



Appeal Decision

Site visit made on 16 September 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/U3935/W/19/3231042

162 Moredon Road, Moredon, Swindon SN25 3EP

- 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 and Mrs J Bishop against the decision of Swindon Borough Council.
 - The application Ref S/18/1589/FELY, dated 24 September 2018, was refused by notice dated 16 January 2019.
 - The development proposed is described as 'proposed two bedroom bungalow (annexe)'
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The dwelling is described variably as an annex (as above by the appellants) and as an independent dwelling (by the Council). For clarity, whilst it is stated in the appeal statement that the ownership of the proposed bungalow would remain with the existing ownership of the site, no mechanism to tie the two properties together have been put forward, and the proposed bungalow would be capable of being used completely independently. I have considered the proposal accordingly.

Main Issues

4. The main issues in this case are:
 - The principle of development in a rear garden location;
 - The effect that the proposed dwelling would have on the character and appearance of the surrounding area; and
 - The effect that the proposed dwelling would have on the living conditions of nearby occupiers, with particular regard to noise and disturbance.

Principle of Development

5. The proposed bungalow represents development in the rear garden of the appeal site. The National Planning Policy Framework (the Framework) states that development should be sympathetic to local character, (paragraph 127) and states that local policies should look to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (paragraph 70).
6. As such, in order to assess whether or not the proposed development would comply with this it is first necessary to consider its effect on the character and appearance of the area.

Character and Appearance

7. Moredon Road is a busy arterial road mostly characterised by large detached and semi-detached properties of mixed appearance, which front onto the road. Most have driveways and parking to the front or side. Whilst there are some larger buildings which extend to the rear, these are private businesses and not dwellings. The scale of plots along the northern side of the road near the appeal property are consistently large and extend up to the dwellings on Branksome Road and Cheddar Road to the rear.
8. The appeal property comprises the rearmost part of the garden area of No 162 Moredon Road. The large detached property is split into 5 flats and the proposed bungalow would replace an area of garden as well as a detached garage building and storage shed.
9. Given its siting, the proposed bungalow would not be particularly visible from Moredon Road and partly screened from Cheddar Road to the rear by vegetation. However, whilst I acknowledge that the proposal would replace an existing detached pitched roof garage building of similar scale and utilising the existing access to the existing parking area at the rear of No 162, a new dwelling in this location would represent development at odds with the general linear pattern of highway fronting dwellings along Moredon Road. It would also result in smaller garden sizes than the surrounding neighbours, in particular this part of the road where the properties enjoy lengthy rear gardens.
10. I therefore conclude that the proposal would be harmful to the character and appearance of the area in conflict with Swindon Borough Local Plan 2026 (adopted 2015) (the Local Plan) Policy DE1, the Supplementary Planning Document Swindon Residential Design Guide (2016) and the National Planning Policy Framework (paragraph 127), which collectively seek to ensure that, amongst other criteria, proposals for development are sympathetic to local character. Given this harm, I also find that the principle of the development in this rear garden location is not acceptable. The Council have also referred to the Supplementary Planning Document Residential Extensions and Alterations (2016), however this refers to extensions and alterations, not new independent dwellings and as such is not relevant.

Living Conditions

11. There are 6 parking spaces to the rear of No 162, which are accessed by a drive to the side of the property. This driveway is in close proximity to the side elevation of No 160A and its rear garden. The proposal would result in an

additional 2 car parking spaces being provided to the rear of No 162, in close proximity to the new bungalow.

12. The proposal would result in an increase in the intensity of the use of the driveway, not only by the occupiers of the new bungalow, but the visitors to it as well as deliveries. It would also result in car parking spaces being provided much closer to the party boundary with No 160A and its rear garden than at present.
13. This would be likely to cause additional vehicle movements along the access, which would be likely to cause disturbance to the occupiers of No 160A, particularly when they were using their rear garden. There would also be likely to be disturbance caused late at night or early in the morning if the spaces were being accessed or exited, from both the noise of vehicles and glare from headlights. The existing close boarded fence would not sufficiently mitigate these harmful impacts.
14. Given my findings, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of No 160A, contrary to Policy DE1 of the Local Plan and paragraph 127 of the Framework, which collectively seek to adequately protect living conditions and amenity.

Other Matters

15. The personal and medical circumstances of the appellants are noted, as is their desire to live on the site so that they can maintain the integrity of the ownership trust, tend to the garden areas, and be on hand to help tenants. I have no doubt that the proposal would be of benefit to the appellants, however these personal circumstances need to be balanced against other material considerations.
16. My attention has been drawn to an appeal decision¹ which the appellants consider is relevant to their case. Although the appellants have provided me with extracts of this decision, I have not been provided with a copy of it or details of the circumstances of this case. Accordingly, I cannot therefore compare this decision and its conclusions with the scheme before me. In any event, each case is considered on its own merits.

Planning Balance and Conclusion

17. I acknowledge the health issues identified by the appellants and these are matters which weigh in favour of the proposal. The desire to live on the site to maintain the integrity of the ownership trust and be on hand for the tenants of No 162 however carries limited weight in my consideration of the proposal, as no substantive evidence has been provided to demonstrate why this is necessary.
18. The dwelling would be a permanent structure and significant harm would be caused to the character and appearance of the area, in conflict with the development plan. Further harm would result to the living conditions of nearby occupiers at No 160A. The personal circumstances of the appellants whilst carrying weight in my consideration of the proposal do not outweigh the harm that I have identified.

¹ Ref APP/W1715/W/18/3216696

19. For the reasons given, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR