



Appeal Decision

Site Visit made on 16 March 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/U3935/W/20/3263656

128 Bessemer Road East, Rodbourne Cheney, Swindon SN2 1PE

- 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 Chris Sheerin against the decision of Swindon Borough Council.
- The application Ref S/20/0559/TB, dated 5 May 2020, was refused by notice dated 14 October 2020.
- The development proposed is erection of 2no. flats, parking area and associated access.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the appeal site and the surrounding area,
 - The living conditions of the occupants at No 126 Bessemer Road East, with particular regard to outlook and light; and,
 - The living conditions of the occupants of No 128 Bessemer Road East, with particular regard to the provision of outdoor space.

Reasons

Character and appearance

3. The appeal site is a corner plot in a visually prominent location at the junction of Bessemer Road East and Northern Road. Bessemer Road East has a mix of dwelling types including detached, terraced and semi-detached properties. The layout of the dwellings is mirrored on either side of the road except for a short terrace at the opposite end of the road to the appeal site. This gives the road a strong sense of cohesion in terms of built form with the spaces between the dwellings providing a sense of openness. These elements contribute positively to the character and appearance of the area, notwithstanding that it is not subject to any specific heritage or landscape designations.
4. The proposal is for the erection of a two storey building to incorporate two one bedroom flats, that would replace the existing garage building at the appeal site. Although that building makes a limited contribution to the character and appearance of the streetscene, its single storey form ensures that there is a significant gap at first floor level between the dwellings at No 128 Bessemer

Road East (No 128) and No 126 Bessemer Road East (No 126), which contributes to the sense of openness within the streetscene.

5. The proposed building has been designed to largely mirror the adjacent dwelling at No 126 and would use materials commonly found on dwellings in the area. However, as a result of its siting, it would significantly erode the important gap between the appeal dwelling and No 126 at first floor level, diminishing the pleasant sense of openness to the detriment of the character and appearance of the area. The proposed building would also sit very close to the side extension to No 128, leaving just a narrow gap between the two structures. Thus, the proposal would appear uncharacteristically cramped within its plot and would display a poor relationship with its surroundings.
6. This harm would be exacerbated by the overall shape and form of the proposed building which would have angled side, front and rear walls. It would also incorporate split level eaves to the rear and a sloping eaves line to one of its side elevations. As a result, the proposed building would have an uncharacteristic form and appearance and would appear as a contrived and poorly designed addition to the streetscene. It would be visible from the public realm to the front and from a number of neighbouring gardens to the rear and would reduce the appreciation of the quality of the environment in which nearby occupiers live.
7. The rear gardens of properties in the area are generally long and generously sized, although corner properties such as the appeal site have smaller wedge shaped gardens. The proposal would result in the subdivision of the existing rear garden into three much smaller spaces, which would be uncharacteristic for the area. In this regard, the proposal would fail to respond appropriately to its surroundings with the layout of the plot appearing contrived and would be harmful to the established character and appearance of the area.
8. I conclude that the proposal would cause harm to the character and appearance of the appeal site and the surrounding area. There would be conflict with Policy DE1 of the Swindon Borough Local Plan 2026 Swindon: Planning for our future Adopted 26 March 2015 (LP). This requires, amongst other things, high standards of design for all development and that development must respond positively distinctive character and identity. There would also be conflict with the Swindon Residential Design Guide Supplementary Planning Document June 2016 (SPD), which states that residential schemes proposed within existing areas should be designed to harmonise with the character of their surroundings. The proposal would also conflict with the requirements of the National Planning Policy Framework (the Framework), which expects new development to be of a high standard of design that adds to the overall quality of an area and is sympathetic to the surrounding built environment.

Living Conditions – No 126 Bessemer Road

9. No 126 has a bedroom window at first floor level within its side elevation facing the appeal site. The appellant indicates that this window was allowed at appeal and suggests that its presence should not preclude development being carried out at the appeal site. However, I have to assess the proposal on its merits and with regard to the current situation on the ground. In that respect, I must consider the effect of the proposal on this window.

