



Appeal Decision

Site visit made on 11 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/U3935/D/20/3261852

80 Churchward Avenue, Rodbourne Cheney, Swindon SN2 1NH

- 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 Frank Falvo against the decision of Swindon Borough Council.
 - The application Ref S/HOU/20/0780/PEKO, dated 30 June 2020, was refused by notice dated 23 September 2020.
 - The development proposed is a single storey rear extension to enlarge kitchen and a two storey side extension to create a study and an additional bedroom over the existing playroom.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to enlarge kitchen and a two storey side extension to create a study and an additional bedroom over the existing playroom, at 80 Churchward Avenue, Rodbourne Cheney, Swindon SN2 1NH, in accordance with the terms of the application, Ref S/HOU/20/0780/PEKO, dated 30 June 2020, 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: Drawing no. 038/068, Block Plan, Site Location Plan;
 - 3) The development shall only be constructed in accordance with the details of external materials that have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of neighbouring properties, particularly those at No 78 Churchward Avenue.

Reasons

3. The proposal includes a two storey side extension, built towards the boundary with No 78 Churchward Avenue. There is also proposed a large flat roof single storey rear extension.

4. In the side of No 78 there is a window which is understood to be a kitchen at ground floor. The two storey extension would result in some level of overshadowing of this kitchen window which is roughly to the east of No 80. However, there would likely be already some level of overshadowing from the house at No 80, even without the proposed side extension. The increase in overshadowing impact is unlikely to be significant as a result, with there still being some natural light from the south that is likely to reach this window.
5. The proposed extensions would be clearly visible from the kitchen window in No 78, but currently this window looks out towards the side of the house at No 80. The side extension would be closer but it would not be of a scale that would be overly dominant or overbearing, especially when considering this neighbouring window is set off the boundary. When considering the existing outlook from this window, the change would not be significant in this respect.
6. Overall, the proposed extensions do not result in a significant impact to the occupants of No 78 Churchward Avenue as a result of the proximity of the kitchen window to the site. The proposed development would not result in any other significant impact to any neighbour living conditions in the area, at No 78 or elsewhere nearby.
7. As such, there would be no harm to neighbour living conditions as a result of the development and so the proposals accord with policy DE1 of the Swindon Borough Local Plan 2026. This policy seeks to respect neighbour amenities, amongst other things.
8. Furthermore, the proposed development is in general accordance with the adopted Supplementary Planning Document 'Residential Extensions and Alterations' (2011), and also the provisions of the National Planning Policy Framework (the Framework).

Conditions

9. 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

10. For the reasons given above, having considered all matters raised, the appeal should be allowed subject to the conditions set out above.

Steven Rennie

INSPECTOR