



Appeal Decision

Site Visit made on 8 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/U3935/D/21/3268915

1 West Hill Close, Highworth, Swindon, SN6 7BY

- 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 Talmage against the decision of Swindon Borough Council.
 - The application Ref S/HOU/20/1519/EMMI, dated 25 November 2020, was refused by notice dated 20 January 2021.
 - The development proposed is the installation of a full height first floor side window (clear glass) to bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The window has been installed and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 2 West Hill Close.

Reasons

4. 1 West Hill is a large detached dwelling located on a rectangular plot with garden space to its rear, No. 2 located to its side (south). Properties along West Hill, although detached, are spaced relatively close together. Due to the orientation of dwellings in this part of West Hill there is little mutual overlooking between neighbouring properties. Additionally, there are no other dwellings to the rear of the majority of dwellings on this side of West Hill, which backs on to an area of recreational ground and associated playing fields. This means that dwellings, particularly rear gardens and rear-facing rooms, benefit from a high level of privacy. The development involves the introduction of a window in the first floor side elevation of a projecting rear gable which serves a bedroom and is the only window in the side elevation of the host dwelling at first floor level facing towards No. 2. A further window into the bedroom is located on the rear elevation.
5. The existing first floor rear windows of No. 1 are partially visible from the garden of No. 2 however the orientation of the dwelling results in windows that face towards their own garden and would only offer transient glances towards No. 2 rather than any sustained opportunity of overlooking. No. 3 West Hill neighbours No. 2 and from my site visit I noted that no windows directly overlooked No. 2 in the same manner as would be the case in respect of the

window to which this appeal relates. The occupiers of No. 2 therefore benefit from a private garden space consistent with prevailing levels of privacy here and would have a reasonable expectation that this would be preserved.

6. During my site visit I viewed the window internally and from the utility and garden of No. 2. From inside the room served by the window that is subject of this appeal I could view the window and door into the utility room at No. 2, however I could not see inside the room. Despite a separation distance given by the appellant of 17 metres between facing elevations of Nos. 1 and 2, large areas of the rear garden of the latter were clearly visible. There is therefore the potential for direct overlooking of this area for more sustained periods than would be usual from a rear first floor window. The elevated position of the window heightens the sense of overlooking and so differs significantly from the relative privacy which is currently afforded to the occupiers of No. 2. Given my reasoning above, relative to the prevailing baseline of privacy here, in my view the privacy of the occupants of No. 2 would be materially adversely affected.
7. Whilst the window has now had a blind installed and the appellant states that its primary use is to provide additional light to the bedroom, for the aforementioned reasons I consider that the window will negatively impact upon the privacy of the occupiers of No.2. Works affecting only the interior of a building are not development with planning terms, and as such the blind could be removed or altered without permission. An internal blind moreover does little to reduce the perception of being overlooked, as opposed to obscure glazing which is a more permanent solution. However, the appellants submission clearly outlines that the proposal is for clear glass, as such I do not consider that I can attach a condition requiring this to be installed.
8. Accordingly, the development would have an unacceptable effect upon the living conditions of neighbouring occupiers. This would be contrary to policy DE1 of the Swindon Borough Local Plan 2026 (2015) which seeks to ensure that proposals consider design principles, including amenity and privacy. The proposal is also at odds with the advice set out in paragraph 127 of the National Planning Policy Framework.

Other considerations

9. The appellant has drawn my attention to other planning permissions in the area which they contend are similar to the circumstances here. However I saw that there are differences in the context and nature of these and they are not directly comparable with this appeal.
10. I note the appellants frustration regarding the Council's handling of the planning application; however this is an administrative matter between the appellant and the Council and does not have a bearing on the determination of the appeal.

Conclusion

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

Tamsin Law

INSPECTOR