10. The occupant of No 126 states that the window in the side elevation is the only window serving the bedroom and, in the absence of any evidence to the contrary, I have proceeded on this basis. The Council estimate that, due to the staggered rear building line of the proposed development, it would be located between 2 and 3.75 metres away from the bedroom window. It is clear from my own observations that there would be a close relationship between the two buildings.
11. As a result, the bedroom window in the east side elevation of No 126 would look out upon the proposed building in close proximity. Given this relationship, the proposal would appear as an overly dominant and overbearing presence from this window. Moreover, as No 126 is located to the west of the appeal site, the proposal would also result in a significant loss of light reaching the window during the morning hours. Although not a main living room, a bedroom is, nonetheless, a room in which large periods of time may be spent and the effect of the proposed development would be both noticeable and considerable. This would make the room substantially less pleasant to use and would unacceptably harm the living conditions of the occupants of that property.
12. In light of the above, I conclude that the proposal would harm the living conditions of the occupants of No 126. There would be conflict with LP Policy DE1, which requires that development should not adversely impact the users of existing development. There would also be conflict with the SPD which states that development proposals must ensure adequate levels of daylight, sunlight and outlook, and Paragraph 127 f) of the Framework which states that developments should create places with a high standard of amenity for existing users.

Living conditions - No 128 Bessemer Road

13. The Council indicate that the property at No 128 is a 3/4 bedroom dwelling and so could reasonably be expected to accommodate a number of occupants. The rear garden to the dwelling, which is the main private outdoor amenity space, is modestly size. Under these proposals, the rear garden would be reduced in size with the remaining garden awkwardly shaped. In my view, it would result in an area that would be less practical and significantly less pleasant to use when considering the size of the dwelling that it must serve.
14. In reaching this conclusion, I am mindful that private rear gardens are normally used for occupants to sit out in, for children to play and as an area for washing to be put out to dry. For the reasons I have set out above, I do not consider that the remaining garden space would be adequate for these purposes. Thus, the proposal would not provide a good standard of outdoor space and would cause unacceptable harm to the living conditions of the occupants of No 128.
15. I note the appellant's comments regarding the proximity of No 128 to a number of public open spaces. I also note the appellant's comments that future occupiers of the dwelling would be aware of the level of amenity space available. However, these matters do not in my view overcome the poor quality of usable private external space that would be retained for the occupants and future occupants of No 128.
16. I conclude that the proposal would fail to provide adequate outdoor space for the occupants of No 128. There would be conflict with LP Policy DE1 which

requires that residential development should provide an acceptable level of external amenity for all types of dwellings. There would also be conflict with the SPD that requires development to deliver sufficient space to provide comfort and enjoyment. The proposal would also conflict with Paragraph 127 f) of the Framework which states that developments should create places with a high standard of amenity for future and existing users.

Other Matters

17. I have found that the proposal would cause harm to the character and appearance of the area and would be harmful to the living conditions of the occupiers of both the neighbouring house and the existing property. As such it would conflict with Policy DE1 of the LP. These are important matters and, as a result, the proposal would conflict with the development plan when read as a whole, notwithstanding that it may comply with other policies therein.
18. It is common ground that the Council cannot currently demonstrate a deliverable five year supply of housing land. In these circumstances, the most important policies for determining the application are deemed to be out of date and the proposal must be considered under the terms of Paragraph 11d) of the Framework.
19. Although neither party has submitted any evidence detailing the extent of the shortfall in housing land, the proposal would nonetheless, contribute in a small way towards meeting the shortfall of housing supply. The appeal site is well located in terms of access to shops, services, public transport provision, and employment opportunities, which would reduce reliance on the use of private cars. The proposal would also make an efficient use of the land and would be likely to result in a small benefit to the local economy through the construction period and the use of local services by the future occupants. However, the proposed development of two small dwellings would not make a significant contribution to these matters. Therefore, the benefits of the proposal would be modest.
20. Conversely, the proposal would cause significant harm to the character and appearance of the area and the living conditions for the occupants of No 126 and No 128 and would conflict with the development plan. The Framework expects new development to be of a high standard of design that adds to the quality of the area and is sympathetic to local character and the surrounding built environment. The proposal fails to meet these requirements. In addition, the Framework seeks to ensure that new development provides a high standard of amenity for existing and future users, which I have found that the proposed development would not achieve. When considering new residential development, these are important policies and I attach substantial weight to the proposal's conflict with them.
21. I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Consequently, the presumption in favour of sustainable development would not be engaged.
22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal does not comply with the relevant requirements of

Policy DE1 of the LP and the development plan as a whole. Policy DE1 is broadly consistent with the requirements of the Framework and the conflict with the development plan weighs heavily against the proposal. No other material considerations have been identified which would indicate that a decision should be made other than in accordance with the requirements of the development plan and, therefore, the appeal must fail.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR