
Appeal Decision

Site visit made on 23 October 2019

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019.

Appeal Ref: APP/U3935/D/19/3234029

27 Copse Avenue, Swindon SN1 2PX

- 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 Mrs J Baxter against the decision of Swindon Borough Council.
 - The application Ref S/HOU/19/0857/PEKO, dated 18 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is described as "single storey rear and second storey rear extensions. Demolish existing conservatory".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the host dwelling.
 - The living conditions of the occupiers of No 25 Copse Avenue with particular regard to outlook and light.

Reasons

3. The appeal property, No 27 Copse Avenue, is a two-storey, semi-detached dwelling located on a residential road. Copse Avenue is largely characterised by similar pairs of semi-detached properties set back from the road behind parking or garden areas.
4. The dwelling has a long, but fairly narrow rear garden. There is an existing, partially glazed, conservatory to the rear of No 27. The proposal is to demolish the rear conservatory and replace it with a part single, part two, storey extension.

Character and appearance

5. The proposed extension would project a significant distance from the rear of the dwelling. The single storey element of the proposal would span the entire width of the rear elevation of the dwelling and would have a flat roof with a roof lantern. The first floor element would not stretch the full width of the property but would, nevertheless, cover a substantial proportion of the rear elevation of the dwelling.

6. The existing dwelling is fairly modest and is typical of others in the street. The proposed extension would be of an excessive size and would, consequently, appear disproportionately large. It would represent an unsympathetic addition which would fail to respect the scale and proportions of the host building. The proposal would dominate the rear elevation of the dwelling and fail to appear subordinate.
7. Whilst I note that the proposal, at ground floor level, would project only slightly further than the existing conservatory, the replacement of a partially glazed extension with a more solid structure would result in a significant increase in the substantive bulk and mass of the property. The further addition of a first floor element would exacerbate this.
8. For these reasons, the proposal would cause harm to the character and appearance of the host dwelling and would be in conflict with Policy DE1 of the Swindon Borough Local Plan 2026, March 2015 (LP). This policy requires high standards of design in respect of siting, orientation, scale, massing, materials and detailing amongst other things.
9. The proposal would also be at odds with The Swindon Borough Council Residential Extensions and Alterations Supplementary Planning Document, October 2011 (SPD). The SPD seeks to ensure that the design quality of rear extensions is of a high standard so as not to detract from the existing dwelling.
10. There would also be a failure to conform with the National Planning Policy Framework (the Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions

11. No 27 is part of a semi-detached pair. The rear elevation of No 27 extends forward of the rear of No 25, the other half of the pair. Both properties have fairly long, but fairly narrow, rear gardens with patio areas close to the rear elevations.
12. The proposed extension would project a significant distance beyond the rear elevation of No 25 and would have the effect of enclosing No 25's rear patio area on one side. The outlook from the kitchen door/window to the rear of No 25 would also be adversely affected by the proposed extension.
13. Due to the size of the proposed extension, its proximity to the boundary with No 25 and the fairly narrow nature of the rear gardens, the proposal would appear as a dominant feature in the outlook from the rear of No 25. Consequently, the proposed extension would lead to an excessive sense of enclosure at No 25 and would appear oppressive.
14. Furthermore, whilst I note that the rear of No 25 is already partially overshadowed by No 27, the proposed extension would cause a further loss of light to the rear of No 25. Though, due to the orientation of the buildings this would be limited to the latter part of the day, it is not unreasonable to expect this to be a time of day when the occupiers of No 25 would be likely to make use of the affected patio area and kitchen. In any event, the considerations above are not sufficient to alleviate the harm I have identified.

15. Irrespective of whether or not the proposal would technically breach the 45 degree rule set out within the Council's SPD, the proposal would, as outlined above, cause a deterioration in the levels of light reaching the rear of No 25 and as such the aims of the guidance would not be met.
16. I have noted the concerns expressed by the occupiers of No 23 Copse Avenue. However, in my view, the dwelling at No 23 is sufficiently distant from No 27 so as not to be adversely affected by the proposal. Moreover, the proposal involves the removal of several windows which currently look directly into the rear garden at No 25. As such, the proposal would, in fact, improve privacy at that dwelling but only in that specific regard. The lack of harm in these respects does not, however, mitigate the harm I have otherwise identified above.
17. For the reasons outlined above, I therefore consider that the proposed dwelling would cause an unacceptable degree of harm to the living conditions of the occupiers of No 25 Copse Avenue in respect of outlook and light. Therefore, the proposal would be at odds with Policy DE1 of the LP which seeks a high quality of design in respect of a development's effect on amenity. The guidance contained within the SPD also seeks to prevent developments which have an adverse effect on neighbouring amenity. This aim would not be met in this instance.
18. There would also be a failure to conform with the Framework which states that developments should create a high standard of amenity for existing and future users.

Other Matters

19. I have noted a number of other issues raised; including the potential for disruption during construction and potential discrepancies within the plans amongst others. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.
20. I acknowledge the appellant's efforts to create an acceptable scheme by reducing the size from a previous application. However, these amendments would not overcome the harm I have identified. I also note the appellant's suggestion that the conservatory needs to be replaced. Nevertheless, in my view, this replacement could be achieved through a less harmful alternative scheme.

Conclusion

21. For the reasons given above I dismiss the appeal.

L J O'Brien

INSPECTOR