



Appeal Decision

Site visit made on 29 August 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/D1590/W/22/3313364
96B West Road, Westcliff-on-Sea SS0 9DB

- 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 Miss Wendy Arthur against the decision of Southend-on-Sea Borough Council.
 - The application Ref 22/01474/FUL, dated 20 July 2022, was refused by notice dated 22 September 2022.
 - The development proposed is described as "To erect a staircase from the back of my property for access to my back garden and as a fire escape as at present I have no fire escape. It will be erected from the bedroom a window will be replaced by a door."
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Decision

1. The appeal is allowed and planning permission is granted for replacement of a window with a door and erection of an external staircase to the rear at 96B West Road, Westcliff-on-Sea SS0 9DB in accordance with the terms of the application, Ref 22/01474/FUL, dated 20 July 2022, and the plans submitted with it, 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 plans: 100.01A Existing Plans, Existing Site Plan; 100.02A Proposed Plans and Elevations, Proposed Site Plan.

Preliminary Matters

2. I have shortened the development description in the decision for clarity and to remove words not describing acts of development.

Main Issues

3. The main issues are:
 - i. The effect of the proposal on the character and appearance of the existing building and surrounding area.
 - ii. The effect of the proposal on the living conditions of nearby residents, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site is a first floor flat within a two-storey semi-detached house of traditional appearance. The surrounding area is residential and suburban, with

a mix of terraced and semi-detached houses, some of which have also been converted into flats. These dwellings have a varied but mostly traditional appearance, generally with a modest rear garden.

5. Although functional in appearance, the proposed metal staircase would be relatively small compared to the size of the back of the house, so it would appear subordinate in scale. There would still be sufficient garden area to allow for normal activities such as sitting out or hanging washing, so the structure would not dominate that space, even with supporting columns. The Council is satisfied the new door would not look out of keeping and I agree. Consequently, the proposal would not detract from the character and appearance of the existing building.
6. I acknowledge that rear staircases of this type are not intrinsic to the character of the dwellings in the surrounding area. I also note that the top of the staircase and new door would be seen from nearby Carisbrooke Road and from neighbouring gardens. Nevertheless, the bottom part of the structure would be largely concealed by boundary fences and hedges. In addition, for the reasons given above, the top of the structure would not appear dominant. This would also not be the only staircase of this type in the neighbourhood, even if they are not a common feature. Overall, therefore, the proposed change would not detract from the character and appearance of the surrounding area.
7. For the above reasons, I conclude the proposal would not have a harmful effect on the character and appearance of the existing building and surrounding area. Accordingly, I find no conflict with Policies KP2 and CP4 of the Southend-on-Sea Borough Council (SSBC) Local Development Framework Core Strategy (CS) or Policies DM1 and DM3 of the SSBC Development Management Document (DMD). Together, these policies seek, among other provisions, good design that respects the character of the existing neighbourhood and the scale of existing development. I also find no conflict with guidance in the Southend-on-Sea Design and Townscape Guide Supplementary Planning Document (DTG SPD), which seeks well-designed extensions that respect the present building. I also find no conflict with the National Planning Policy Framework (the Framework) where it requires development to be sympathetic to local character.

Living conditions

8. The relatively dense arrangement of houses near the appeal site means there is already a degree of overlooking from the first-floor rear windows of the host dwelling into neighbouring gardens. This would increase slightly from the top of the staircase because its projection beyond the rear wall of the host flat would allow slightly more of neighbouring gardens to be seen. However, the top landing platform would be small so would provide little opportunity to dwell. Therefore, people would generally spend little time on the staircase beyond that necessary to ascend or descend.
9. Any scope for users of the staircase to see into neighbouring dwellings' rear windows would principally affect No 94 West Road. Other premises' windows would be too far away or largely concealed by structures. In the case of No 94, the part of the rear façade nearest to the proposed staircase is substantially set back from the rear of the host dwelling. The distance created by this setback would help to mitigate any perception of loss of privacy. In any case, use of the staircase would be occasional and transitory, so people would not have

prolonged opportunities to see into other premises. Taking all this together, the increase in overlooking resulting from the staircase would not be so great as to be harmful to the privacy of neighbouring occupiers.

10. For the above reasons, I conclude the proposal would not have a harmful effect on the living conditions of nearby residents, with particular regard to privacy. Accordingly, I find no conflict with Policies KP2 and CP4 of the CS or Policy DM1 of the DMD. Together, these policies seek, among other provisions, good relationships with existing development, having regard to the privacy of neighbours. I also find no conflict with guidance in the DTG SPD, which resists adverse effects on privacy in adjacent properties. I also find no conflict with the Framework where it seeks a high standard of amenity for existing users.

Other Matters

11. The potential for the staircase to be used as a fire escape is a matter for other regulatory regimes, so is outside my remit in considering this appeal.

Conditions

12. I have considered the condition put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

Conclusion

13. For the above reasons the proposal accords with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken other than in accordance with the development plan. Having regard to all other matters raised, I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR