
Appeal Decision

Site visit made on 26 May 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2020

Appeal Ref: APP/U3935/W/20/3244174
15 Ermin Street, Swindon SN26 8AA

- 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 M Hobbs against the decision of Swindon Borough Council.
 - The application Ref S/19/1496/CHH, dated 7 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal upon the character and appearance of the area;
 - Its effect on the living conditions of nearby residents, with particular regard to overbearing and light to the garden area of 17 Ermin Street; and
 - Whether adequate living conditions would be provided for future residents of the proposed bungalow, having regard to outlook, daylight and sunlight and outdoor amenity space.

Reasons

Character and appearance

3. The surrounding area is predominately residential, with the appeal site forming part of a ribbon of housing development that runs along the south-western side of Ermin Street. The rear of the appeal site is currently occupied by a number of single storey ancillary buildings, with an existing rear access into the site from the adjoining garage court. The nature of the area is characterised by similarly designed residential properties which front onto Ermin Street, with relatively long rear gardens, although the rear gardens of properties to the south-east are slightly smaller due to the adjoining garage court. The rear gardens are relatively open, with parallel boundaries, which give a regular and uniform pattern to the plots.
4. Policy DE1 of the Swindon Borough Local Plan (the Local Plan) requires proposals to demonstrate a high standard of design, including a need for new development to respect the context, character, layout and form of surrounding development. The Swindon Residential Design Guide (Design Guide), requires

schemes to be designed to harmonise with the character of their surroundings and make a positive contribution to the local area.

5. The proposed development would introduce a single storey, detached dwelling at the rear of the appeal site. Pedestrian and vehicular access would be via the existing garage court to the south-east. To accommodate the proposed development, the plot would be sub-divided, providing a separate garden area for both the existing dwelling and the proposed bungalow.
6. Considering the generally regular and uniform pattern of the surrounding development, the addition of a new dwelling into the rear garden, would introduce a form of development that would fail to respect the context, layout and character of the surrounding area. Its presence would be perceptible from surrounding properties and in views from Lady Lane. Given its location to the rear of an existing ribbon of development, the new dwelling would appear as an isolated dwelling and, as a result, would be an incongruous form of development. The proposal would be unrelated to the regular pattern of development in the vicinity and, as a result, it would fail to respond to the local character or reflect the identity of the surroundings.
7. I note that there are a number of existing single storey buildings on the appeal site. These buildings are ancillary to the host dwelling and are of a design which responds to their backland location. They represent the form, type and design of development that would normally be found in these locations. By contrast, the appeal proposal would introduce a new residential dwelling onto the rear of the site, which would be an uncharacteristic form of development given the uniform nature of the surroundings. I therefore do not consider that the presence of the ancillary buildings on the appeal site, justify the harm I have found. Furthermore, given the design and use of the new building, I do not consider the development would be viewed as a continuation of the existing row of garages.
8. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policy DE1 of the Local Plan, the Design Guide, and Paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to create high quality buildings and places.

Living conditions of future residents

9. Policy DE1 of the Local Plan requires new development to ensure suitable private external space is provided for future occupiers of new developments. The Design Guide identifies that, to deliver sufficient space, private gardens should be larger than the footprint of the host dwelling. The proposed development would fall short of this level of provision. It would also considerably reduce the garden area that would be available to the host property.
10. The bedrooms of the proposed dwelling would each be served by a high level obscure glazed window, which would face onto the boundary of the appeal site, about 1m away. The design, location and outlook from these windows would severely reduce the amount of sunlight and daylight that would be able to enter these rooms.

11. The kitchen and lounge would be served by two larger windows in the south-eastern elevation of the building. A smaller secondary kitchen window and partially glazed rear door would be positioned in the elevation overlooking the garden.
12. The lounge window would directly face onto the access road off Lady Lane, which serves the residential garages and adjoining telephone exchange. This window would offer a poor quality outlook and afford limited privacy. Little in the way of private space would be provided to the front of the proposed dwelling to mitigate this impact. Furthermore, due to the position of the proposed bungalow, the kitchen window would face directly onto the side elevation of the adjoining garage block. Overall, due to the siting of the bungalow and the design of the windows, the outlook from within the proposed bungalow would be poor.
13. For the above reasons, I therefore conclude that the proposal would fail to provide adequate living conditions for future residents and, in this respect, is contrary to Policy DE1 of the Local Plan, the Design Guide (2016) and the Framework. These policies, amongst other things, seek to deliver a high standard of design in all new developments.

Living conditions of surrounding residents

14. The existing outbuildings, due to their height and the orientation of gardens, already introduces some aspect of overshadowing to the rear garden of 17 Ermin Street. When compared with the existing ancillary buildings on site, the appeal proposal would introduce a single, higher and bulkier building. I note that the dwelling would be set approximately 1m away from the boundary of the site, whereas the existing buildings are located closer to the boundary.
15. Whilst the proposed dwelling would be set slightly further away from the boundary when compared with the existing buildings, the additional height and the bulk of the dwelling would result in an increase in the amount of overshadowing to the rear garden of No 17. I note that the garden of No 17 is relatively long and that, given the proposed development is single storey, the overshadowing would only affect the lower portion of the garden. As a result, a large element of the garden of No 17 and, in particular the area immediately in front of the house would not be overshadowed by the proposed bungalow. On this basis, whilst the proposal would result in some further overshadowing, given the existing buildings on the site, the proposal would not adversely harm the living conditions of adjoining residents.
16. For the above reasons, I therefore conclude that the proposal would not harm the living conditions of surrounding residents and, in this respect, does not conflict with Policy DE1 of the Local Plan, the Design Guide (2016) and the Framework.

Other Matters

17. It is common ground between the parties that at this moment in time, the Council are unable to demonstrate a 5-year supply of housing land, with the shortfall appearing to be substantial. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.

18. Paragraph 11 of the Framework states that where the most important policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in The Framework taken as whole, or where specific policies in The Framework, indicate that development should be restricted.
19. The proposed development would contribute a single dwelling towards the existing housing stock within the Borough. Whilst this would be a benefit, given the very limited scale of the contribution, the considerable adverse impacts the proposed development would have upon the character and appearance of the area and on the living conditions of future occupiers, significantly and demonstrably outweigh this limited benefit, given the importance that the adopted development plan and the Framework give to these considerations. I note the comments made in relation to the benefits the scheme would provide in increasing natural surveillance and improving security in the area. However, I find that these issues do not outweigh the harm that I have found.
20. I have been referred to the positive response to the submitted pre-application enquiry. Whilst I appreciate that the pre-application advice differs from the decision on the appeal application, pre-application advice is offered without prejudice to the formal decision on any subsequent planning application. Accordingly, issues relating to the pre-application advice have not had any material bearing on my assessment of the planning issues in this appeal.
21. I have also been referred to recent residential developments that have taken place to the north of the appeal site, with these schemes being highlighted as examples of development which supports the design approach adopted on the appeal site. Having reviewed these developments, I find that they take the form of well-planned and laid out estates, which is in contrast to my findings in relation to the appeal proposal. In any event, I have determined the appeal on its merits, and I am not familiar with all of the circumstances of those other cases.

Conclusion

22. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR