
Appeal Decision

Site visit made on 4 August 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 4 November 2020

Appeal Ref: APP/U3935/W/20/3252279

Land adjacent 62 Westcott Pace, Swindon, SN1 5HW

- 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 Overview Management against the decision of Swindon Borough Council.
 - The application Ref S/20/0245/TB, dated 12 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed was originally described as "alterations to four maisonettes (retrospective)".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I observed that the development described above has already been carried out, and that the application is retrospective. I have dealt with the appeal on this basis.

Main Issues

3. The main issues is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located adjacent to 62 Westcott Place, Swindon and forms a prominent corner plot adjacent to the roundabout of the A3102, A429 and B4289. The appeal site comprises a block of four flats finished in red brick containing 2no. one bed flats on the ground floor and 2no. two bed flats on the first floor and the roof space. The site was granted planning consent¹ for a building similar in scale to the appeal proposal. That scheme was for 4no. one bedroom flats.
5. The building on the appeal site has not been built in accordance with the approved plans for the earlier planning application, and the appeal is for a retrospective application to retain the building as it has been built. The block of flats from the front has the appearance of a mansard style roof, with a hipped gable to the front. Running along the centre of the roof, which has a continuous roof line, is a valley. When viewed from the rear this valley gives the appearance of a double gable ended rear.

¹ S/15/0537/TB

6. The character of the street scene on Westcott Place in the vicinity of the appeal site is predominantly terrace buildings. Whilst I observed a variety of roof types during my site visit, it was evident that the properties at the end of the terraces closest to the appeal site have hipped roof arrangements. The appeal proposals front hipped roof integrates well within this street scene, however the design of the rear of the building introduces features which are at odds with the character of the immediate street scene. In this context when viewed with the street scape of Westcott Place, the appeal proposal appears as an incongruous addition.
7. The appearance of the double ended gable rear and lack of any variation in ridge height along the building gives the rear of the building a dominant and discordant appearance compared to the front and sides of the building. Whilst gable ended roofs are evident in the local area, these are predominately at the end of rows of terrace housing which is not directly comparable to this standalone building.
8. Furthermore, whilst the building is two storeys in height, the rear wall has an appearance of being much higher by virtue of the gable end roof, and the relationship of this with the windows. The large gap between these upper windows and the roof gives a large featureless bricked area, resulting in a design which appears overly bulky. Whilst the appellant has drawn my attention to several examples in the local area with vertical gables, I do not consider these to be directly relevant to the appeal proposal. These are in much less prominent locations, and do not appear on any individual buildings as the appeal site.
9. The building is in a highly prominent location adjacent to a busy roundabout. The sides of the building and discordant rear design features are subsequently highly visible from this roundabout. In my view, the proposal is not in keeping with the street scene, and combined with the high visibility of the proposal results in significant harm to the character and appearance of the area.
10. Consequently, I find that the proposal harms the character and appearance of the area. There is conflict with policy DE1 of the Swindon Borough Local Plan (LP). This policy seeks, amongst other things, that development is of a high quality design. The proposal does not accord with the Swindon Residential Design Guide supplementary planning document which seeks, amongst other things that development positively contributes to the built environment. The Council have made reference to the National Planning Policy Framework (the Framework) in their decision notice. Whilst I have not been directed to the specific area of conflict, the proposal would fail to accord with section 12 of the Framework which seeks, amongst other things that new development is of high quality.

Other matters

11. The appellant states that should the appeal be dismissed, there is a strong possibility that the Council will take enforcement action. I note their concerns that such actions could result in a potentially lengthy process to complete any required works, given that the property is currently occupied with tenants. They contend that ultimately the process would lead to a loss of four dwellings in this location.

12. However, any potential enforcement action is entirely at the discretion of the Council, and is not within the remit of this appeal. Should this appeal be dismissed it would not directly result in the loss of four dwellings.

Planning Balance and Conclusion

13. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the Framework states that relevant policies for determining the application should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant 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 a whole.
14. In the context of the development plan, I have found that the proposal would be contrary to policy DE1 of the LP. For this appeal in the absence of a five year supply of housing the policies most relevant to the determination of this appeal should be considered out of date.
15. The appellant contends that the proposal would provide a positive benefit through the provision of four residential units, including 2no 2 bedroom flats. I note that the Council's Strategic Housing Market Assessment identifies a need for more 2 bedroom flats than single bedroom flats, and this is a minor benefit of the proposal. However, the proposal in itself does not provide a net increase in housing on the site, due to the extant permission. Therefore, that is a neutral matter in my consideration of the appeal.
16. I have found that the proposal results in a significant harm to the character and appearance of the area. This is a matter to which I afford significant weight to in decision making terms. As such it is not considered to be sustainable development and would be contrary to the aims of the Framework to ensure that development protects and enhances the built environment.
17. Overall, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
18. For the reasons given above, I conclude that the appeal should be dismissed.

S Shapland

INSPECTOR