



Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/X3540/D/21/3281691

Wilmar, Market Lane, Blundeston NR32 5AW

- 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 Clem Francis against the decision of the East Suffolk Council.
 - The application Ref DC/21/1716/FUL dated 08/04/2021, was refused by notice dated 07/06/2021.
 - The development proposed is described as proposed external stair and creation of first floor balcony, along with associated balustrade and privacy screening.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed staircase on the living conditions of the occupants of the neighbouring property, Philcot.

Reasons

3. The site is a modern detached residential property set back from the adjacent property, Philcot. Due to this relationship, the proposed design and location of the staircase would not be a visually dominant nor an incongruous addition to the property.
4. The proposed development includes a 1.8m high frosted glass privacy screen, however this would not screen views towards the adjacent property when using the spiral staircase.
5. I note that a glass balcony exists to the rear of the appeal property with views towards Philcot screened to a degree by a similar frosted glass privacy screen. I consider the appellant leaning over the balcony to gain views of the adjacent plot unlikely, nonetheless I do not find this similar to ascending/descending the proposed staircase which would offer unrestricted views across the rear private amenity space of the neighbouring property.
6. The appellant has drawn my attention to an allowed appeal¹ for a glazed pavilion to an existing roof terrace, I do not find this comparable to the proposal before me. The proposed staircase would be a new addition to the property and the existing roof is not used as a terrace, the addition of a

¹ APP/T3535/W/19/3220766

pavilion on top of an existing roof terrace where views across a neighbouring plot are existing is not comparable to the situation before me. Nevertheless, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

7. I conclude that the proposed development would harm the living conditions of the occupants of the neighbouring property, Philcot. There is conflict with Policy WLP8.29 of the East Suffolk Council, Waveney Local Plan (2019) which seeks amongst other things to protect the living conditions of the occupants of neighbouring properties.
8. There is also conflict with the National Planning Policy Framework (2021) which seeks to ensure developments maintain a high standard of amenity for existing and future users.

Other Matters

9. The appellant has highlighted that due to the existing fire detection extinguishing system for the appeal site fundamentally relying on mains electricity an additional means of escape is required with regard to safety. Whilst I understand from the appellant that the property has suffered power outages which would affect the functionality of the system, I have no substantive evidence before me which persuades me that the solution proposed is the only one available in this situation.
10. I am also mindful of the comments from the Council's Building Control Team outlined in the Council's Delegated Report that the property is Building Regulations compliant in its current form.
11. On this basis of the comments and the lack of substantive evidence to demonstrate an alternative solution is not available I am not persuaded that the proposed additional means of escape outweighs the harm I have identified in terms of the effect of the development on the living conditions of the neighbouring property.

Conclusion

12. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR