



## Appeal Decision

Site visit made on 9 November 2020

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

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**Appeal Ref: APP/M2325/W/20/3255744**

**5b St Pauls Avenue, Lytham, Lancashire FY8 1ED**

- 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 Michael Meaney against the decision of Fylde Borough Council.
  - The application Ref 20/0117, dated 17 February 2020, was refused by notice dated 24 April 2020.
  - The development proposed is the installation of metal, spiral staircase to rear of property to allow access from the first floor of maisonette to rear garden via new exit door (formed from existing sash window).
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - i) the effect of the proposal on the living conditions of the occupiers of Flat 5a St Pauls Avenue in respect of privacy and outlook, and;
  - ii) the effect of the proposal on the character and appearance of the host property and the surrounding area.

### Reasons

#### *Living conditions*

3. The appeal site is a large property which is converted into two dwellings with No 5a St Pauls Avenue as the ground floor flat and No 5b is above. Access to the garden from No 5b is currently from the main front entrance to the property on the ground floor, where an entrance hallway serves both the upper and ground floor flat.
4. The proposed spiral external staircase would be accessed from a new door in a hallway in No 5b. The platform and staircase would extend out from the side elevation of the property, and the spiral staircase would allow access to the rear garden.
5. There are three windows in the rear elevation that would be affected for the occupiers of No 5a, one of these is a large window. Without any screening it would be possible to see directly into the rear windows of the ground floor flat No 5a from the turns on the staircase. I note that the existing occupants of

No 5a do not object to the installation of the staircase in terms of privacy, and that the room with the windows is currently used as an office. Nevertheless, I must make my decision in the public interest to protect the living conditions of existing and any future occupiers of No 5a. The staircase would lead to a significant loss of privacy, with users of it able to gain good views into a habitable room. This would be harmful to occupants of No 5a.

6. The garden is in communal use. The views into the large rear window of No 5a are only possible towards the rear of the garden as the window is not at ground floor height, and as such there is no existing loss of privacy in that regard.
7. In terms of outlook for the occupiers of No 5a, the staircase would be located close to the side extension wall of the rear of the property. There would be some separation between the staircase and the narrow rear window, closest to the side elevation. This would obscure the view out somewhat although the presence of the side elevation wall would already be highly visible. In addition, the larger window and an additional narrow window close to the boundary with No 7 would remain generally unobstructed with good views out towards the garden and rear of other properties. Therefore, the proposal would not lead to a harmful loss of outlook. However, this does not outweigh the harm I have found.
8. I conclude that the proposal would cause harm to the living conditions of the occupiers of No 5a St Pauls Avenue in respect of privacy. It would conflict with Policy GD7 (c) of the Fylde Local Plan (2018) which seeks to ensure that amenity will not be adversely affected by neighbouring uses. It would also be contrary to the National Planning Policy Framework (the Framework), which seeks to ensure a high standard of amenity for existing and future users.

#### *Character and appearance*

9. The appeal site is located along a residential road. The dwellings are large detached and semi-detached houses of varying styles. Some have been converted into flats and some retained as individual dwellings. Many of the buildings have had extensions and additions over the years, particularly to the rear and sides. Most of the original character has been retained on the front elevations of buildings but there is a much greater variety to the rear, including external steps with metal railings, dormers and extensions of varying designs.
10. The external spiral steel staircase would not be seen from the road. It would be visible from some of the properties directly to the rear of No 5. However, this would be at some distance as the rear gardens of properties are quite long. The outrigger extensions at Nos 5 and Nos 7 are significant in size and the staircase would be set behind this. It would not be prominent within the area in this context even with its unusual design and would not have a large footprint overall. The staircase would be constructed using metal and although this is not a material which is widely used within the area, there are examples close by of metal railings and balconies as part of the structure of the buildings. Thus, it would not appear to be out of character with the area.
11. The staircase would be located close to the side elevation at No 5 and would only take up a relatively small amount of space in comparison to the scale of the building and the size of the rear garden. It would not be an overly dominant feature in this respect.

12. For these reasons, the proposal would not cause harm to the character and appearance of the area or the host property. It would not conflict with Policy GD7 of the Fylde Local Plan, which amongst other things seeks a high standard of design, and development that relates well to the surrounding area and conserves and enhances the built and historic environment. It would not be contrary to the Framework where it relates to achieving well designed places.

*Conclusion and planning balance*

13. I accept the importance of outdoor space to physical and mental health, but access to the garden is not severely restricted by the existing arrangements. The proposed staircase would provide another form of exit from the first floor in the case of fire, although there is no evidence to indicate that the existing arrangements are unsafe in this regard. I have found that the scheme would not cause harm in terms of the character and appearance of the area. However, these considerations are not sufficient to outweigh the harm to the living conditions of the occupiers of No 5a St Pauls Avenue in respect of privacy.
14. For the above reasons, I conclude that the appeal should be dismissed.

*Louise Gibbons*

Inspector