
Appeal Decision

Site visit made on 2 June 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 9th June 2020

Appeal Ref: APP/U3935/W/20/3244514

170 Cricklade Road, Gorse Hill, Swindon, Wiltshire SN2 8AN

- 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 S Mahmood against the decision of Swindon Borough Council.
 - The application Ref S/19/1116/PEKO, dated 15 July 2019, was refused by notice dated 11 October 2019.
 - The development proposed is described as the extension and conversion to form shop and three flats and covered car parking at rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice is dated 11 October 2019 and makes a number of references to the 2018 National Planning Policy Framework (The Framework). The Framework in force dates from February 2019 as was the case at the time of the Council's decision. Any references in this decision refer to the 2019 version.
3. The appeal form indicates that the appeal site is No.168 Cricklade Road. However, the plans, decision notice and application form clearly show the appeal site as No.170 Cricklade Road and it was clear on site that the plans relate to No.170. I have dealt with it on that basis.

Main Issues

4. The main issues are the effect of the development on: a) retail provision; b) the character and appearance of the area; c) the provision of car parking and cycle parking provision and its effect on sustainable travel choices; and d) refuse provision.

Reasons

Retail provision

5. The proposal involves the change of use of the ground floor to a shop which I have for the purposes of the appeal dealt with as for an A1 use. The site is located outside of but close to the district centre commercial area. The Council refused the proposed change of use on the basis that the site's location is outside the designated retail areas and in the absence of evidence to demonstrate there are no suitable sites within the hierarchy of centres as

defined in the Plan to accommodate this use. The Council say that given the number of vacant units in those locations the application fails to demonstrate the sequential test and additional retail space in these circumstances would be at odds with the Councils' approach.

6. Notwithstanding the fact that the adjacent property at No.172 is a commercial unit providing take away food there is no evidence offered by the appellant in relation to alternative properties such that I have no basis on which to disagree with the Council. Consequently, the proposal for retail space would conflict with Policy EC2 which requires a sequential approach to the siting of new retail uses in order to protect the vitality of the town and district centres.

Character and appearance

7. The rear of the terrace has been altered over the years including a ground floor addition. This proposal would involve the further enlargement of the ground floor and a first-floor pitched roof extension above the existing ground floor extension connected to the rear outrigger. These would have a localised impact on the immediately adjacent properties particularly as the ground floor footprint would increase to the full width of the site. In design terms the ground floor extensions would not have a harmful effect on the character and appearance of the terrace. However, this proposal would also involve a substantial roof extension which would take up most of the width and the full depth of the roof. This would result in a dominant visual feature the bulk of which would represent a highly prominent and discordant addition. It would be disproportionately prominent on the terrace of properties and would be harmful to the character and appearance of the site and wider area.
8. I note that the adjacent building has a dormer window in the roof slope however this is a smaller feature with a pitched roof, and which is not disproportionate in the roof slope.
9. Taking these factors into account the development would conflict with Policy DE1 of the Swindon Borough Local Plan 2026 (2015) (The Local Plan); the adopted Supplementary Planning Document, Residential Extensions and Alterations (2011); and the provisions of the Framework. These, amongst other things seek to secure high quality design, reflect context and character and the scale massing and detailing of existing built characteristics and to ensure that box dormer windows are in proportion.

Car and cycle provision

10. The proposal involves the provision of four spaces which the appellant suggests would be mainly for the commercial element. Given the proposal involves the subdivision of the building for three flats I consider this to be unlikely and there would be inevitable pressure to use the space for parking provision for those units. Tandem parking serving separate units would not meet the combined needs of the three flats and the proposed retail space.
11. There is reference to covered parking though it is unclear whether the covered area would be open sided or not. Nonetheless the pillars supporting the roof and roller shutter door would confine the amount of space available to turn into the site from the rear lane which is a little over four metres in width. There is significant concern that the dimensions would be able to accommodate four car parking spaces. In any event I have significant doubt that the rear access way

is sufficiently wide to be able to access all four spaces from the rear such that even if tandem parking were to be agreeable in principle I am not satisfied that the space is capable of accommodating four cars.

12. The appellant states that provision could be made for a securely locked cycle store however does not indicate how or where this would be provided. Even if it could be found within this area it would lessen the number of car spaces which could be provided. There would be no direct means of access from the rear parking area to the residential accommodation though pedestrian access would be available from the rear lane via Edinburgh Street to the South or a more circuitous route north via Argyle Street. Neither would give easy access to cycle storage for residents within the flats even if space could be found for bicycles.
13. The appellant argues that the rear tandem car spaces will serve the commercial premises and that as the flats are small it is unlikely that there would be any need for parking as residents will use public transport. There is no certainty that this would be the case. In any event the provision of tandem spaces in such a confined space would not make adequate provision for the proposed commercial unit and three separate flats.
14. For these reasons the proposal would conflict with Policies DE1 and TR2 of the Local Plan and to the provisions of the Framework. These policies, amongst other things, require that parking and secure cycle provision should be in accordance with the Councils adopted standards in order to provide sustainable transport alternatives for residents.

Refuse provision

15. There is no refuse provision shown on the submitted plans other than for the commercial unit. The appellant suggests that provision could be made at the front or the rear of the site. However, provision at the front would conflict with the proposed access to the shop and flats and there is insufficient space at the rear once car parking spaces are accounted for. Similarly, provision at the rear would not enable convenient access to refuse storage from the flats given the lack of direct access to the rear. As such any overspill storage at the rear proposal would be likely to compromise vehicular access along the lane.
16. For these reasons the proposal would conflict with Policy TR2 of the Local Plan. This policy seeks to ensure that proposals do not prejudice or impede access arrangements on the highway and do not impact on local amenity.

Other Matters

17. The appellant has drawn attention to the existence of similar extensions in the area however I have not been directed to any specific examples and those I saw in the vicinity of the site involved only modest dormer windows. These do not represent comparable circumstances to the appeal proposal and are not examples which I would be bound to follow.
18. I note the comments of the appellant that outright ownership of the premises may make the conversion more cost effective for him rather than buying other premises. However, this would be a personal benefit which does not outweigh the harm I have identified in relation to the main issues.

Conclusion

19. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR