



# Appeal Decision

Site visit made on 3 August 2010

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**7 September 2010**

## **Appeal Ref: APP/X5210/A/10/2119976**

### **4 Somali Road, London NW2 3RL**

- 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 Ms Laleh Labib-Rahman against the decision of the Council of the London Borough of Camden.
- The application Ref 2009/3481/P, dated 27 August 2009, was refused by notice dated 22 October 2009.
- The development proposed is described on the application form as 'existing sash window on rear elevation removed and opening enlarged to fit new 1500mm wide French window to allow access to new metal platform and stair down to garden.'

### **Decision**

1. I dismiss the appeal.

### **Main issue**

2. The main issue is the effect of the proposed staircase on the living conditions of occupiers of the ground floor flat of 4 Somali Road and 6 Somali Road with particular regard to outlook and privacy.

### **Reasons**

3. The proposed development would include the erection of an external staircase to the side and rear of the appeal property, 4 Somali Road. The proposed staircase would rise from ground level at the side of No 4 and connect with the proposed 1<sup>st</sup> floor platform on its rear elevation. In so doing, the proposed staircase would be positioned close to, and directly in front of, the kitchen window of the ground floor flat of No 4 (the window). At present, this window provides a relatively open and attractive outlook towards the rear garden of No 4. Having observed the rear garden from this window, I am satisfied that the proposed staircase would visually dominate this view and, as a result, significantly harm the living conditions of occupiers of the ground floor flat of No 4 because it would result in an unacceptable quality of outlook.
4. In reaching this conclusion, I acknowledge that the proposed staircase would be of lightweight material and that views of it from the window would include modest gaps on either side of the proposed staircase and in between the individual treads. However, none of these points would diminish the visual impact of the proposed staircase given its close proximity to the window.
5. People using the proposed staircase would also be able to see directly into the window from a close position in relation to it. This arrangement would cause an unacceptable loss of privacy to occupiers of the ground floor flat of No 4

through overlooking. While I accept that views into this window are possible from the rear garden of No 4, which is shared between the 2 flats of the appeal property, the proposed staircase would exacerbate this problem because it would focus the opportunity for overlooking from a vantage point that would be close and at a similar level to this window.

6. The adjacent property, 6 Somali Road, would also be affected by the proposal since there are ground and 1<sup>st</sup> floor windows that would face the proposed staircase. The current outlook from these windows would include the substantial sidewall of No 4 and the boundary fence that runs along the shared rear boundary of Nos 4 and 6. This outlook would not significantly change as a result of the proposal because views of the proposed staircase from these windows would be largely side-on or at an oblique angle and so it would appear as a relatively insubstantial feature along the sidewall of No 4. The proposal would not, therefore, cause significant harm to the outlook of occupiers of No 6.
7. There would be some overlooking between the proposed staircase and the ground floor windows of No 6, which face the side elevation of No 4. In my experience, overlooking of this type is not uncommon between semi-detached properties. In those circumstances, I consider that the occupiers of No 6 would not experience a significant additional loss of privacy through overlooking as a result of the proposed development.
8. The appellant has stated that the proposed staircase would only be used as a means of escape in an emergency. However, from my inspection of the plans it is not obvious how the use of the proposed staircase could be restricted in this way nor am I persuaded that such a restriction would be enforceable. In those circumstances, I consider that the intended use of the proposed staircase does not weigh in support of the appellant's case. I also note that current of occupier of the ground floor flat of No 4 has not objected to the proposal. However, my assessment takes into account the effect of the proposal on future occupiers of that property.
9. Against that background, I conclude that the proposed staircase would be harmful to the living conditions of occupiers of the ground floor flat of No 4 because it would result in a significantly poorer quality outlook and cause an undue loss of privacy. Consequently, the proposal would conflict with Policy SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006 and the advice within the Camden Planning Guidance. These policies seek to ensure that development does not cause harm to the amenity of occupiers and neighbours with particular regard to visual privacy and overlooking.

#### *Other matters*

10. The Council considers that the proposed staircase would cause an unacceptable loss of light and create a sense of enclosure for occupiers of the ground floor flat of No 4. I disagree. The gaps within and either side of the proposed staircase would allow adequate light to permeate through it towards the kitchen window. These gaps would also visually 'break up' the bulk of the proposed structure so that it would not appear unduly oppressive nor create a sense of enclosure to occupiers of the ground floor flat of No 4.

11. The Council appears not to object to the proposed French doors and the external platform. I, too, find these elements of the proposal acceptable given that views from them would not significantly overlook neighbouring properties and their design and appearance would be sympathetic to the character and appearance of the appeal property. However, the proposed French doors and the external platform would be inseparably linked with that of the proposed staircase. Therefore, I am unable to issue a split decision that would grant planning permission for these elements of the proposed scheme.

### **Conclusion**

12. I have had regard to all other matters raised including the personal circumstances of the appellant and her preference for straight rather than external spiral stairs that the Council has indicated that it would find more acceptable. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR