

Appeal Decision

Site visit made on 3 August 2017

by R J Maile BSc FRICS

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

Decision date: 23 August 2017

Appeal Ref: APP/L5240/D/17/3176633
23a Foxley Lane, Purley, Surrey, CR8 3EH.

- 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 Cipolla against the decision of the Council of the London Borough of Croydon.
 - The application ref: 17/00079/HSE, dated 9 January 2017, was refused by notice dated 9 March 2017.
 - The development proposed is emergency exit metal staircase to side elevation.
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Preliminary Matter

1. The emergency exit metal staircase to the side elevation had been erected at the time of my site visit.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue here is the effect of the metal staircase upon the amenities of nearby residents.

Reasons

4. The subject property comprises a detached house, being set back from Foxley Lane by approximately 20m. It is within a sustainable location close to Purley town centre. The site backs onto the Webb Estate Conservation Area.
 5. No. 23a is currently occupied as a single family dwelling. Planning permission has, however, been granted for alterations and erection of ground and first floor rear extensions, conversion to form 2 two bedroom, 2 one bedroom and 1 studio flats and the provision of associated parking, cycle and refuse stores. I have been provided with a copy of that planning permission, which is dated 12 May 2017 (ref: 17/01387/FUL).
 6. The metal staircase is set back from Foxley Lane, with the ground floor section largely obscured in views from no. 23 next door by the garage to that property,
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which is sited close to the common boundary. I also noted that no. 23a is set below the level of the adjoining dwelling at no. 23.

7. The back garden of no. 23a slopes steeply upwards towards the rear boundary and is screened by mature trees from the adjoining Conservation Area. For these reasons, I am satisfied that the metal staircase would not cause harm to the character or appearance of the Webb Estate Conservation Area or affect the appearance of the street scene as viewed from Foxley Lane.
8. "Saved" Policy UD8 (ii) of The Croydon Plan¹ states that the Council will have regard to the privacy and amenity of occupiers of surrounding buildings, ensuring that both new and existing occupiers are protected from undue visual intrusion and loss of privacy.
9. Similarly, Policy 7.6 of The London Plan states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to such matters as privacy and overshadowing.
10. Close boarded wooden panels have been fitted to the outside of the staircase at first and second floor levels in an attempt to prevent overlooking of the garden and patio area of no. 23. These panels are unsightly and serve to emphasise the adverse visual impact of the structure when seen from the rear garden of no. 23. Were they to be removed, it would be possible for persons utilising the staircase to look directly into the private amenity areas of the neighbouring property at short range.
11. For these reasons, I have found upon the main issue that the metal staircase would cause unacceptable harm to the amenity of existing and future residents of 23 Foxley Lane by reason of visual intrusion and the potential for loss of privacy, contrary to the Development Plan policies to which I have referred above.

Other Matters

12. I note the fall-back position, as referred to in the appellant's grounds of appeal. Whilst that planning permission is apparently extant and could be implemented it does not alter my decision in respect of the external metal staircase and its harmful impact upon the residents of 23 Foxley Lane. Moreover, the approved plans in that case do not provide for an external staircase.

Conclusion

13. For the reasons given above, I conclude that the appeal should fail.

R. J. Maile

INSPECTOR

¹ Croydon Replacement Unitary Development Plan: The Croydon Plan Written Statement (adopted 13 July 2006).