



Appeal Decision

Site Visit made on 19 April 2021

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

an Inspector appointed by the Secretary of State

Decision date: 01 June 2021

Appeal Ref: APP/U3935/W/20/3264262

Land at Hawksbill, Bowling Green Lane, Old Town, Swindon, SN1 4EU

- 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 B Jolly against the decision of Swindon Borough Council.
 - The application Ref S/20/1024/SASM, dated 17 August 2020, was refused by notice dated 16 October 2020.
 - The development proposed is the erection of new house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new house at Land at Hawksbill, Bowling Green Lane, Old Town Swindon, SN1 4EU, in accordance with the terms of the application Ref S/20/1024/SASM, dated 17 August 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) This decision is in respect of:

Drawing Number LPC4614 EX01 (Location Plan & Existing Site Plan) at scales 1:1250 and 1:500,

Drawing Number LPC4614 EX02 (Existing Site) at scale 1:200,

Drawing Number 4614 PR01 (Location Plan & Proposed Site Plan) at scales 1:1250 and 1:500,

Drawing Number LPC4614 PR02 (Proposed Site & Roof Plan) at scale 1:500,

Drawing Number LPC4614 PR03 (Proposed Ground Floor) at scale 1:100,

Drawing Number 4614 PR04 (Proposed First Floor) at scale 1:100,

Drawing Number LPC4614 PR05 (Proposed SE & NE Elevations) at scale 1:100

Drawing Number 4614 PR06 (Proposed NW & SW Elevations)
 - 3) Prior to their use with the development hereby permitted, details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.
 - 4) The landscaping of the development shall take place in accordance with an approved landscaping scheme and timetable that shall have first been submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling hereby approved. The landscaping

scheme shall be implemented in accordance with the approved details and timetable. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of 10 years from first being planted, shall be replaced by one of a similar size and the same species.

- 5) The dwelling hereby approved shall not be constructed unless in accordance with details of the proposed slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land, that have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved details.
- 6) The dwelling shall not be occupied until the vehicular parking and turning facilities associated with that development have been provided in accordance with the approved plans. Such facilities shall be maintained and kept clear and made available for those purposes thereafter.
- 7) The dwelling shall not be occupied unless an electric vehicle charging point serving that dwelling has been provided and made available for use in accordance with details (including the location) that have first been submitted to and approved in writing by the Local Planning Authority.
- 8) The proposed development shall be implemented in full accordance with the 'Protected Species Survey and Mitigation Strategy', particularly the 'Mitigation and Enhancement' recommendations', which shall be implemented prior to occupation where possible and maintained thereafter. Furthermore, prior to commencement of works above ground level of the dwelling hereby approved the locations of the proposed integrated bird nesting and bat roosting features shall be illustrated on a plan to be submitted to and agreed in writing by the Local Planning Authority and then carried out in accordance with these approved details, and retained in their approved form thereafter.
- 9) Prior to commencement of any drainage works in association with the development hereby approved, details of surface and foul drainage works for the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter only be implemented in accordance with the details as agreed.

Preliminary Matters

2. The Council has confirmed that following evidence submitted with this appeal, relating to the appellant's control over the access as far as the public highway and also the effect of the development on biodiversity, they are satisfied that the reasons for refusal Nos 3 and 4 have been addressed. Therefore, these matters are not main issues with this appeal.

Main Issues

3. The main issues are the effect of the development on (1) the character and appearance of the area, and (2) the living conditions of neighbours to the site.

Reasons

Character and Appearance

4. The proposal would be a single dwelling of a contemporary design, with flat roofs of various heights and includes some large glazed areas. Apart from one other dwelling on Wichelstok Close, the other dwellings in the area are of a more traditional design approach, with pitched roofs for example.
5. Whilst the design has a different approach to the existing dwellings in the area there is a variety of housing types, often reflecting their age. Furthermore, the dwelling would not fit within a conventional street scene in which it could disrupt a uniform design approach. With this variety and setting, it is my view that there is no harm in the design approach to the proposed dwelling. Furthermore, the size and shape of the plot is sufficient to accommodate the dwelling without resulting in a cramped form of overdevelopment. The dwelling would be at least partially visible from various viewpoints, but within this residential setting it would not be prominent, even with its modernist design approach.
6. The dwelling would have a new access off the private road to the end of Bowling Green Lane. This is a small enclave of several dwellings with a varied layout and plot size and shapes. The proposed dwelling would not have a frontage that would be clearly visible from this lane, with a long access lane to the plot between the gardens of two existing houses. As such, this is a form of backland development. However, this is not within a conventional street pattern. Indeed, the section of lane that the access would form off currently is effectively a long driveway to the dwelling to the western end of this lane. In this setting, the fact that the proposed dwelling would be 'backland' with no street frontage does not have an adverse impact to the pattern of development and the character of this area.
7. The development would result in more hardstanding area and also the new dwelling central within the plot. Currently the site is predominantly a garden area. However, the dwelling and hardstanding would not cover the site, with substantial areas of garden space and potential for further landscaping available.
8. Overall, the design, layout and scale of the proposed dwelling is acceptable from a design perspective, with no harm to the character and appearance of the area. The proposal therefore accords with policies DE1 and HA1 of the Swindon Borough Local Plan 2026 (2015). These policies require development to be of a high standard of design, respecting the character of the surrounding areas, amongst other things. Furthermore, I would regard the proposed dwelling to be in broad accordance with the Swindon Residential Design Guide SPD 2016 and the National Planning Policy Framework on these matters.

