
Appeal Decision

Site visit made on 22 November 2016

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 12 December 2016

Appeal Ref: APP/U3935/D/16/3157117

46 St Philips Road, Upper Stratton, Swindon SN2 7QH

- 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 Miss S Carter against the decision of Swindon Borough Council.
 - The application Ref S/16/0317/NIHO, dated 25 January 2016, was refused by notice dated 6 June 2016.
 - The development proposed is erection of a 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are (i) the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area and (ii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to outlook.

Reasons

Effect on character and appearance.

3. The appeal property, although a detached dwelling, is a two storey cottage style property of modest proportions. The two storey building fills the width of the plot and a single storey extension at the rear spans the majority of the width of the house except for a pathway to the rear door.
 4. To the north of the appeal property No 45A is a relatively modern two storey dwelling set back from the road with its front wall approximately in line with the rear of the two storey element of the appeal property. On the south side of the appeal site and approximately in line with the appeal property is a terrace of three dwellings. The neighbouring property to the south, No 47, has a two storey rear extension set away from the boundary with the appeal property.
 5. The appeal property has a long back garden as do other properties on the west side of St Philips Road in the vicinity of the appeal site. The proposed two storey extension would fill the width of the plot and would be set at a slight angle to the two storey element of the existing dwelling in order to follow the alignment of the plot. The existing single storey extension follows this alignment. Taking into account the generous length of the back garden and the modest size of the two storey element of the existing dwelling, I consider that the size of the extension, although it would approximately double the size
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of the two storey dwelling, would not be disproportionate or out of keeping with the host dwelling in this case. The extension has been designed with a roof pitch similar to that of the existing dwelling pitched roof and a ridge line slightly lower than the existing dwelling.

6. The extension would be visible from the street, but only from a limited area directly outside the dwelling. The northern side wall and roof of the extension would be visible through the gap between the appeal property and 45A. Whilst this would reduce the sense of openness at this point, there is a variety of dwelling types in St Philips Road, including detached, semi-detached and terraced properties, many of which are sited close to the road. Accordingly, I consider that any harm to the character and appearance of the area would be very limited.
7. For these reasons, I am satisfied that the effect of the proposal on the character and appearance of the host dwelling and the street scene would not be unacceptably harmful.

Effect on living conditions

8. The proposed two storey extension would be directly adjacent to the side boundary of the rear garden of No 47. The proposed extension would be considerably taller than the existing single storey extension on the appeal site which also runs alongside the boundary. The extension would have an eaves height similar to the existing two storey dwelling and a ridge height only slightly below the main ridge height. The wall of the extension facing No 47 would include two first floor windows which would have obscure glazing.
9. The height and length of an extension in this position would appear overbearing in views from the garden of No 47 and particularly from the area closest to the rear of the house, which is likely to be the most used area. Consequently, the proposed extension would unacceptably harm the outlook from the garden of No 47 and diminish the amenity enjoyed by occupiers of this property. Whilst there has been no objection raised to the proposal by the current occupiers of No 47, I must take into account the effect of the proposal on both existing and future occupiers.
10. The relationship of the proposed extension with 45A would be somewhat different. As No 45A is set further back into its plot than the appeal property, the proposed extension would run more or less parallel to the side of this neighbouring property. There would be some limited harm to the outlook from the first floor window in this neighbouring property and potentially some effect on sunlight. The scale of the drawings precludes precise assessment of the relationship between the windows shown in the north elevation of the proposed extension and the first floor window in No 45A. However, on the basis of the available evidence, I consider that the effects of the extension on the living conditions of occupiers of No 45A would not be sufficiently harmful to warrant refusal of the proposal.
11. Policy SD1 of the Swindon Borough Local Plan 2026¹ ("the Local Plan") is a wide ranging policy addressing sustainable development principles including the need for all development to be of high quality design. Policy DE1 is specific to the requirement to high quality design. With regard to the appeal proposals I

¹ Swindon Borough Local Plan 2026 Adopted March 2015

find that the siting, scale and massing of the proposed development will adversely affect the amenity of occupiers of No 47 with regard to outlook. Consequently the proposals will not meet the requirement for high quality design and therefore conflict with Policies SD1 and DE1 in this regard.

12. I have taken into account the Council's Supplementary Planning Document (SPD) relating to residential extensions and alterations². This was adopted in the context of the previous local plan. Nonetheless, it provides guidance relevant to Policy DE1. The SPD advises that, amongst other matters, extensions should safeguard the amenity of neighbouring residents in terms of visual intrusion amongst other matters.
13. The guidance advises that rear extensions should adhere to a number of criteria including not exceeding 3m in length for a two storey extension and the wall formed on the boundary not containing openings. In this case, the windows proposed would be obscure glazed to avoid overlooking of the neighbours. However, as the windows would be on the boundary, I consider they would introduce perceived overlooking which would add to the sense of intrusion created by the extension in respect of impacts on occupiers of No 47.

Conclusions

14. Although the proposed extension would not unduly harm the character and appearance of the host dwelling or the wider area, there would be unacceptable harm to the living conditions of occupiers of the neighbouring property to the south as described above. Accordingly, for these reasons and having taken into account all matters raised, the appeal is dismissed.

J E Tempest

INSPECTOR

² Swindon Borough Council Residential Extensions & Alterations Supplementary Planning Document Adopted October 2011