

Appeal Decision

Site visit made on 8 September 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref. APP/J0405/D/22/3298837

2 Rock Lane Farm, Liscombe Park, Soulbury, Buckinghamshire LU7 0JL

- 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 Gary Crutchfield against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application ref. 22/00130/APP, dated 14 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is "*Installation of external staircase from first-floor rear down to garden*".
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Decision

1. The appeal is allowed and planning permission is granted for installation of external staircase from first floor rear down to garden at 2 Rock Lane Farm, Liscombe Park, Soulbury, Buckinghamshire LU7 0JL in accordance with the terms of the application ref. 22/00130/APP, dated 14 January 2022, 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 numbered: RM 22 / 002.1.

Main issue

2. The main issue is the effect of the proposed development upon the amenities of the neighbouring occupiers at 4 Rock Lane Farm with particular regard to the potential for overlooking and loss of privacy.

Reasons

3. Liscombe Park is situated in the countryside and the estate is in a mixed use comprising a business park, a health club, an equestrian centre and a group of dwellings, within which are 2 and 4 Rock Lane Farm. Pursuant to planning permission ref. 18/03142/APP, the appeal property is actually a one and a half storey live-work residential unit clad with timber and slates. The upper level living space is effectively contained within the roof.
 4. At the rear upper level, there are dormer windows serving a kitchen and a bedroom either side of a projecting glazed gable which provides a lounge. It is
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proposed to construct an external black powder coated steel staircase from the rear-facing glazed doors of the upper lounge down to the back garden. The staircase would replace an approved but, as yet unbuilt, Juliet balcony and glass balustrade.

5. Nos 2 and 4 are not particularly closely spaced and are set roughly level with each other. No. 4 has a rear-projecting wing in the north-western (opposing) side of which are first floor and ground floor windows to habitable rooms.
6. The flat area at the top of the proposed staircase directly outside the glazed doors of the upper lounge would be very small and only marginally deeper than a standard Juliet balcony. Assuming normal domestic use, it would allow for users to move safely between the lounge and the first step near the top of the staircase and for little else. It and the staircase as a whole could not be practicably used as a daily outdoor amenity area. There would be no landing, platform or seating area. In contrast, the appellant makes the valid point that the approved Juliet balcony and glass balustrade may have encouraged people to stand and gaze for longer periods.
7. The views that users of the staircase would have over the back garden at No. 4 would not be materially different from the views that are currently available when looking out of the first floor bedroom and lounge windows at No. 2. Whether going up or down the external stairs, it would be difficult to gain anything but an oblique view towards the opposing habitable room windows in No. 4 some distance away. In any event, I believe that people are more likely to be focussed on making safe passage on the stairs, rather than on attempting to observe the activities of their neighbours.
8. I consider that the proposed external staircase would not intrude upon the privacy of the neighbours at No. 4 to such a serious extent as to justify withholding planning permission. The absence of objections from the occupiers of 4 Rock Lane Farm adds weight to my findings.
9. I find on the main issue that the proposed development would not unreasonably harm the amenities of the neighbouring occupiers at 4 Rock Lane Farm, taking into account the potential for overlooking and loss of privacy. As such, there would be no conflict with the aims of Policy BE3 of the Vale of Aylesbury Local Plan, adopted in 2021, which seeks to protect the amenity of existing and future residents. Similarly, there would also be compliance with the National Planning Policy Framework which aims to ensure developments create places with a high standard of amenity for existing and future users and with the Council's Design Guide Residential Extensions.
10. As well as a condition giving a time limit to begin the development, a condition requiring that the scheme is carried out in accordance with the relevant approved drawing is necessary to provide certainty.
11. For the reasons given above and having regard to all other matters raised and the absence of objections from Soulbury Parish Council and local residents, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR