The Planning Inspectorate

Appeal Decision

Site visit made on 6 October 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/M4320/W/20/3254961
3A Ashbourne Avenue, Liverpool L23 8TX

- 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 Ms Miller against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2019/02349, dated 13 December 2019, was refused by notice dated 16 April 2020.
- The development proposed is an external staircase to first floor flat.

Decision

1. The appeal is allowed and planning permission is granted for an external staircase to first floor flat at 3A Ashbourne Avenue, Liverpool L23 8TX in accordance with the terms of the application Ref DC/2019/02349, dated 13 December 2019, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plan: Ex+Prop Option 2 Rev 03.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area; and upon the living conditions of the occupiers of 3 Ashbourne Avenue and 6a Dowhills Road, with particular regard to privacy.

Reasons

Character and appearance

3. The external spiral staircase would be discretely located to the rear of the property where the Council accepts it would not be visible from the street. Whilst no other similar structures exist to the rear of surrounding properties, it would nevertheless be sufficiently modest in scale with a compact and lightweight construction. I do not consider that it would in any way be out of keeping with a residential property or that it would be stark, overbearing or otherwise visually intrusive within the enclosed rear garden setting. Overall, the development would have limited impact on the character of this suburban residential locality.

4. I conclude, on this issue, that the development would not cause unacceptable harm to the character and appearance of the area. Thus, it would comply with Policies EQ2 and HC4 of the Local Plan for Sefton 2017 (Local Plan), and the

design principles set out within the Council's House Extensions Supplementary Planning Document 2018 (SPD). These require, among other things, that developments are appropriate to their context in terms of scale, form, detailing and materials. There is also no conflict with paragraph 127 of the National Planning Policy Framework in this regard.

Living conditions

5. The proposal would give the top floor flat direct access into the rear garden, which currently has to be accessed out of the front door and through the side gate. This route closely passes a number of windows of the ground floor flat 3 Ashbourne Avenue, including the side and rear bedroom windows.

6. The staircase entry and exit would be very close to the rear bedroom window of No 3. However, the occupier of the top floor flat has exclusive use of the rear garden and can already look closely into this bedroom window from the garden. I observed that this was particularly noticeable when leaving the garden as it involves passing the window at very close proximity, such that direct views into the bedroom are unavoidable. There are also unavoidable views into the side window when opening and closing the side gate. This highly unusual situation leads me to conclude that there would not be any material increase in loss of privacy to the occupiers of No 3. The support of the occupier of No 3 adds weight to this conclusion.

7. The top floor flat has a rear study window which closely overlooks the rear garden of 6a Dowhills Road. There is also mutual overlooking between this window and an upper floor window of No 6a at an oblique angle.

8. The staircase platform would be very modest in its dimensions and the door would open outwards, such that it is unlikely that it would be used intensively, if at all as a balcony. The use of the staircase could give rise to an increased level of overlooking into the rear upper floor window and garden of No 6a in particular, however, such opportunities are likely to be infrequent and limited to when an individual ascends or descends the staircase to use the garden. The spiral design would further limit the opportunities and time in which direct overlooking would occur. Consequently, I consider that any loss of privacy to the occupiers of No 6a would be minimal.

9. The Council has drawn my attention to an appeal decision in Alcaster. However, from the limited details before me, there appear to be some notable differences, particularly in terms of the degree of existing overlooking. In any case, just as that case was considered on its own merits, I must determine this appeal on its own merits having regard to the very specific situation of the appeal site and the evidence before me.

10. I conclude, on this issue, that the development would not unacceptably harm the living conditions of the occupiers of 3 Ashbourne Avenue and 6a Dowhills Road, with particular regard to privacy. Thus, it would comply with Local Plan Policy HC4 and the SPD, which among other things, require that development does not significantly affect the privacy of neighbours.

Conditions

11. As suggested by the Council, I have imposed the standard commencement and approved plans conditions for the avoidance of doubt.

Conclusion

12. For the reasons given, I conclude that the appeal should be allowed.

A Caines

INSPECTOR