
Appeal Decisions

Site visit made on 13 July 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal A Ref: APP/U3935/D/20/3251439

19A West End Road, Stratton St. Margaret, Swindon SN3 4PG

- 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 Sonny Smith against the decision of Swindon Borough Council.
 - The application Ref S/HOU/19/1739/EMMI, dated 11 November 2019, was refused by notice dated 10 January 2020.
 - The development proposed is the construction of first floor extension over existing ground floor footprint; demolition of front porch and construction of new porch and small front extension; conversion of integral garage to provide study.
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Appeal B Ref: APP/U3935/D/20/3251454

19A West End Road, Stratton St. Margaret, Swindon SN3 4PG

- 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 Sonny Smith against the decision of Swindon Borough Council.
 - The application Ref S/HOU/20/0307/EMMI, dated 2 March 2020, was refused by notice dated 22 April 2020.
 - The development proposed is the construction of 1st floor extension over existing ground floor footprint; demolition of porch and construction of new porch and small front extension; conversion of integral garage to study.
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Decision

1. Appeal A is allowed, and planning permission is granted for the construction of first floor extension over existing ground floor footprint; demolition of front porch and construction of new porch and small front extension; conversion of integral garage to provide study, at 19A West End Road, Stratton St. Margaret, Swindon SN3 4PG, in accordance with the application, Ref S/HOU/19/1739/EMMI, dated 11 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, submitted with planning application S/HOU/19/1739/EMMI: DCD 19/11/30 Rev A; DCD 19/11/32

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
2. Appeal B is dismissed.

Procedural Matter

3. For Appeal A and B I have taken the description of development from the Appeal Forms rather than the Application Forms, as this provides a clearer description of what is proposed.

Main Issues

4. For both Appeal A and B a main issue is the effect of the development on the living conditions of an adjacent neighbour at No 19 West End Road. Furthermore, with Appeal B there is also the main issue of the effect of the development on the character and appearance of the area.

Reasons

Living Conditions – Appeal A

5. In this proposal there would be a first floor extension with pitched roof over the existing flat roof rear extension. The side of the first floor extension would be flush with the existing side elevation of the house, which is close to the northern boundary of the site with No 19 West End Road.
6. No 19 is set further forward than No 19A, with its rear garden, patio and rear conservatory close to the side of the appellant's house. Currently, the flat roof rear extension is not much higher than the boundary fencing and vegetation between the two neighbouring properties. However, the first floor extension would be of a much greater height and would be clearly visible from the rear garden and rear elevation windows of No 19.
7. The height and proximity to the boundary of the proposed extension would mean that it would result in some increased overshadowing of the rear garden of this neighbouring property, as it is to the north of No 19A. This increase in overshadowing would likely affect some of the garden area, and also the patio and conservatory. However, the depth of the extension is not substantial and over the course of the day the resultant overshadowing would not result in a significantly greater impact than currently exists. For much of the latter part of the day there would be little or no overshadowing impact. As such, whilst the proposed extension would result in some overshadowing impact, it would not be to a level that would be significant or unacceptable to the living conditions of the occupants of No 19.
8. The extension, being of a significant height and close proximity to the boundary with No 19 would be clearly visible and could have some level of an overbearing effect. However, the rear garden area of No 19 and the view from its rear windows is predominantly quite open to the north and west with no other buildings in close proximity which would contribute to a sense of enclosure. As such, I do not regard this proposed extension as having a significantly adverse impact to neighbour living conditions with regards overbearing effect.

Living Conditions – Appeal B

9. With this revised subsequent proposal, the proposed extension would be set in from the side elevations, with a flat roof. In regard to overshadowing, this extension would result in some impact in this regard. However, setting the main bulk of the proposed extension in from the sides of the house means that there would be more natural light and less overshadowing for the adjacent neighbours.
10. As such, the proposal would not have a significant adverse overshadowing effect to the living conditions of No 19.
11. As with the proposal in Appeal A and for the same reasons, I do not regard this proposed extension as having a significantly adverse impact to neighbour living conditions with regards to an overbearing impact, with the rear garden and view from the rear elevation of No 19 being relatively open in most directions.

Conclusion on Living Conditions

12. I have concluded that the proposal under Appeal A would not have an unacceptable impact to neighbour living conditions at No 19 West End Road as a result of overshadowing impact or any other adverse effect. Therefore, Appeal A proposals are in accordance with policy DE1 of the Swindon Borough Council Local Plan 2026, which seeks to require development to consider amenity in respect to light, amongst other things.
13. I have also found that the proposal under Appeal B would not have a significant impact to the living conditions of the occupants at No 19 West End Road and so would be in accordance with policy DE1 of the Swindon Borough Council Local Plan 2026 in this regard.
14. Neither proposals with Appeal A nor B would have any significant impact to the living conditions of any other neighbour in the area.

Character and Appearance – Appeal B

15. The proposed first floor extension with Appeal B would have a flat roof and be set in from the side elevations, though with narrow areas of pitched roof either side up to the side of the house. It would have an appearance of a first floor 'box' dormer to the rear of the house.
16. Whilst the existing ground floor addition has a flat roof, it is much more unusual for a first floor extension to have a flat roof. As proposed the extension would appear as an awkward and excessively wide box dormer feature and would not be a sympathetic addition to the existing house with its conventional original pitched roof.
17. Whilst to the rear of the house, there would be views of this extension from public streets around the property, such as from Harrow Close. Some of these views are obscured by vegetation, but there is no guarantee this would remain for the long term. As such, the poor design proposed for the first floor extension would be visible from public vantage points.
18. The design is a response to the living condition reasons for refusal with the first application for a first floor rear extension. I also note that No 19A is of a design and orientation that differs from many other dwellings in the surrounding streets, which does have some variety of house types. However, this does not

outweigh the harm to the character and appearance of the area as a result of the awkward and unsympathetically designed extension which falls short of the high quality design required by policy DE1 of the Swindon Borough Local Plan 2026.

19. As with the Council's assessment, the other aspects of the proposal towards the front of the dwelling are suitably well designed and of an appropriate scale.

Conditions for Appeal A

20. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

Conclusion

21. For the reasons outlined above and after considering all matters raised, Appeal A should be allowed subject to the conditions set out in Paragraph 1. However, Appeal B should be dismissed due to the harm to the character and appearance of the area.

S. Rennie

INSPECTOR