
Appeal Decision

Site visit made on 12 May 2022

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2022

Appeal Ref: APP/L3245/D/21/3287915

Holly House, 3, The Meadows, Ash Parva, Whitchurch SY13 4EU

- 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 Keith Collis against the decision of Shropshire Council.
 - The application Ref 21/04400/FUL, dated 8 September 2021, was refused by notice dated 25 October 2021.
 - The development proposed is for an external (black) polyester powder coated steel access staircase to existing 1st floor balcony terrace.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form and decision notice submitted both refer to the name of the appeal property as 'Holly House' as well as its number in the full address details provided, but is omitted from the appeal form. Therefore, I have included the name in the above banner. I have also used 'Ash Parva' rather than 'Ash Prava' as referenced on the application form as that appears to be an omission which is not reflected in the other appeal documents.
3. At the time of my site visit I could see that the external staircase subject to the appeal had already been erected and was substantially complete.

Main Issue

4. The main issue is the effect of the development on neighbouring living conditions at no.2 The Meadows having regard to resultant privacy levels.

Reasons

5. I appreciate that the external staircase in dispute is located close to the side elevations of the host dwelling and no.2. However, its position still enables the potential unrestricted peering over of neighbouring garden space from an elevated outdoor standing point.
6. Moreover, I accept that the staircase is not designed for users to stand on it for long periods of time, or is intended to provide seating options. Nonetheless, the existing or any future occupants of the host property could potentially sit or stand on the staircase for extended periods of time without any planning controls being able to prevent those circumstances from occurring. Nor could they successfully control the frequency of its use in facilitating access to and from the balcony terrace.

7. Whilst I acknowledge the appellant's arguments that there is no harm to privacy as the staircase is positioned away from any neighbouring rear facing windows, I am not persuaded the issues I have outlined are unimportant. Regular overlooking of neighbouring outdoor space is possible as a consequence of the use of the staircase which directly impacts on neighbouring privacy levels.
8. Although views of neighbouring garden space are already possible from the host dwellings existing rear facing first floor windows and the approved balcony terrace, the majority of those views are further away from the shared boundary.
9. Furthermore, the balcony area also has some privacy screening along its sides minimising the potential for overlooking to arise when seated. Given those factors, the presence of the external staircase due to its proximity and greater open qualities results in a more intrusive impact.
10. Overall, taking into account all of the points raised by the appellant, including those related to the privacy impacts associated to the approved balcony terrace, I find that the additional presence of the staircase erodes from neighbouring privacy by an unacceptable degree.
11. The stairwell results in excessive possibilities for occupants to peer over the boundary towards neighbouring garden space from an unrestricted elevated outdoor position. As a consequence, its presence significantly erodes from the enjoyment of neighbouring outdoor space.
12. Accordingly, I find that the appeal development adversely impacts on the privacy levels and subsequent living conditions enjoyed by the occupiers of no.2 The Meadows. It conflicts with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 which seeks to safeguard residential amenity as well as the objectives of paragraph 130 f) of the National Planning Policy Framework which requires that planning decisions ensure a high standard of amenity.

Other matters

13. I note that the Council has not cited any objections to the general appearance of the staircase when measuring it against planning policy. I have no reason to disagree. Nevertheless, the absence of such objections does not take away from the harm I have identified. Moreover, there are ample options available to access the balcony terrace from the habitable rooms serving the host dwelling, allowing it to be utilised irrespective of the staircase being present.

Conclusion

14. For the reasons set out above the appeal fails.

M Shrigley

INSPECTOR