

**Decision on Appeal to the Secretary of State:
Cobwebs, Beech Road, Wroxham**
Report by Planning Assistant

Summary: This report relates to the decision on an appeal made to the Secretary of State concerning the Authority's decision to refuse permission for the retention of a maintenance stair to an existing flat roof. The appeal was allowed.

Recommendation: That the report be noted.

1 Introduction

- 1.1 This report relates to the decision made by the Secretary of State concerning an appeal made by Mr Eric Plane against the Authority's decision to refuse planning permission for the retention of a maintenance stair to an existing flat roof on an existing dwelling Cobwebs, Beech Road, Wroxham (BA/2011/0191/FUL).
- 1.2 The application was refused under delegated powers on 8 September 2011.
- 1.3 The site is within the Wroxham Conservation Area and outside the Development Boundary.

2 Nature of Appeal

- 2.1 The application was refused on policy grounds as the proposed retention of the staircase, the construction of which was complete, was considered to facilitate the use of the existing flat roof as a roof terrace and it was considered that this use would result in the direct overlooking and a loss of privacy to neighbouring properties contrary to saved Policy H11 of the Broads Local Plan (1997).
- 2.2 The appeal proposal sought retrospective consent for an external staircase which had been erected from a raised decking area to a flat roof section of the dwelling which is edged with a thatched upstand. The materials and design of the staircase were considered to be in keeping with the existing dwelling and to preserve the character and appearance of the Conservation Area.
- 2.3 The staircase had been erected to create a safe access to the flat roof for maintenance purposes. The Authority considered that the design and structure of the staircase, which were substantial, were such that it would

facilitate use of the roof area for more than maintenance purposes and provide opportunities for recreational use.

- 2.4 Since the determination of the application, the Broads Local Plan policies that the proposal had been assessed against had been superseded by the Development Management Policies DPD (adopted November 2011).

3 The Issues

- 3.1 The Inspector, E Norma Farish BA DipTP MRTPI considered the main issue to be:

- Whether the proposed development would be likely to facilitate the use of the flat roof for recreational purposes resulting in loss of privacy to and detriment to the residential environment of the occupiers of neighbouring dwellings.

4 The Decision

- 4.1 The Inspector observed the existing dwelling to be a substantial house, much of which has a thatched roof but the area of the dwelling which was the subject of the appeal appeared to the Inspector a more recent addition with a flat roof. It was noted that the floor level of this part of the house was above ground level and that the stairs which were the subject of the appeal extended from a raised deck to which the Local Planning Authority had no objection (granted retrospective planning permission, BA/2011/0189/FUL).
- 4.2 The materials and colour of the stair were noted to match those of the stairs and balustrade to the raised deck and the Inspector noted that the Local Planning Authority had no objection to the design and appearance of the stair. In considering the impact on the Conservation Area, the Inspector noted that the development was largely screened from view and that the character and appearance of the Conservation Area were preserved and the scheme met the objectives of Policies DP4 and DP5 of the Development Management Policies DPD.
- 4.3 The Inspector noted that the Local Planning Authority had resisted several previous proposals for the appeal scheme due to concerns about the possible use of the flat roof for recreational purposes and the consequent adverse effects on the residential environment of neighbouring occupiers. It was noted that these concerns remained even though thatched upstands had recently been erected around the perimeter of the flat roof for aesthetic reasons, with planning permission. The requirement of Policy DP28 of the Development Management Policies DPD, which supersedes Policy H11 of the Broads Local Plan, for development not to harm the amenity of occupiers of existing neighbouring properties was also noted.
- 4.4 The Inspector observed that much of the flat roof is screened from exterior views by higher sections of the thatched roof and by a chimney stack. The Inspector did, however, accept that a person standing close to parts of the upstand, which measures 1.4 metres high, can look over it and see parts of

the two neighbouring properties to the southeast. The Inspector noted that such viewing would require deliberate intent and needs more effort, and is less intrusive, than looking from the existing south-eastward and eastward facing windows in the rooms below which face the windows to habitable rooms in the neighbouring dwelling Greenbanks. It was observed that anyone sitting on the roof would have no overview of adjoining properties.

- 4.5 In considering the suitability of the roof for use as a roof terrace, the Inspector observed that the flat roof in its present form would be structurally too weak and that the size and disposition of eight Perspex domes on the roof, which give light to the room below, make recreational use impracticable.
- 4.6 The maintenance problems caused by the flat roof which are affecting the room below were seen by the Inspector who did not consider the provision of a means of access to the roof in order to tackle such problems to be unreasonable. Whilst noting that repair works might lead to temporary noise disturbance to nearby occupiers, the Inspector considered it unlikely that even with the access stairs which were the subject of the appeal, that the flat roof would be used for recreational activities resulting in significant disturbance to or intrusion on the privacy of neighbours. The appeal development was therefore not considered to conflict with the aims of Policy DP28 of the DPD.
- 4.7 The Inspector concluded that planning permission might be granted and the appeal was allowed subject to the following conditions.
- The development hereby permitted shall be carried out in accordance with the application form and plans (drawings nos. 10672 P30 and 10672 P31 and Design & Access Statement & Heritage Statement) received by the Local Planning Authority on 20 June 2011.
 - The external staircase hereby permitted shall be used to facilitate access to the flat roof for maintenance purposes only and the flat roof shall not be used at any time as a roof terrace for seating or recreational purposes.

Background papers: Application and Appeal Files: BA/2011/0191/FUL and BA/2011/0012/REF

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Date of report: 17 January 2012

Appendices: None