



Appeal Decision

Site visit made on 9 January 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17TH January 2025

Appeal Ref: APP/P0240/D/24/3350014

6 Bridge View, Shefford, Central Bedfordshire, SG17 5FT

- 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 Mrs Gillian Geekie against the decision of Central Bedfordshire Council.
 - The application reference is CB/24/01061/FULL.
 - The development proposed is to erect external timber and composite staircase to the rear of the property to allow access to enclosed back garden and also additional fire escape, by removing the first storey window and replacing with door to allow access onto staircase (Retrospective application).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024 since both the determination of this proposal and the submission of this appeal; however, the key changes are not considered to impact upon the determination of this appeal in relation to the main issues noted below.

Main Issues

3. The main issues are the impact of the proposal upon i) the existing built form of the dwelling and the setting of the local and wider area and ii) neighbouring residential amenity with regard to overlooking and loss of privacy.

Reasons

Existing built form of the dwelling and the setting of the local and wider area

4. The appeal site is a residential, coach house style, dwelling with an enclosed garden to the rear which stands within a residential area characterised by dwellings that are noted to be varied in scale. A staircase has been constructed providing access from the first-floor level of the building to the rear garden as a result of removal of an existing first floor window and its replacement with a door to allow access onto the staircase. The Council consider that the principle of the proposal is acceptable but that the proposals acceptability is subject to the staircase not resulting in any adverse impact on the character and appearance of the area, neighbouring amenity, and highway safety. No refusal reason is based upon highway considerations, and I have no reason to conclude differently on this matter from the evidence before me nor my site visit.
5. At the time of my site visit I found that the proposal is not visible from the public realm, from Bridge View, due to its location being to the rear of the host dwelling

within the appeal site. The proposal is, however, highly visible from the parking area to the rear of the appeal site as well as from varying viewpoints within neighbouring properties and gardens within the immediate area. The staircase, constructed of timber and composite, is noted to be stated to be an additional fire escape but due to scale and bulk I find that it presents as an unsympathetic addition to the existing built form which would be incongruous with the general setting of the local and wider area. Whilst views of the proposal are limited within public realm, it should be kept in mind that character and appearance are separate matters and, in this case, I find the staircase would be uncharacteristic for the host dwelling and the locality and would not harmonise with the setting of the local and wider area.

6. It is noted that the materials utilised in the construction are similar to the materials used within the vicinity, however, whilst matching materials are noted this does not overcome concerns as to scale, bulk, and siting in relation to the existing built form as I have identified. The garden of the appeal site is noted to have a high brick wall, fence and foliage surrounding it; however, it is evident from my site visit and the photographs provided by the appellant that the staircase is still largely visible with the wall in question only obscuring part of the staircase at ground level.
7. Even if the staircase, as it now stands, was acceptable, I find that there is concern in relation to the second main issue relating to neighbouring residential amenity with regard to overlooking and loss of privacy. In this case, due to the interaction of the proposal with adjacent dwellings and gardens, there is a requirement for proposed screening to overcome that particular issue. In this case, the proposed screening would then increase the scale and bulk of the proposal which I find would exacerbate its mass, visual prominence and general unsuitability which would further contribute to it being an unsympathetic addition to the existing built form.
8. The proposal would be contrary to Central Bedfordshire Local Plan 2021 (LP) Policy HQ1 which seeks to ensure that developments are of the highest possible quality and respond positively to their context and that the size, scale, massing, materials, and appearance relate well to the existing local surroundings. The proposal would also be contrary to the Central Bedfordshire Design Guide 2023 (the Design Guide) which, as an overarching objective, requires that alterations will be generally determined by their relationship to the style, character, and appearance of the existing property. The proposal would be also contrary to Section 12 of the Framework which outlines, within paragraph 135, that developments should add to the overall quality of the area as well as being sympathetic to local character.

Neighbouring residential amenity with regard to overlooking and loss of privacy

9. The proposal is sited immediately adjacent to 8 Bridge View (no. 8) as well as being in close proximity to the private rear garden amenity space of adjacent dwellings. The proposal results in the provision of an elevated platform which, even with natural use/day to day use, offers clear views into the private amenity space of no. 8 – I find that this would result in overlooking and loss of privacy which is to an unacceptable level as demonstrated by the imagery contained within the appellant's statement of case. Whilst the doors and platform are adjacent to an existing window, which has been removed, I consider the provision of a staircase to result in intensification of the use that would contribute to overlooking and loss of privacy for neighbouring occupiers.

10. Whilst the appellant outlines that they feel that the railings obscure more of the view to no.8's garden than could be seen before, aside from the platform, I find that the staircase then offers clear views immediately adjacent to and over the boundary fencing with the perception of overlooking in such close proximity to a patio area (where the photographs demonstrate tables and chairs) I find to be sufficient to warrant refusal in this case. Whilst use of the staircase has been stated to be limited in terms of frequency it is not within the reasonable control of any permission granted to control or define acceptable use. In this case, even with infrequent use as outlined, the impact to the adjacent property and the potential for overlooking from the staircase and viewing platform itself remains unacceptable.
11. I note that that concern with regard to overlooking and loss of privacy could possibly be mitigated by obscure screens, however, as outlined above in relation to the first issue, I find that the introduction of screening to mitigate the second main issue would then in turn further contribute to the first main issue with regard to scale, bulk, design and siting resulting in an unsympathetic addition.
12. The proposal would be contrary to LP Policy HQ1 which seeks to ensure that development does not cause an unacceptable impact upon nearby existing or permitted uses including impacts upon amenity or privacy. The proposal would also be contrary to the guidance contained within the Design Guide which, in terms of its overarching objectives, seeks to avoid un-neighbourly impacts as a result of developments. The proposal would also be contrary to Section 12 of the Framework, paragraph 135, which seeks to create places with a high standard of amenity for existing and future users.

Conclusions

13. I note that the purpose of the staircase is stated, by the appellant, to be two-fold insofar as it is intended to allow enjoyment of the garden as well as providing a secondary means of escape with regards to fire safety. I also acknowledge the needs of the appellant outlined within their statement of case as well as the reference made to Building Regulations; however, I have no evidence before me to suggest that the property, without the proposal, would be sufficiently unsafe in the event of a fire to warrant the proposal in light of the concerns I have identified against the two main issues above.
14. The appellant's personal requirements and concerns have been attributed weight within my consideration of this appeal, however, within this case this is insufficient to overcome the harm which I have found in the context of the two main issues with particular regard to the impact I have found in relation to the residential amenity of no. 8. Whilst the new purchaser of the adjacent property, no. 8, may have continued with their purchase, having seen the staircase in place, proposals should be considered in the context of the lifetime of the development meaning that all future occupiers which may be affected by the proposal should reasonably be taken into account when considering the impacts.
15. Overall I acknowledge that the staircase may have been designed to be small and as unobtrusive as is reasonably possible, however, I find that the staircase is an inappropriate addition to the dwelling which would be exacerbated by the use of privacy screens which would in turn be required in order to overcome the unacceptable impact I have identified with particular regard to overlooking and loss of privacy of no. 8.

Other Matters

16. I note comments from neighbouring properties, including one in support, and I have dealt with the main matters raised within the main body of this decision letter. The impact of proposals upon surrounding property values is not a material planning consideration.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR