
Appeal Decision

Site visit made on 4 April 2017

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th April 2017

Appeal Ref: APP/W4515/W/16/3166225
124 Grey Street, North Shields, NE30 2EQ

- 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 Mr Michael Gilboy against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 16/01469/FUL, dated 31 August 2016 was refused by notice dated 28 October 2016.
 - The development proposed is a replacement external rear staircase.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The development for which planning permission is sought in this case is complete and it follows that the planning application is retrospective. The development is described as a '*replacement external rear staircase*' and an '*external rear fire escape*' on the planning application form. I have used the former in the summary information above, which is consistent with the description used by the Council in its decision notice.

Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the living conditions of the residents of No. 123, with particular reference to outlook and light.

Reasons

4. No. 124 is a first floor flat, which is situated above ground floor flat No. 123 within a 2-storey terraced row of residential properties that fronts onto the northern side of Grey Street. A 2-storey annexe projects from the western section of the main back wall of Nos. 123/124 alongside the small rear yard shared by the dwellings. The eastern section of the main back wall of these properties contains 2 habitable room windows at both ground and first floor levels. Those ground floor windows serve a kitchen/living room.
 5. The appeal scheme comprises a metal external staircase, which leads from No. 124 down into the shared rear yard. It includes a split level walkway that extends from a first floor level doorway in the annexe of No. 124 across much of the main back wall of the building to the head of the staircase. The higher
-

level landing of the walkway is positioned well above the western window of No. 123, which serves a kitchen area. 2 steps lead from the higher landing down to the lower level landing. This lower level landing is positioned just above the window opening that serves the living room area of No. 123, such that the supporting structure overlaps the window opening.

6. The view from the windows serving the kitchen/living room of No. 123 is across the small rear yard towards a 2-storey sidewall of the rear annexe of a neighbouring property. The outlook from, and daylight received by, the window serving the kitchen area benefits greatly from the sky view above that neighbouring annexe. The window serving the living room area does not, as the sky view is largely blocked by the lower level landing of the appeal scheme. Although of less significance, the design of the staircase treads include an upstand to the rear and a downturn at the front, which increases the profile of the staircase when seen from No. 123 and also limits the outlook and light received by the living room area. In my judgement, the appeal scheme greatly limits the sense of space and daylight enjoyed by the residents of No. 123 when using their living room area.
7. I understand that the appeal scheme replaced an existing fire escape staircase, which was in poor condition. However, the first floor landing of that previous staircase was at a similar level to that of the higher of the landings of the appeal scheme. As a result, it is likely that it did not have a significant impact on the outlook and daylight enjoyed by residents of No. 123 in their flat. In addition, the staircase treads comprised flat plate and did not include an upstand to the rear and a downturn at the front.
8. In my judgement, the appeal scheme, which is likely to have greatly reduced the outlook from, and light received by, the window serving the living room area of No. 123, is overdominant and unneighbourly.
9. The appellant has suggested that the solid plate used to form the landings of the appeal scheme might be replaced by a perforated material. In my judgement, the oblique angle from which the lower landing is seen from No. 123 would reduce any beneficial impact of additional voids in the landings, such that this would be unlikely to reduce the harm that the scheme causes to any significant extent.
10. I conclude that the appeal scheme causes substantial harm to the living conditions of the residents of No. 123, with particular reference to outlook and light. In this respect it conflicts with the aims of Policy H11 and Development Control Policy Statement No. 9 of the *North Tyneside Unitary Development Plan, 2002* to limit the adverse impact of development on local amenity and ensure that housing is of a standard attractive to residents. These Policies are consistent with the aims of the *National Planning Policy Framework* (the Framework), which seeks to secure a good standard of amenity for all existing and future occupants of buildings.

Other matters

11. Whilst the appellant and the supplier of the appeal scheme have indicated that it has been designed to meet current standards, no details have been provided of any particular standards. The appellant has suggested that the replaced staircase was too steep and that the appeal scheme provides a safe emergency escape route from No. 124, the only other access to which is provided by the

internal staircase from the front door, off Grey Street. However, it appears to me that a much smaller structure, such as a small platform and associated escape ladder may well provide adequate facilities for emergency escape purposes. I acknowledge that the appeal scheme provides a convenient means of accessing the shared rear yard and the wheelie bin for No. 124, which was stored in the adjacent back lane when I visited. Nevertheless, these facilities are only a short walk from the front door of No. 124 along Grey Street and the back lane to the rear of the terrace. Under these circumstances, I give little weight to the benefits of the scheme cited by the appellant.

Conclusions

12. I conclude on balance that any benefits of the appeal scheme are significantly and demonstrably outweighed by the harm that it causes to the living conditions of the residents of No. 123. The scheme does not amount to sustainable development and conflicts with the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR