
Appeal Decision

Site visit made on 18 October 2016

by Stephen Hawkins MA MRTPI

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

Decision date: 9th November 2016

Appeal Ref: APP/U3935/W/16/3153772

Garages to rear of 76 Newcastle Street, Swindon SN1 2LG

- 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 Gallagher against the decision of Swindon Borough Council.
 - The application Ref S/16/0583/RM, dated 23 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is a dwelling to replace existing garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. From other appeals I am determining elsewhere in the Borough I am aware that since the Council refused planning permission, the Backland and Infill Supplementary Planning Document (SPD) has been superseded, as a result of the Council's adoption of the Swindon Residential Design Guide SPD. Therefore, and after seeking the views of both main parties in respect of the application of the Residential Design Guide to the appeal scheme, I have only referred to the recently adopted SPD in my decision.

Main Issues

3. These are:
 - The effect of the proposed dwelling on the character and appearance of the area.
 - Whether the proposed dwelling would provide a suitable living environment for future occupiers, having regard to the provision of external amenity space.

Reasons

Character and appearance

4. The appeal site, which is largely occupied by a block of three flat roofed garages, is adjacent to the rear garden of 76 Newcastle Street. The front elevation of the garage block faces over a small forecourt onto Beckhampton Street. Residential development in the vicinity of the appeal site is mainly characterised by Victorian/Edwardian terraced dwellings, but there are also some mid-20th Century pairs of semi-detached properties opposite and further along Beckhampton Street. Dwellings in the vicinity are mostly two storeys
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high and situated in similarly-sized rectangular, narrow plots. The groups of dwellings are also set back similar distances from the street. In the main, they have small front gardens fronted by low walls, with longer rear gardens. The above factors all contribute to the established residential character and harmonious appearance of the locality.

5. The appeal site is much more modest in comparison with the plot sizes of dwellings in the vicinity. Also, unlike most nearby properties, the appeal site is irregular in shape. The single bedroom dwelling proposed would have a similar footprint to the block of garages. As the garage block currently takes up most of the appeal site, the proposed dwelling would therefore occupy a much greater proportion of the plot when compared with the dwelling and plot size typical of the surrounding development. There would not be any space between the side and rear elevations of the proposed dwelling and the plot boundaries. As a result, although it would be detached, the proposed dwelling would appear 'cramped' on its plot compared with the rather more spacious characteristics of residential development in the vicinity and it would therefore appear as an incongruous feature when viewed in the street scene.
6. The eaves level of the proposed dwelling would be similar to that of the existing garage block. I am given to understand that the eaves and the overall height of the proposed dwelling would be lower in comparison with a previous scheme, dismissed at appeal in 2003¹. Nevertheless, in order to achieve the lower eaves and ridge height proposed, a chalet bungalow style has been adopted in the design. This would not reflect the consistent, two storey scale typical of the dwellings in the locality, which are also characterised by roof slopes largely unbroken by front dormer windows.
7. Consequently, the scale and design of the proposed dwelling would be entirely at odds with the established pattern of development in the surrounding area. This would further emphasise the appearance of the proposed dwelling as an alien feature in the street scene, as would any high boundary enclosures at the front around the amenity area, required to provide privacy to the future occupiers.
8. Due to its scale and design, the proposed dwelling would be a much more prominent and assertive feature in its surroundings in comparison with the garage block. The garage block might not make a significant, positive contribution to the character and appearance of its surroundings. Nevertheless, it is subordinate in terms of its scale and appearance to the nearby dwellings and it does not have an unduly harmful visual impact on the street scene. As a result, removal of the garage block would not afford any significant benefit in terms of the appearance of the appeal site and its surroundings.
9. Consequently, the proposed dwelling would cause unacceptable harm to the character and appearance of the area. Therefore, it would not accord with Policy DE1 of the adopted Swindon Borough Local Plan 2026 (LP), as it would not meet the requirement for a high standard of design when assessed against design principles of context and character, in respect of the existing built characteristics and when assessed against the design principles of the form of the development, in respect of its siting.

¹ Reference APP/U3935/A/02/110617.

10. Furthermore, the proposed dwelling would not pay sufficient regard to the advice in the SPD at section 2, because it would not demonstrate how the existing built features have informed the design, it would not respond to and respect the inherent scale, density, massing and layout of the existing area and it would not reflect the inherent plot size, building line, roofscape, built form and scale. Also, the proposed dwelling would not pay sufficient regard to section 4 of the SPD, because it would not respect established building lines and reinforce street character, it would not be in scale with its context and character and it would not contribute positively to surrounding streets.
11. Moreover, the proposed dwelling would also therefore fail to achieve the core planning principle in the National Planning Policy Framework (the Framework) of securing a high quality design set out at paragraph 17 and it would be inconsistent with the more detailed advice on the requirement for good design at Section 7.

Living conditions

12. The external amenity area would be provided in front of the proposed dwelling. This area would be similar in size to some front gardens of existing dwellings in the vicinity, but would be extremely small in comparison with the size of private rear gardens in the locality. The amenity area would therefore provide a very restricted space in which to undertake activities such as drying washing or to simply relax. Moreover, being immediately adjacent to the pavement, the amenity area would be extensively overlooked by passers-by. Therefore, it would not provide any sense of privacy for anyone using it, unless high boundary enclosures were erected.
13. The amenity area would provide for storage of refuse and recycling and it might be larger than that of some flats. Even so, in respect of many flatted schemes the lack of a private amenity space is compensated for by the provision of larger communal areas dedicated to residents. There would be no opportunity for such provision in respect of the appeal scheme.
14. I acknowledge that the proposed dwelling has been purposely designed in anticipation that its future occupiers might not desire a garden and may place greater value on the convenience of a town centre location whilst having access to garaging, a cycle store and domestic storage. However, it would also not be unreasonable for the majority of future occupiers to expect that they would have access to a similar level of private amenity space to that which is typical of the existing dwellings in the surrounding area.
15. Consequently, whilst the proposed dwelling would not affect the living conditions of the occupants of neighbouring dwellings, the deficiencies in the amenity area would result in an unacceptable living environment for its future occupiers.
16. Therefore, the proposed dwelling would not accord with LP Policy DE1 when assessed against the design principle of amenity, in respect of space. Moreover, the proposed dwelling would not pay sufficient regard to the advice in the SPD at section 6, because the garden would not be larger than the footprint of the host dwelling. Furthermore, the proposed dwelling would therefore fail to achieve the Framework core principle at paragraph 17 of seeking to secure a good standard of amenity for all future occupants of land and buildings.

Conclusion

17. The proposed dwelling would not accord with the Development Plan, the SPD and the Framework.
18. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR