



Appeal Decision

Site Visit made on 23 March 2021

by Mr Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/U3935/D/20/3256251

156 Ermin Street, Swindon, SN3 4NE

- 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 Andy Stone against the decision of Swindon Borough Council.
 - The application Ref S/HOU/20/0366/RACH, dated 11 March 2020, was refused by notice dated 28 May 2020.
 - The development proposed is to convert existing garage / workshop into annex for the enjoyment of friend and family.
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Decision

1. The appeal is allowed and planning permission is granted to convert existing garage / workshop into annex for the enjoyment of friends and family at 156 Ermin Street, Swindon, SN3 4NE in accordance with the terms of the application, Ref 20/0366, dated 12 March 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 Numbers 01 and 02.

Preliminary Matters

2. Both the Delegated Report and the reasons for refusal refer to the creation of a new, independent unit of accommodation. I am conscious however that a householder planning application was accepted for the proposal and the appellant maintains that an independent unit is not applied for and will not be created. The Council also refers to there being no reliance on the existing dwelling. While I am conscious that the proposed annex would provide all of the facilities needed for independent living, this does not necessarily mean that a separate unit would be created. The proposed annex would share the parking area of the main dwelling, as well as the vehicular access. Furthermore, while I observed there is currently a fence partially enclosing a private rear garden area for the main dwelling, this did not completely separate the garden from the parking area. There would remain a functional link and the ability to walk from the dwelling to the annex, and vice versa, when so desired. Therefore, while I have noted the concerns of the Council in these regards, there is not a proposal for a separate dwelling before me and I have made my decision on the basis of the development that was applied for.
3. I am aware from dealing with other appeals in the Borough that the cited parking standards have been superseded by new standards. I have had regard

to these most recent standards when making my decision and I am satisfied that there is no prejudice in my doing so.

Main Issues

4. The main issues raised are the effect of the proposal on:
- i) The character and appearance of the area, bearing in mind the sites location within the Lower Stratton conservation area,
 - ii) The availability of vehicular and cycle parking within the site,
 - iii) The living conditions of the occupiers of 11, 15 and 17 Church Way, with particular regard to noise and disturbance, and
 - iv) The provision of refuse storage facilities.

Reasons

Character and appearance

5. The site lies within the Lower Stratton conservation area (the CA). I observed that the significance of this designated heritage asset lies, in part, due to the arrangement of traditionally proportioned buildings within the area, generally positioned in close proximity to Ermin Street. The Conservation Area Appraisal identifies that the special interest of the area also lies, in part, in the buildings that line Ermin Street, which illustrate the built pattern of the past.
6. The appeal building is a garage structure that lies to the rear of 156 Ermin Street, with two individual garage doors to the front elevation, together with a larger roller shutter door which extends to an elevated eaves level. The building is visible from Ermin Street, but there are only glimpsed views available between the buildings fronting the street. The large, roller shutter door is visible and has a somewhat commercial appearance in any views that are possible.
7. The proposed scheme would utilise the existing building and as such there would not be the introduction of any built form into the existing layout of development. The introduction of the new fenestration to the front elevation of the garage, would retain its relationship to the main dwelling as a subservient structure, with the fenestration imparting an appropriate residential character to the building. I note comments that the use of uPVC fenestration is inappropriate, however I observed that this was not an uncommon material in the vicinity of the site and as such it's use would not be harmful. The layout of the existing development would not change, and the altered appearance of the appeal building would not result in it becoming more dominant in views. Thus, it would be read as a secondary building to the dwelling fronting the road.
8. In this respect, the proposal would preserve the character and appearance of the conservation area at this location and would not harm its significance as a designated heritage asset. Thus, the scheme complies with policies DE1 and EN10 of the Swindon Borough Local Plan (adopted 2015) (the Local Plan), insofar as they seek to ensure development respects context and character, as well as that development conserves heritage assets. There would also be no conflict with the design or heritage asset protection aims of the National Planning Policy Framework (the Framework).

Parking

9. An existing parking area is provided to the front of the garage building, which serves the existing dwelling and was able to accommodate several vehicles. The Highways consultation response indicates that subject to the proposal being for ancillary accommodation, that it could be supported. Given that an annexe is proposed and given the parking provision that would be available, I am satisfied that adequate parking provision would remain within the site. Similarly, given that no additional unit is being created, I find no reason why cycle parking facilities should now be required.
10. Thus, the availability of vehicular and cycle parking within the site is acceptable. There would be no conflict with policy TR2 of the Local Plan, which seeks to ensure that adequate parking and cycle storage provision is made. There is nothing within the Parking Standards for New Development – Supplementary Planning Document (2021) which persuades me that the scheme would not be acceptable in this regard.

Living conditions

11. The appeal building is located in close proximity to the rear garden areas of 11, 15 and 17 Church Way. However, as the scheme proposes an ancillary use, together with that the garden areas are already directly alongside the parking area for the existing dwelling, the proposal would not result in any increase in activity, and thereby noise or disturbance, that would be materially different than that which could potentially take place at the moment. Accordingly, the proposal does not conflict with policy DE1 of the Local Plan, insofar as it seeks to protect amenity, nor the amenity protection aims of the Framework.

Refuse storage

12. There is nothing before me to suggest that the refuse facilities serving the existing dwelling are inadequate or that the use of the garage as an annexe would result in the need for the provision of additional facilities. Thus, I find no conflict with policy DE1 of the Local Plan, insofar as it seeks to ensure development is appropriately designed.

Conditions

13. A condition ensuring adherence to the approved plans, is necessary in the interests of the character and appearance of the area. A matching materials condition is recommended but as the materials are detailed on the application form this is not necessary.
14. The Council has also recommended a condition restricting the annexe to uses that are ancillary to the main dwelling. However, as I have set out above, a separate use has not been applied for and thus a condition is not necessary in this respect.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR