



Appeal Decision

Site visit made on 27 July 2020 by Ben Phillips Bsc Msc

Decision by Sarah Housden BA(Hons) BPI MRTPI

An appointed by the Secretary of State

Decision date: 7 September 2020

Appeal Ref: APP/U3935/W/20/3250808

183 Grange Drive, Stratton St Margaret, Swindon SN3 4JY

- 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 T Hemmings against the decision of Swindon Borough Council.
 - The application Ref S/19/1289/CHHO, dated 28 August 2019, was refused by notice dated 31 October 2019.
 - The development proposed is described as the erection of a proposed 3 bed dwelling.
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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 appellant has submitted revised plans after the Council's decision was made. I have considered these drawings under the principles established by the Courts in *Wheatcroft*¹ and I am satisfied that they do not change the development to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. Accordingly, I have considered the appeal on the basis of the revised drawings.

Main Issue

4. The main issue in this case is the effect that the proposed dwelling would have on the character and appearance of the area, having particular regard to the setting of the Lower Stratton Conservation Area (CA).

Reasons for Recommendation

5. The appeal property is located on a corner plot at the junction of Grange Drive and Ermin Street. Grange Drive is a lengthy, pleasant, residential and suburban road, characterised by similar semi-detached properties set back but fronting the highway with a regular separation gap, providing a sense of openness. A sense of gateway entry to Grange Drive is provided by the open spaces on either side of the Grange Drive/Ermin Street junction, in addition to both the

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

appeal property and No.210 opposite, being positioned at an angle to the junction. I note the appellant's point that the open areas to either side of the junction would have been created to provide the necessary visibility splays when the Grange Drive estate was built. Nevertheless, the mature trees and grassed areas create pleasant and attractive spaces and the space to the north of the junction accommodates a 'Peace Memorial' adjacent to No.174 Ermin Street.

6. The appeal site comprises part of the side/rear garden of No.183. The existing detached garage to No.183 is located on the site with its gable hard on the common boundary with the adjoining open space. The dwelling would be set behind the front elevation of No.183 and some 20 metres from the highway, in a comparatively tight plot compared to its neighbours which would represent development at odds with the general pattern of highway fronting dwellings set within spacious plots along Grange Drive. Notwithstanding that the siting of the proposed dwelling has been revised, due to the angled orientation of No.183's front elevation it would occupy an awkward position and would have a discordant appearance when viewed from both Grange Drive and Ermin Street.
7. The appeal site is located immediately adjacent to the boundary of the Lower Stratton CA. The significance of the CA lies partly with the history of Ermin Street as a Roman Road. Whilst not part of the historic core of Stratton St Margaret, the open space adjacent to the appeal site and within the CA is an attractive feature which provides a buffer between the traditional terraced housing on Ermin Street and the more recent Grange Drive estate opposite. The gable of No.183's existing garage is visible on the common boundary with the open space, together with a low wall and close boarded fence, but the absence of other buildings contributes to an open appearance which enhances the visual amenity of the open space and makes a positive contribution to the setting of the CA and thereby to its significance.
8. Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset including from development within its setting, should require clear and convincing justification.
9. Having regard to the separation distance from the Peace Memorial, the proposed dwelling would not encroach upon the memorial's setting or harm the enjoyment of that feature.
10. However, due to its footprint and height, the proposed dwelling would be a significantly bulkier structure compared with the existing garage. It would have a more prominent and imposing appearance when viewed from Ermin Street than the existing garage and would reduce the openness of the common boundary between the appeal site and the open space which contributes to the setting of the CA. The dwelling would be clearly visible between the established trees within the open space, particularly during the winter months. Whilst the appellant argues that there would be a slight visual change to the setting of the CA, my assessment is that the combination of the visual prominence of the dwelling together with the reduction in openness would cause material harm to the setting of the CA and thereby to its significance as a designated heritage asset.
11. The appellant considers that the increase height and bulk of the dwelling compared with the dimensions of the existing garage on the appeal site would be comparable with the scale of the enlargement to the garage at No.174

Ermin Street permitted in 2003. Whilst its side wall is prominent in views from the south-east, the garage at No. 174 is located at the north-western end of the open space and its location in relation to the open space and the CA boundary is not directly comparable with the case before me.

12. The impact of the proposal would be relatively localised and the harm to the CA would be less than substantial. The Framework makes clear in paragraph 196 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
13. I acknowledge that the proposal would make a contribution to the Government's objective of significantly boosting the supply of homes and that the appeal site is in a sustainable location close to numerous facilities. The proposal would also provide appropriate CIL payment and some economic benefit through the jobs created through the construction process and spending in the local economy by new residents. The appellant also points to a lack of harm with regards to matters such as ecology and access, but these matters weigh neither for nor against the development. Overall, having regard to the scale of the proposal, I attach moderate weight to the social and economic benefits outlined above.
14. Against these public benefits is the harm that would be caused to the setting of the CA. I attach considerable importance and weight to the harm that would be caused to the designated heritage asset. I find, therefore, that the benefits of the scheme do not individually, or cumulatively, outweigh the harmful impact identified.
15. The harm to the character and appearance of the area would be in conflict with LP Policy DE1, the Supplementary Planning Document Swindon Residential Design Guide (2016) and the National Planning Policy Framework (NPPF) (paragraph 127), which collectively seek to ensure that, amongst other criteria, proposals for development are sympathetic to local character. There would be further conflict with LP Policy EN10, which requires new development affecting the setting of Conservation Areas to conserve those elements which contribute to their special character or appearance and the proposal would fail to accord with the provisions of the Framework with regard to the conservation of designated heritage assets.

Recommendation

16. 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

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

Sarah Housden INSPECTOR