

Appeal Decision

Site visit made on 3 February 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/U3935/D/16/3164084

222 Ermin Street, Stratton St Margaret, SN3 4LW

- 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 Lorrie Purkiss against the decision of Swindon Borough Council.
 - The application Ref S/16/0413/HECO, dated 1 March 2016, was refused by notice dated 7 September 2016.
 - The development proposed is the erection of 2-storey side extension and single-storey rear extension, erection of front porch and cat slide roof over porch and store.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2-storey side extension and single-storey rear extension, erection of front porch and cat slide roof over porch and store at 222 Ermin Street, Stratton St Margaret, SN3 4LW in accordance with the terms of the application, Ref S/16/0413/HECO, dated 1 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos DCD 16/03/01 Rev A, DCD 16/03/02 and DCD 16/03/04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no windows shall be installed at first floor level in the north-west elevation facing 220 Ermin Street of the development hereby permitted.
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Main Issue

2. The main issue is the effect of the proposal on the living conditions at 220 Ermin Street with particular regard to light, outlook and visual impact.

Reasons

3. The appeal property is a 2-storey, semi-detached dwelling located within a principally residential area. No 220 Ermin Street, a 2-storey detached property, adjoins the north-west side of the appeal property. No 220 is set approximately 1m away from the side shared boundary between both properties and has a first floor bedroom window to its flank elevation facing towards No 222.
4. I have been made aware of some previous planning history to the appeal property. In November 2007 planning permission (Ref S/07/2340) was granted for the erection of a 2-storey side and single-storey rear extension. The Council suggests that the permission has lapsed however the appellant says not by virtue of the works having started through the construction of the single-storey rear element of the proposal. Without any details of the works that were permitted, or conclusive evidence to support the appellant's assertion, I cannot be certain that the 2007 permission remains extant. Nevertheless, I attach some weight to the decision given that the Council clearly found that a 2-storey side extension measuring 700mm from the boundary would be acceptable and which I do not consider to have been unreasonable.
5. The second piece of relevant planning history is an amended proposal for a 2-storey side extension and single-storey rear extension (Ref S/07/3029). This envisaged the side extension built right up to the common boundary. Again I have no specific details of the proposal although I note that an appeal was dismissed in January 2009 (Ref APP/U3935/A/08/2076394) with the Inspector concluding that the proposal would be harmful to the street scene and to the living conditions at No 220 due to a significant loss of natural light to the south-east facing window and loss of outlook.
6. The Council raises no concern over the effect of the proposal upon the character and appearance of the area. I have no reason to disagree, finding that the side extension's recessed position and its separation with the boundary would ensure that it would appear appropriately sub-ordinate to the original dwelling and respectful of the rhythm and spacing of properties in the street scene.
7. With a proposed gap to the boundary of 500mm, the appeal proposal attempts to strike a balance between the originally permitted scheme and the scheme that was later dismissed on appeal in order to achieve a usable extended space at first floor level.
8. The side window to No 220 would look directly towards the extended flank wall of No 222. However, its position means that it would be set close to the rear wall of the proposed 2-storey side extension and as such there would remain a reasonably expansive outlook over the single-storey rear extension to No 222 and beyond, albeit at an angle. The outlook from this bedroom window would not be entirely curtailed. Neither would the amount of natural light that would

penetrate it. Overall, whilst there would inevitably be some impact upon outlook from and daylight to this bedroom space, I am not persuaded that the effect would be so significant so as to amount to any serious level of harm to the living conditions within No 220 overall.

9. For this reason I can detect no conflict with the general guidelines given within the Council's Residential Extensions and Alterations Supplementary Planning Document, adopted in 2011, or with its specific advice in relation to side extensions. Neither can I find conflict with part c. of Policy DE1 of the Swindon Borough Local Plan 2026, adopted in 2015, which deals with amenity, or with the National Planning Policy Framework as it relates to the same issue.

Conditions

10. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to safeguard the character and appearance of the area it is necessary to ensure that the new works are carried out in materials to match the existing. To safeguard the living conditions at No 220 in relation to privacy it is necessary to restrict any windows being installed within the flank wall of the side extension, but only at first floor level.

Conclusion

11. For the reasons given I conclude that there would be no harm to the living conditions at 220 Ermin Street. Accordingly, in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR