ground level and enclosed by a high brick wall. The structure, therefore, does not appear prominent or intrusive to views from public land.

From Ash Bank Road to the front of the property views of its side elevation and toward the back of the building are available, between buildings. Much of the staircase is hidden behind the flat roof extension to the side and rear of the building. A very small section of the landing railings can be seen set well back behind the building and the street scene. The light colour of the galvanised steel reduces its prevalence against the skyline, and it is seen within the context of commercial extraction units and roller shutter doors that are contained and included on the side elevation. The railings are not intrusive or discordant within the Ashbank street scene.

The development does not cause conflict with Design policy DC1 of the Local Plan and does not cause harm to the character and appearance of the area or local distinctiveness.

Impacts on Amenity

Local Plan Policy DC1 requires that development protects the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

The set of stairs provides a small landing at a first-floor height vantage above adjacent garden. There has been objection from the adjacent properties which are also commercial to ground floor and residential at first floor. The adjacent curtilage spaces at the rear of the properties appear to provide for both commercial and residential uses.

The curtilage to the east, on the far side from the landing, is the other side of flat roof extension and outbuilding on the boundary, views are limited across that roof scape.

The side of the garden at 2 Bridle Path, to northwest, is 15m from the landing, the other side of the adjacent curtilage. Views are across the adjacent garden toward the 2m close boarded fence. There are no clear or overt views available of the garden area at 2 Bridle Path.

On the near side, to the west, the adjacent curtilage space provides a parking area and a small garden space at the far end of the curtilage which is obviously used by the resident of the first floor flat above the hairdressers (213A) as an area of outdoor amenity space and garden. The first-floor flank wall of the flat has bedroom windows, there is a direct line of sight from the platform to the windows.

The landing at the top of the steps is an area limited and enclosed by steel railing. It is not of a size and area that would obviously serve as a roof terrace or balcony that lends itself to a family dining out or sunbathing or prolonged periods of outdoor living.

The proposed introduction of the glass screens would further reduce the surface area of the platform as they would surround the area immediately outside of the exterior door.

Nevertheless, there would still remain upper steps and a landing space at that upper level, outside of the glass screens, that are of such a vantage that persons simply entering or leaving the flat will have, at least, casual or passing observation of the adjacent garden and views into the first-floor bedroom windows in the adjacent flat.

The smaller reduced landing space and railings outside of the entrance door to the glass screens would still provide inviting space for a resident to linger, stand, lean against the railings and admire the view while enjoying a drink or a cigarette for example. There is a reasonable probability of the resident using the landing, even in its reduced capacity, in this manner and while doing so they have direct and overt opportunity to overlook the adjacent garden space and into the adjacent bedroom windows.

Overlooking would be inevitable and unavoidable, in a way that it would not from a first-floor window. In turn, the resident enjoying the adjacent garden would have the perception of being overlooked and, even when there is nobody on the external landing, a constant anticipation that at some point a neighbour or visitor could appear above them.

In these regards, the steps and the external landing therefore, have an unacceptable impact on the amenity and living conditions of the adjacent neighbour and resident. The introduction of the external steps and landing have completely changed the character and functionality of the adjacent garden space and detrimentally effected the full enjoyment of that space.

There is conflict here with Policy DC1 of the SMDC Local Plan in that the development has not afforded protection for the residential amenity of the area, in terms of the adjacent neighbour's privacy.

CONCLUSION / PLANNING BALANCE

The external stairs and landing area, even where the area would be reduced and smaller with the installation of glass screens around the external door, would provide a height vantage over the garden at the adjacent property at 213 Ash Bank and a line of sight toward first floor bedroom windows. Residents stood on, or using, the external stairs and landing would have an overt and direct view of the neighbour when they are making use of the garden below. The neighbour would continue to suffer from the actuality, the perception, and the anticipation of being overlooked. The development, therefore, has an unacceptable impact on the privacy of the adjacent neighbour and their enjoyment of the outdoor amenity. There is conflict with policy DC1 of the SMDC Local Plan in these regards.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date:

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council