



Appeal Decision

Site visit made on 4 January 2023

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/Z3635/W/22/3303976

Reedsfield Court, Reedsfield Road, Ashford, TW15 2HS

- 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 Chartgreen Ltd against the decision of Spelthorne Borough Council.
 - The application Ref 22/00540/FUL, dated 4 January 2022, was refused by notice dated 14 June 2022.
 - The development proposed is the formation of new roof to create 2 no. flats, new external staircase, associated parking, amenity and cycle/waste storage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form includes a similar description of the proposed development to that contained in Spelthorne Borough Council's (the Council) decision notice. However, it does not make reference to the proposed external staircase, which is the main issue in dispute in this case. For clarity, I have employed the fuller description contained in the decision notice.
3. In the course of this appeal, there has been some confusion concerning the substantive set of application plans, as there was an error and an omission in the list that appeared in the Council's decision notice, and not all of the plans were initially submitted with this appeal. This has been clarified by the appellant and the Council and an agreed drawing list has been provided.
4. For the avoidance of doubt, I can confirm that I have assessed the following drawings: 1823-4-P-500A; 1823-4-P-501; 1823-5-D-4046; 1823-SK001; 1823-SK002 C; 1823-SK010 B; 1823-SK011 C; 1823-SK012 C; 1823-SK015 C; 1823-SK016 C; 1823-SK017 C; 1823-SK018; 1823-SK020 C; 1823-SK021 C; 1823-SK022 B; S18-6724-02.

Main Issue

5. The main issue is the effect of the proposed external staircase on the living conditions of occupiers of neighbouring residential properties.

Reasons

6. Reedsfield Court is a 2 storey development of residential flats situated on a corner site at the junction of Reedsfield Road and Clockhouse Lane. The 8 flats

are accommodated in 2 buildings arranged in an L shaped layout, with each block containing 4 flats. The 2 buildings are situated in close proximity to each other with a narrow gap, less than 2 metres wide, between them, which contains a pathway. The walls of the blocks facing this space contain some windows serving kitchens, bathrooms (obscure glazed) and a hallway. There is also an entrance door to flat No 5.

7. The buildings are faced in a mix of brickwork and render panels, with relatively shallow pitched roofs. There is a parking/garage court and some amenity space in the eastern part of the site. There are also more private amenity areas to the south and west of the flats, enclosed by hedging and fencing. The appeal site is situated within a primarily residential area, where there is a mix of architectural styles and a mature and attractive suburban character.
8. The appeal proposal would replace the existing roofs on the 2 blocks with new higher structures, comprising pitched roofs with rooflights and central flat roofed sections. These would incorporate 2 additional flats, 1 above each of the existing buildings.
9. Access to the proposed new flats would be gained solely via a proposed external staircase located in the space between the 2 building blocks. The staircase would be positioned in the western part of the gap (towards Clockhouse Lane). It would rise through one flight, turn through 180 degrees, and then rise through a longer flight up to a platform at roof level, where the entrance doors to the 2 proposed flats would be located.
10. Being positioned in the space between the buildings, and screened by a group of trees on Clockhouse Lane, the proposed staircase would not be particularly visible in the streetscene. However, it would be located in close proximity to the existing flats and this raises considerations in respect of impacts on living conditions, specifically in terms of noise and disturbance, and privacy effects.
11. With regard to noise and disturbance, limited details are available of the staircase technical specifications and fittings, although it is likely to be of a metal construction. In my assessment, such a staircase is unlikely to be silent in its use and the use of such stairways is often associated with a repetitive sound as feet hit the metal treads. This effect may be exacerbated by rapid movement of running up and down stairs, and also by moving heavy items in and out of the flats.
12. Moreover, being set within a confined space between the 2 blocks, the noise may reverberate and be particularly unneighbourly. I am also mindful that the staircase would be the only means of access for both flats, and it could be used at all times of the day and night. Whilst the appellant's submitted design and access statement says that the treads would be fitted with 'soft, acoustically-absorbant finishes to treads', no technical data or acoustic performance assessment has been provided. Therefore, I cannot be certain that the use of the staircase would not be disturbing to residents, particularly in the flats closest to the staircase.
13. Concerning issues of privacy, it must be recognised here that the existing layout and arrangement of the flats is somewhat unusual, as most of the windows facing the gap are compromised by the close proximity of the adjoining block. It also means that the occupants and visitors moving between the flats' car park and flats 5, 6, 3 and 4, would walk past the ground floor

- windows of flats 1, 3 and 5. Having done so on my inspection, I noted that this does enable views into the kitchen areas at quite close quarters.
14. The appeal proposal would mean that 2 additional sets of occupants, along with any visitors and deliveries, could pass in front of the ground floor windows. Whilst this is less than ideal, this is an existing established relationship and it appears that most movements between the car park and flats 5, 6, 3 and 4 already use this route. Given these facts, I am not convinced that the limited additional movements along the pathway associated with the proposed 2 flats would result in an unacceptable loss of privacy.
 15. However, the use of the proposed staircase would create privacy issues. The point where the staircase turns would provide an unavoidable elevated view down into the amenity space to the west of flats 5 and 7, which is currently a relatively private space and clearly used by residents. This would be intrusive.
 16. With regard to overlooking of windows, I have studied carefully the appellant's modelled viewpoint analysis of the staircase. Whilst it indicates that direct views, from the modelled viewpoints, into windows would either not be possible or would be oblique, I am not satisfied that the privacy for occupants of the existing flats would be fully protected.
 17. There would be some oblique overlooking of windows from certain points on the staircase and its landing at roof level and, even if that largely avoids direct views into rooms, occupants in the existing flats are likely to be very aware of persons moving up and down the staircase in uncomfortably close proximity to their windows. That perception is likely to be exacerbated if the windows are open. These effects would be unneighbourly and intrusive and would erode the living conditions of existing residents through actual and perceived overlooking effects and loss of privacy, particularly given the frequency with which the staircase is likely to be used.
 18. On the main issue, I conclude that the appeal proposal would be harmful to the living conditions of occupiers of neighbouring residential properties by virtue of the likely noise and disturbance and privacy effects that would arise from the use of the staircase access. This would conflict with policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (adopted February 2009) which, amongst other matters, requires the design of new development to achieve a satisfactory relationship with adjoining properties. It similarly conflicts with the Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (April 2011) which requires new residential development to avoid creating an unacceptable impact on the amenity enjoyed by adjoining occupiers. The appeal proposal further conflicts with paragraph 130(f) of the National Planning Policy Framework, which requires developments to achieve a high standard of amenity for existing and future users.

Other matters

19. I have noted the views of interested parties concerning a wide range of matters regarding this development, which include concerns about parking, highway safety, sewer capacity, water pressure, and design considerations.

20. I have noted the appellant's submissions concerning the Council's 5-year housing land supply, but that does not outweigh the harm that I have identified.

Conclusion

21. For the reasons stated above, the appeal is dismissed.

P. Staddon

INSPECTOR