



## Appeal Decision

Site visit made on 31 July 2017

**by K Taylor BSc (Hons) PGDip MRTPI**

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

**Decision date: 2<sup>nd</sup> August 2017**

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**Appeal Ref: APP/U3935/D/17/3176389**

**The Cedars, Widhill Lane, Blunsdon, Swindon SN26 8BX**

- 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 Jheeta against the decision of Swindon Borough Council.
  - The application Ref S/HOU/16/2133/BLOWC, dated 22 November 2016, was refused by notice dated 29 March 2017.
  - The development proposed is described as 'two storey extension to rear elevation'.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. A revised plan was submitted before the Council determined the application. The Council's decision was based on this and I have therefore done likewise. The development includes alterations to an existing dormer window. The Council has not raised any concerns about this and therefore my decision focuses on the rear extension.

### Main Issue

3. The main issue is the effect of the rear extension on the living conditions of the occupiers of Woodland with regard to outlook.

### Reasons

4. Widhill Lane contains a number of residential properties that are set broadly along a similar building line. The Cedars is a chalet bungalow with its ridgeline set perpendicular to the road. The main rear wall is set beyond the rear wall of the neighbouring property, Woodland, by about 3m. Woodland has a lounge with patio doors set close to the common boundary giving access to a raised patio area. Two bedroom windows, at first floor level, are also located close to the common boundary. A line of evergreen trees sit along the boundary which, at the time of my site visit, were a little taller than the eaves height of The Cedars.
5. With the current arrangement, the views out of the downstairs and upstairs windows in the neighbouring property are not significantly affected by the appeal property being set further back. This also does not appear dominant from the neighbours' patio. This creates an open aspect and sense of space in the neighbouring garden. It is a similar arrangement to several other properties along Widhill Lane, where any set back is generally modest.
6. The development would result in an extension that would be around 4m long at ground floor level and about 3m at first floor level. However, with the setback

that already exists, the appeal property would project back significantly beyond the rear building line of Woodland. The roofline of the first floor element of the extension would be visible above the evergreen trees. From the lounge, the bedroom window closest to the boundary, and the patio it would appear as a harmfully dominant structure impinging on the open aspect.

7. Due to the evergreen trees, the ground floor of the extension would not be visible. However, when measured from the neighbours' closest first floor window, the roof of the extension would breach the 45° rule in the Council's Residential Extensions & Alterations Supplementary Planning Document 2011 (the SPD). This further suggests that harm would arise to the outlook from Woodland.
8. The projection of the extension is within, but at the upper end of, the guidelines in the SPD. However that document is clear that it provides guidelines to be generally applied, but that in some cases these may not be sufficient. In this case the existing projection leads me to conclude that the extension would be harmful. The extension would conform to other aspects of the SPD, but these areas of conformity would not minimise the harm from the length of the extension. Ground levels change across the appeal site and neighbouring property, with the patio and floor level at Woodland set a little above the ground floor level in the appeal property. Although this would result in the overall height of the extension appearing a little lower, this would not be sufficient to alleviate the harm that would arise.
9. I therefore conclude that the rear extension would have an unacceptable effect on the living conditions of the occupiers of Woodland with regard to outlook. It is therefore contrary to Policy DE1 of the Swindon Borough Local Plan 2026 which seeks to ensure high standards of design is provided including in respect of the effect of development on the living conditions of neighbours in terms of outlook.
10. The orientation of the site and extension is such that it would not result in any significant impacts on direct sunlight reaching the neighbouring house or garden, nor would there be any significant privacy issues. This indicates a lack of harm in these particular respects but does little to weigh in favour of the development. The appellant has suggested that his garden is in shade, in part due to the existing boundary treatments, however this factor would not lessen the harmful effect the proposed extension would have.
11. The adverse effects of the rear extension are sufficient to mean that it would conflict with the development plan when taken as a whole. For the reasons given above I conclude that the appeal should be dismissed.

*K Taylor*

INSPECTOR