Living Conditions

9. The house as proposed would be on a higher land level than the houses at Pleydell Road to the south. The proposed dwelling would be built towards the houses along Pleydell Road (their rear garden boundaries), though the section

with first floor is set back from this boundary. There is also a recently erected fence along this boundary.

10. The fence would screen some views from the ground floor windows in the proposed dwelling to some extent. Whilst the fence may not screen all possible views, it would mitigate the overlooking potential between the ground floor windows of the proposed house and neighbouring properties along Pleydell Road. The fence screening (or any future alternative screening potentially along this boundary) coupled with the separation distances involved would mitigate any potential overlooking of the Pleydell Road dwellings to an acceptable degree.
11. It would be much less likely that views from first floor windows or balcony could be screened from the rear of the Pleydell Road houses. However, these are set away from this boundary with a considerable separation distance between these proposed windows/balconies and the rear windows of the houses at Pleydell Road. Even with the higher ground level for the proposed house, the separation distance is such that in a residential area such as this the overlooking potential would not be significantly adverse. There would be some views into the rear gardens of the Pleydell Road properties at a shorter distance, but in a residential area this arrangement is not uncommon or unacceptable. Furthermore, there is already some level of overlooking of the Pleydell Road rear gardens from existing neighbours, such as the properties either side.
12. Further to the above, whilst some of the proposed house would be visible from the Pleydell Road houses, the separation distance is such that it would not appear overly intrusive, dominant or overbearing from these neighbouring properties. Furthermore, the noise from vehicles parking and using the access would be minimal for just a single house and would not result in unacceptable levels of noise.
13. To the west of the site is the rear of No 5 Nicholas Court. There may be some views towards this house from the side of the proposed balcony for example, but at a separation distance that I would regard as acceptable, even with the differences of topography considered. The views from the ground floor windows would be at a further distance and so would again be acceptable in this residential setting.
14. Overall, the proposed dwelling would not unacceptably impact the living conditions of neighbour amenities of those at properties along Pleydell Road or elsewhere in the area. The proposal is therefore in accordance with policy DE1 of the Swindon Borough Local Plan 2026 (2015), which requires development to have regard to privacy and outlook, for example. Furthermore, I would regard the living condition effects to be in broad accordance with the Swindon Residential Design Guide SPD 2016.

Other Matters

15. There have been comments received with regards the fence. However, this has been already erected and is not part of the proposed development that I am considering.
16. There have been concerns regarding the ecological impacts of the proposed development. However, there has been a 'Protected Species Survey and

Mitigation Strategy'. I regard this document and its conclusions as sufficient to address this matter, with mitigation and enhancement proposed, which can be required by condition. Furthermore, the proposal would be a development with some trees and hedgerows nearby, but there is no substantive evidence that there would be damage to any vegetation that are of significant value.

17. The proposed dwelling would add a further property to those at the end of Bowling Green Lane. This is a narrow lane with some evidence suggesting subsidence. However, I have no substantive evidence that this access road has poor levels of highway safety, especially with the likely lower level of traffic it accommodates. To my mind, a single further dwelling would not result in highway safety issues. Neither would construction vehicles for the development of one house, based on the evidence before me.
18. There has been some concern raised with regards to drainage, although there is no detailed evidence that both foul and surface water drainage cannot be accommodated. However, a condition should be imposed to require full drainage details to be submitted and approved.

Conditions

19. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
20. 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. A landscaping condition is also required in the interests of visual amenities.
21. Due to the site topography and the potential visual impact of the proposed dwelling, details of final levels should be required by condition.
22. To ensure there is sufficient parking provision a condition requiring the proposed parking and turning facilities to be set out on site prior to occupation is required. Furthermore, in the interests of sustainable transport a condition requiring an electric vehicle charging point is to be imposed.
23. Biodiversity mitigation and enhancement measures as set out in the 'Protected Species Survey and Mitigation Strategy' document should be required by condition, which should include also the bird nesting and bat roosting features as recommended by the Council, in the interest of local ecology.
24. Finally, there are some details of drainage included with the submitted information, but more detail is required. A condition necessitating full drainage information is needed in the interests of ensuring a suitable drainage strategy.

Conclusion

25. For the reasons set out above and in regard to all matters raised the appeal should be allowed, subject to the conditions set out in Paragraph 1.

Mr S Rennie

INSPECTOR

