
Appeal Decision

Site Visit made on 22 November 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/W0340/D/21/3276930

14 Lime Close, Newbury RG14 2PW

- 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 Pawel Kuzdak against the decision of West Berkshire District Council.
 - The application Ref 21/00445/HOUSE, dated 19 February 2021, was refused by notice dated 26 April 2021.
 - The development proposed is Erection of metal staircase on the side gable end wall.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the living conditions for the occupants of neighbouring properties, having regard to privacy; and
 - ii) the character and appearance of the area.

Reasons

Living Conditions

3. The proposal would introduce an external metal staircase that would provide access to a first-floor doorway located on the gable end of the existing building. Due to the location of the appeal site, the gable end of the property directly faces the rear gardens and rear elevations of Nos 38 and 40 Creswell Road. The rear elevations of these properties contain numerous windows which directly serve living areas and bedrooms. In addition, the rear gardens share boundaries with the side boundary of the appeal site. Accordingly, due to the location and height of the proposed structure, it is highly visible from neighbouring properties.
4. The proposal would provide external access to a first-floor bedroom. It would not seek to facilitate use as a separate dwelling, but the intention is to provide an independent access for a relative that has certain care needs. This matter will be discussed further below, but due to the intended use, the proposal would be highly likely to result in daily comings and goings. Accordingly, the staircase would be subject to a noticeable level of movement to and from the bedroom. I note that the staircase and point of access are functional structures and are not designed to provide either a viewing platform or amenity space. Movements associated with the structure would therefore have a specific

purpose. However, the activity would be at an upper level and would represent a highly anomalous form of movement. As a consequence, due to the prominent location of the structure when viewed from Nos 38 and 40, and the proximity to these neighbouring properties, in my judgement, this would give rise to a substantial level of actual and perceived overlooking with a demonstrable loss of privacy. This is a matter to which I give significant weight.

5. Accordingly, I conclude that the proposal would harm the living conditions for the occupants of neighbouring properties. It would therefore fail to comply with Policy C14 of the West Berkshire Core Strategy Development Plan Document (2012) (CS) and guidance contained within the Council's 'Quality Design Part 2' Supplementary Planning Document (SPD) and 'House Extensions' Supplementary Planning Guidance (SPG). Taken together, these seek amongst other things, development which has regard to the wider context and locality as well as the living conditions for neighbours.

Character and Appearance

6. The appeal site is located adjacent to the corner of a turning area for a short cul-de-sac. Due to its corner location, the existing dwelling sits discreetly within the road, set back from the highway with its flank wall facing away from the public realm. As a consequence, views of this elevation are distinctly limited from within Lime Close and therefore it would not represent a dominant or imposing addition within the street scene. Views from Cresswell Road could be achieved between buildings, however, due to the distance from the staircase as well as the nature of the gaps, these views would only be glimpses of a distant structure. Accordingly, I am satisfied that the proposal would not be visually intrusive in these glimpsed views.
7. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. On this basis, it would comply with Policies CS14 and CS19 of the CS, as well as guidance contained within the Council's SPD and SPG. Taken together, these seek amongst other things, high quality design that respects the character and appearance of the area.

Other Matters

8. The proposal would assist in providing accommodation for a family member who, due to health reasons, would benefit from living with a family where enhanced support could be provided. The staircase and associated access at upper level would enable the relative to retain a degree of independence whilst also benefitting from additional care. Accordingly, the development would bring demonstrable social benefits for the appellant's family, a matter which weighs in favour of the proposal. However, as identified above, the location of the staircase would be such that these benefits come at a cost for the occupants of neighbouring properties regarding living conditions, and specifically loss of privacy. In my judgement, the scale of this impact would be substantial and consequently, I am satisfied that it would outweigh the benefits that have been identified. In arriving at this conclusion, I have had due regard to the Human Rights Act 1998.

Conclusion

9. Although the proposal would not cause harm to the character and appearance of the surrounding area, and would bring with it specific benefits for the appellant, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR