
Appeal Decision

Site visit made on 14 August 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 22 August 2017

Appeal Ref: APP/U3935/D/17/3178578

57 Perry's Lane, Wroughton, Swindon, SN4 9AZ

- 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 Phillip Bulman against the decision of Swindon Borough Council.
 - The application Ref S/HOU/17/0209/JROD, dated 3 February 2017, was refused by notice dated 31 March 2017.
 - The development proposed is erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appellant's appeal statement, a revised plan (16/42:04 Rev C) has been provided to change the location of the proposed flue. However, the Council and interested parties have not had the opportunity to consider the revised plan. On this basis and in the interests of natural justice, I consider that the acceptance of the revised plan would prejudice the Council and interested parties. I have therefore determined the appeal in accordance with the plans submitted to and considered by the Council during its determination of the planning application. For the avoidance of doubt these are Drawing Nos: 16/42:01; 16/42:02 (Rev A); 16/42:03; and 16/42:04 (Rev A).

Main Issues

3. The main issues of the appeal are the effect of the proposal on: the character and appearance of the host dwelling and the area; and the living conditions of the occupants of neighbouring residents.

Reasons

Character and appearance

4. The appeal site is located on the northern side of Perry's Lane and accommodates a two-storey semi-detached property. The wider area is largely residential and primarily comprises of semi-detached dwellings generally of Victorian construction.
5. The proposal would result in the construction of a single storey rear extension that would be approximately 2.9 metres in height with a flat roof and would be some 5.4 metres wide to match the host dwelling. The proposed materials would match that of the host dwelling.

6. The proposed extension would extend approximately 4.9 metres from the rear of the existing property. However, the host dwelling already has a rear extension and when this is taken into account, the proposed extension, cumulatively, would extend over 8 metres from the original appeal dwelling. The Council's Residential Extensions and Alterations Supplementary Planning Document (2011) (the SPD) sets out that single storey rear extensions near the property boundary should not exceed 4 metres in depth from the host dwelling (Page 18). The SPD is a material consideration and whilst the appellant points out that it is guidance, I see no reason why it should not carry significant weight. The SPD also notes that '*Rear extensions may not always be in public view but it is still important to ensure the design quality is of a high standard so as not to detract from the existing dwelling*'.
7. The proposed extension, when considered with the existing extension, would result in a large addition to the host dwelling that would extend a significant distance from the property (over 8 metres). Despite its single storey height and flat roof, the proposed extension would detract from the scale and proportions of the existing dwelling, causing harm to its character and appearance. Further, the proposal would extend out from the host dwelling a noticeable distance past any other rear extension associated with the neighbouring properties, including those at No 61 Perry's Lane (6 metres) and No 63 Perry's Lane. The proposed extension would therefore represent an incongruous feature that would not respect the existing pattern of the development, causing harm to the character and appearance of the area.
8. The Council has raised concerns with regard to the location and visual appearance of the proposed flue to serve a wood burner. I consider that the proposed flue would appear as an incongruous and exposed feature, when viewed from neighbouring properties. However, the appellant has suggested that the flue could be removed from the scheme by a planning condition. I consider that this would overcome such concerns.
9. In conclusion on this matter, the proposal by virtue of its depth, would result in an addition that would be out of scale and proportion to the host dwelling, causing harm to the character and appearance of the host dwelling and the area. The scheme therefore runs contrary to Policy DE1 of the Swindon Borough Local Plan 2026 (2015). The policy seeks to ensure that new development is of high quality design and (amongst other things) respects the context and built characteristics of the area. Further, the proposal also conflicts with the SPD and Section 7 of the National Planning Policy Framework (the Framework), which requires good design.

Living conditions

10. The Council has raised concern with regard to the location of the proposed flue that would serve a wood burner and its potential to cause nuisance from smoke and other emissions (or the perception of such emissions). I agree with the Council that the location of the flue, along with its proposed height, could lead to annoyance to neighbouring residents, particularly No 59, which is located on the prevailing south westerly wind. Further, I observed that No 59 has a conservatory with openings that would be in close proximity to the proposed flue.
11. Notwithstanding this, as identified above, the appellant has suggested that the flue could be removed from the scheme by a planning condition. This would

overcome such concerns. On this basis, with the implementation of the suggested planning condition, I consider that the scheme would not result in any harm to the living conditions of the occupants of neighbouring properties.

Other matters

12. The appellant has set out that there would be some economic benefits of the scheme during its construction and social benefits associated with improved living conditions to the appellant. Whilst these are noted, such benefits would be relatively modest and are not sufficient individually or in combination to outweigh the identified harm.

Conclusion

13. For the reasons set out above and having regard to all other matters raised, the scheme conflicts with the development plan, when considered as a whole and does not constitute sustainable development, as defined by the Framework. I consider that there are no material considerations that outweigh the development plan conflict. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR