

Appeal Decision

Site visit made on 25 May 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 02 June 2017

Appeal Ref: APP/J3720/D/17/3171037

Greensea, School Hill, Napton on the Hill, Southam, CV47 8NN

- 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 Mrs Sandra Johnson against the decision of Stratford-on-Avon District Council.
 - The application Ref 16/02247/FUL, dated 5 January 2017, was refused by notice dated 6 March 2017.
 - The development proposed is replacement of the existing staircase outside, behind the house, by a bridge in order to create a horizontal access from the kitchen (2nd floor of the house) to the level 2 (2nd tier) of the garden.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of the existing staircase outside, behind the house, by a bridge in order to create a horizontal access from the kitchen (2nd floor of the house) to the level 2 (2nd tier) of the garden at Greensea, School Hill, Napton on the Hill, Southam, CV47 8NN, in accordance with the terms of the application, Ref 16/02247/FUL, dated 5 January 2017, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The Council states that an existing metal spiral staircase to the rear of the property, from the second floor kitchen to ground floor level, was granted planning permission in 2005¹. The Council goes on to state that the "stairwell is of poor design" and the proposed development "will improve the visual appearance of the rear of the property." Consequently, this appeal focuses on matters relating to privacy, as set out below.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers, with regards to privacy.

Reasons

4. The appeal property is a three storey detached dwelling. It is located in a residential area, characterised along this side of School Hill by tall detached

¹ Ref: "01/03383/FUL to provide spiral staircase access to second floor kitchen – sighting in relation to adjacent property and the external render colour. Granted 03.10.2005."

dwelling with short driveways to the front and steeply banked gardens to the rear.

5. During my site visit, I observed that the rear garden of the appeal property and that of its neighbour, "Hylands," provide considerable scope for overlooking between the two properties. Whilst this is partly due to topography and proximity, which provides for the overlooking of the rear elevations and gardens of both properties from both rear gardens, there are also direct views into Hylands' rear garden from the existing spiral staircase.
6. The proposed development would replace the existing spiral staircase to the rear of the appeal property with a bridge, connecting the second storey of the house to the upper parts of the rear garden. This may result in some minor increase in the scope for the overlooking of Hylands from the appeal property, but given the existing situation, I find that any such change would be so small as not to give rise to any noticeable harm. In this regard, I am mindful that the occupiers of Hylands have stated that the proposal will not have a detrimental impact on their existing levels of privacy.
7. The proposal would be located towards the appeal property's boundary with Hylands and away from its other neighbouring boundary, with "Roof Tops." The Council states that there will not be an unacceptable degree of overlooking or loss of privacy to the occupiers of Roof Tops.
8. Taking the above into account, I find that the proposed development would not harm the living conditions of neighbouring occupiers and would not be contrary to the Framework, to Core Strategy² policies CS.9 and CS20, or to the Council's District Design Guide (2001), which together amongst other things, seek to protect residential amenity.

Conditions

9. I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plans is necessary for the avoidance of doubt and in the interest of proper planning.
10. A condition controlling materials is necessary to protect local character.

Conclusion

11. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

² Ref: Stratford-on-Avon District Core Strategy 2011-2031

**Schedule of Conditions attached to
Appeal Decision APP/J3720/D/17/3171037
Greensea, School Hill, Napton on the Hill, Southam, CV47 8NN**

- 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 the following approved plans: SK/07; 16-058-2; 16-058-4.
 - 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
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