

Health and Safety Justification Report

Proposed Removal of Existing Staircase to Facilitate Installation of a Secure Basement Hatch

Marlow House: Grade II Listed Building

1. Purpose of Report

This report provides the health and safety justification for the removal of the existing staircase situated above the basement opening. The proposed works are necessary to enable the installation of a secure, purpose-designed basement hatch that will safely enclose the existing basement access, thereby eliminating a significant and foreseeable risk to the safety of occupants, visitors, contractors and others lawfully entering the premises.

The proposal has been developed having regard to the statutory duty to preserve the special architectural and historic interest of the listed building whilst also fulfilling the legal obligations placed upon property owners to provide a reasonably safe environment.

2. Existing Arrangement

The property is a Grade II listed building containing an existing basement void beneath the current staircase.

The existing staircase prevents the installation and operation of a suitably robust safety hatch capable of fully enclosing the basement opening.

Consequently, the basement access cannot be adequately secured, leaving an exposed opening which presents a significant risk of accidental falls.

The Local Authority Heritage Officer has confirmed that the staircase is **not of historic significance**, being of relatively modern timber construction that has been substantially altered ("butchered") over time. It therefore makes no positive contribution to the special architectural or historic interest of the listed building.

3.Existing Health and Safety Risk

The current arrangement creates several foreseeable hazards.

These include:

- the risk of persons falling into the basement void;
- serious injury arising from accidental access to the opening;
- increased risk to maintenance personnel and contractors;
- danger during emergency situations where visibility or access may be compromised;
- the inability to isolate the hazard through the installation of an appropriate protective hatch.

Under normal principles of risk assessment, an exposed floor opening constitutes a significant hazard that should be eliminated wherever reasonably practicable.

The inability to secure the basement opening exposes the property owner to ongoing health and safety risks and potential civil liability.

4.Legislative Duties

Although a private dwelling is not generally subject to all workplace legislation, a number of statutory duties remain directly relevant.

Occupiers' Liability Act 1957

Section 2 of the **Occupiers' Liability Act 1957** imposes a common duty of care requiring occupiers to take reasonable steps to ensure that lawful visitors are reasonably safe when using the premises for their intended purpose.

Leaving an inadequately protected basement opening where a safer solution is reasonably achievable would be inconsistent with that duty.

Occupiers' Liability Act 1984

The **Occupiers' Liability Act 1984** extends a duty of care towards persons other than lawful visitors in circumstances where dangers are known to exist.

Reducing the risk of serious injury from an exposed basement opening is therefore consistent with the wider obligations placed upon occupiers.

Health and Safety at Work etc. Act 1974

Where contractors, maintenance personnel or other persons are engaged to undertake works at the property, duties arise under the **Health and Safety at Work etc. Act 1974**.

Section 3 requires that persons conducting an undertaking ensure, so far as is reasonably practicable, that persons not in their employment are not exposed to risks to their health and safety.

Providing a secure means of enclosing the basement opening significantly reduces foreseeable risk during inspection, maintenance and repair activities.

Construction (Design and Management) Regulations 2015

Any construction works undertaken at the property fall within the scope of the **Construction (Design and Management) Regulations 2015**.

These Regulations require foreseeable risks to be eliminated where reasonably practicable and, where elimination is not possible, reduced through appropriate design.

Removal of the staircase enables the permanent elimination of an avoidable hazard through improved design of the basement access.

Building Regulations 2010

Although Listed Building Consent is a separate process, the **Building Regulations 2010**, particularly the functional requirements relating to safe access and protection from falls, support the principle that dangerous openings should be adequately protected.

The proposed basement hatch accords with these fundamental safety objectives.

5. Heritage Considerations

The proposal has been carefully considered against the statutory duty imposed by **Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990**, which requires decision-makers to have special regard to preserving the listed building, its setting and any features of special architectural or historic interest.

The Local Authority Heritage Officer has confirmed that the staircase:

- is of modern construction;
- has been extensively altered;
- is not original fabric;
- possesses no identified heritage significance.

Its removal therefore results in no material loss of heritage value.

6. National Planning Policy Framework

The proposal is also consistent with the **National Planning Policy Framework (NPPF)**.

Paragraphs relating to conserving and enhancing the historic environment require local planning authorities to balance the conservation of heritage assets against other public benefits.

The proposal delivers a clear public benefit by removing a significant safety hazard while causing no identified harm to the significance of the listed building.

As the staircase has been confirmed to possess no heritage significance, its removal represents a proportionate and justified intervention.

7. Proposed Works

The proposal comprises:

- removal of the existing modern timber staircase;
- installation of a purpose-designed basement hatch;
- provision of a fully secure enclosure to the basement opening;
- safe controlled access for inspection and maintenance;
- elimination of the existing fall hazard.

The staircase cannot remain in situ because it physically prevents the installation and operation of a compliant safety hatch.

No alternative solution has been identified that would both retain the staircase and adequately remove the existing risk.

8. Planning Balance

In determining applications affecting listed buildings, it is recognised that heritage conservation must be balanced against legitimate operational and safety requirements.

In this case:

- there is no loss of significant historic fabric;
- the affected staircase has no heritage value;
- the proposal removes a foreseeable risk of serious injury;
- the intervention is the minimum necessary to achieve an acceptable level of safety;
- the works improve the long-term sustainable use of the listed building.

The proposal therefore satisfies the principles of proportionality expected in heritage decision-making.

9. Conclusion

The removal of the existing staircase is fully justified on both health and safety and heritage planning grounds.

The proposal:

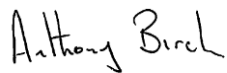
- removes a significant and foreseeable risk of serious injury;
- enables installation of a secure basement hatch that cannot otherwise be accommodated;
- fulfils the occupier's duty to provide reasonably safe premises;
- aligns with the principles contained within the Occupiers' Liability Acts 1957 and 1984, the

Health and Safety at Work etc. Act 1974, the Construction (Design and Management) Regulations 2015 and the Building Regulations 2010;

- accords with the statutory duties contained within the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- is consistent with the National Planning Policy Framework by delivering a clear public safety benefit without causing harm to the significance of the Grade II listed building.

For these reasons, the proposed removal of the staircase represents the most appropriate, proportionate and least harmful solution. It achieves an appropriate balance between the conservation of the listed building and the legal duty to protect life and prevent foreseeable injury, ensuring the building remains both historically significant and safely usable for the future.

Yours sincerely,

A handwritten signature in black ink that reads "Anthony Birch". The signature is written in a cursive, slightly slanted style.

Anthony Birch C.M.I.O.S.H
Chartered Health & Safety Practitioner