
Appeal Decision

Site visit made on 13 July 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/U3935/D/17/3173595

11 Hesketh Crescent, Old Town, Swindon SN3 1RY

- 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 J Read against the decision of Swindon Borough Council.
 - The application Ref S/HOU/17/0023/JROD, dated 3 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is first floor side extension and new garage to side.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor side extension and new garage to side at 11 Hesketh Crescent, Old Town, Swindon SN3 1RY in accordance with the terms of the application, Ref S/HOU/17/0023/JROD, dated 3 January 2017, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 1645.1 Rev D; Block Plan 1:500 A4 Rev B; Location Plan 1:1250 A4.
 - iii) 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.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the surrounding area;
 - ii) the living conditions of residents of No 10 Hesketh Crescent in respect of outlook.

Reasons

Character and appearance

3. No 11 is one of a pair of semi-detached dwellings set in a prominent corner location and at a slightly higher level than the road. The pair is positioned at an angle to the road on that corner plot such that the front elevation of No 11 is also angled in relation to the front building line of Nos 1-10. It has an

attached single storey side garage the front corner of which is on a similar line as the front of No 10.

4. The proposed first floor side extension element would be set back from the front elevation of the existing house to ensure that, in respect of the dwelling and the pair as a whole, it would be a subservient addition. The front corner of that element would also be on a similar line as the front elevation of No 10. The proposed single storey side extension would be set back a significant amount from the front elevation of the house, ensuring a good degree of subservience and such that its front corner too would be on a similar line as the front of No 10.
5. Although on a prominent corner site, the proposed extensions would still be set well back from the road and would not perceptively extend forward of the front of No 10 or the building line generally of Nos 1-10. They would also not jar in the context of various other side extensions to properties in the street, including to No 12. The raised position of the dwelling above the road would increase the prominence of the additions to some extent. However, this would not be unusual in the context of No 10 and those others in that row also being in a raised position. As such, the proposal would not stand out as an unusually prominent, dominant or jarring feature within the streetscene.
6. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would accord with policy DE1 of the Swindon Borough Local Plan (the Local Plan) which requires development to have a high standard of design taking account of, amongst other things, context and character.

Living conditions with respect to outlook

7. The proposed development would project the dwelling closer to the side of No 10 which has a ground floor side habitable room window on the side elevation closest to No 11. However, the nearest part of the proposal would only be of single storey height, with the two storey element set further away and at an angle. Furthermore, that window of No 10 is secondary in terms of size to the main front facing window serving that room which would therefore be likely to maintain a good degree of uninterrupted outlook, without a materially increased sense of enclosure.
8. From the rear garden area of No 10, the proposal would not extend beyond the rear building line and would be set away from the boundary. It would also be significantly screened by No 10's existing rear detached garage. It would therefore not create an unacceptable enclosing effect in respect of the use of that garden area.
9. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the living conditions of residents of No 10 in respect of outlook. As such, with regard to this issue it would accord with policy DE1 of the Local Plan which, amongst other things, requires account to be taken of amenity in respect of outlook. In respect of this issue, it would also accord with the National Planning Policy Framework which in paragraph 17 states that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

10. I have had regard to the effect of the proposed development on the living conditions of the residents of No 10 in respect of daylight and privacy. With regard to daylight, as referred to previously, the nearest part of the extension would only be single storey and the two storey element would not only be set further from the boundary but angled away from it. Furthermore, the nearest facing habitable room window of No 10 relates to a room where there is also a large front facing window, thereby affording it substantial exposure to natural light. The proposal would also be sufficiently separated from the rear garden of No 10 to prevent a material reduction in daylight to that space.
11. In respect of privacy, there would be no direct overlooking of habitable room windows of No 10 from windows in the proposed extension due to its angled relationship. From the proposed rear facing windows, any overlooking of those neighbouring windows would be at a significantly oblique angle. The proposed side window would only relate to a garage and would in any case also be at an oblique angle to any side windows of No 10. The proposed rear first floor window would have the potential to cause some degree of overlooking of the rear garden of No 10. However, in relation to the more private area nearest to the rear elevation of No 10, the house itself would provide some screening along with its garage to some extent. Any overlooking towards the raised rear part of the garden would be at a greater distance. For these reasons, any overlooking of No 10 would be unlikely to be to such an extent as to cause a harmful loss of privacy to its residents.

Conditions

12. The Council has suggested three conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance. The standard time condition would be necessary and, in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required. In the interests of the character and appearance of the surrounding area, a condition to ensure that the proposed materials relating to external surfaces of the development shall match those used in the existing building would also be necessary.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR