



Appeal Decision

Site visit made on 24 October 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2023

Appeal Ref: APP/W0340/D/22/3304889

14 Lime Close, Newbury RG14 2PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant planning permission.
 - The appeal is made by Mr Pawel Kuzdak against the decision of West Berkshire District Council.
 - The application Ref 21/03132/HOUSE, dated 13 December 2021, was refused by notice dated 15 June 2022.
 - The development proposed is retention of existing metal staircase to side gable end wall and addition of proposed privacy screen.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of existing metal staircase to side gable end wall and addition of proposed privacy screen, at 14 Lime Close, Newbury RG14 2PW, in accordance with the terms of the application Ref 21/03132/HOUSE, dated 13 December 2021 and the plans submitted with it, and 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 drawings: Existing Elevations; Existing Floor Plans; Location and Block Plans; Proposed Elevations; Proposed Floor Plans.

Procedural Matters

2. As is stated in the description of development, the metal staircase has been installed and I was able to see this at the time of my site visit.
3. I note that the appeal proposal is a revised scheme following a previous appeal decision (Ref APP/W0340/D/21/3276930) on an earlier application, and that the proposal has been amended to include a proposed plant trellis and privacy screen consisting of obscure satin glass.
4. There is no dispute between the parties that the proposed trellis and privacy screen would mitigate overlooking and loss of privacy. Having considered the proposal and visited the site I concur with that view. Therefore, I shall not consider this matter any further.

Main Issues

5. Having considered all of the evidence before me, including the representations of third parties, I consider the main issues are the effect of the proposed development on;
 - i) the living conditions of neighbouring occupiers in terms of outlook and disturbance from noise and;
 - ii) the character and appearance of the area.

Reasons

Living conditions

6. The appeal property has been altered with a dual-pitched two storey side extension constructed of buff bricks, to include a metal staircase which leads to a first floor door in the gable end. It is the staircase which is the subject of this appeal. The proposed development would introduce a trellis and glass privacy screen, to a height of 1.8m.
7. The appeal site is surrounded by residential dwellings, with its boundaries meeting the rear boundaries to dwellings located on Cresswell Road. There are changing ground levels travelling along Cresswell Road, and I was able to see that the appeal site garden slopes downhill towards its neighbours on Cresswell Road.
8. At my site visit I was able to see that the existing staircase has had climbing plants grow along its extent. The plans confirm 9mm obscure satin glass, and as such a separate condition would not be necessary to require that the glass element be obscure glazed. This detail would mitigate any perception of overlooking from clear glazing and thus there would be no loss of privacy from the staircase.
9. I note the concern of the Council that the glazing and trellis would result in a visually imposing and overbearing addition to the appeal site, resulting in a harmful outlook to neighbouring properties. Whilst I accept that the addition of these elements may increase the perceived bulk of development here, nonetheless the staircase would be retained in its existing location and would not be brought any closer to the boundary with neighbouring properties. The staircase is located on the gable end of the existing house and remains a secondary element to this elevation. The addition of the trellis to allow for climbing plants would also soften the appearance of the stairway, and even without plants, would not significantly increase the bulk of the development. The glazing, whilst being obscure would also have the effect of reducing the bulk of development through the nature of its construction.
10. Taking into account the distance to the boundary with neighbouring properties, and the above considerations, I therefore conclude that the proposed addition of the trellis and glazing would not have an overbearing or dominant effect on the living conditions of neighbouring properties either from gardens or habitable rooms.
11. I note the concerns with regard to noise and lighting as a result of the staircase. Nonetheless I have no evidence to demonstrate that this development would result in any noise or lighting extraneous to activity usually

expected from ordinary domestic activities, and as such do not consider that there would be unacceptable harm to neighbouring properties by way of noise disturbance. Indeed, it is possible that the enclosure of the stairway and additional vegetation may help to further reduce any effects as compared to the stairway remaining open.

12. Accordingly, the proposal would have an acceptable effect upon the living conditions of neighbouring occupiers. This would be compliant with Policy CS14 of the Core Strategy¹, which seek to ensure all proposals have regard to the way that development's function.

Character and appearance

13. Number 14 Lime Close is an end-of-terrace property located in a cul-de-sac street. The local area is primarily residential, with dwellings being of a relatively uniform appearance and construction. Dwellings tend to feature simple additions or alterations, in general retaining the uniform appearance of the dual pitched dwellings with gable ends.
14. The addition of the glazing and trellis (with the possibility for additional climbing plants) would not significantly alter the existing appearance of the staircase and would not cause additional harmful impacts to the character and appearance of the local area.
15. I find nothing to conflict with the previous Inspector's findings on character and appearance; the location of the staircase at the gable end of the dwelling, which is at the end of a cul-de-sac road provides limited views from Lime Close of the development. As previously stated, whilst there are some limited glimpses from Cresswell Road, these would be distant and I conclude would not be visually intrusive.

Other Matters

16. I note the partially retrospective nature of the appeal. Nonetheless, I have considered the merits of the proposals before me.
17. I am able to see that there have been a number of comments relating to the height and the obscurity rating of the glazing. I am satisfied that, with the detailed obscure glazing, combined with the use of the staircase for access only, the height and obscurity is sufficient to mitigate for overlooking to neighbouring properties.
18. Concerns have been raised with regard to the use of the staircase to provide access to the first floor and the potential to alter the existing dwelling into flats. This is a matter which would require planning permission and is not the subject of this appeal.

Conclusion

19. For the reasons set out above, the appeal is allowed.

Rebecca Thomas

INSPECTOR

¹ West Berkshire Core Strategy 2006-2026 (July 2012)