
Appeal Decision

Site visit made on 15 June 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 6 July 2021

Appeal Ref: APP/U3935/D/21/3271791
49 Belsay, Toothill, Swindon, SN5 8HD

- 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 A Zuberi against the decision of Swindon Borough Council.
 - The application Ref S/HOU/20/1680/PEKO, dated 22 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is erection of a first floor side/front extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description was amended from that on the application form by the Council in their decision notice. The appellant has agreed that this is an appropriate description and the change is reflected in the banner above.

Main issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host house and surrounding area, and
 - the living conditions of the occupants of No 48 Belsay, with regard to loss of daylight and outlook.

Reasons

Character and appearance of the host house and surrounding area

4. No 49 Belsay is a 2-storey, semi-detached house on a modern residential estate. It is located to the front of a short row of similar properties running perpendicular to the road. The entrance of No 49 is turned towards the main road where it faces a T-junction. The surrounding houses are almost all set back from the road behind a short length of driveway and a front garden. The open appearance of the landscaped verges along the roadsides is an attractive characteristic of the area.
5. The host house has previously been extended with a single storey structure along the back of the house, which, due to the configuration of the property, then continues passed the front of the house until it meets the footway, leaving sufficient room for an access gate to the garden. Although the existing

- extension removed the characteristic open space along the side of the road, its low height means that the trees behind can be seen and the area remains reasonably open. The extension is clearly subservient to the main house and for this reason it does not dominate the area.
6. The proposal is to add a second floor to the existing extension and slightly enlarge the front porch. The design and finish would be in keeping with the host house and the roofline would remain subservient. For this reason, I do not consider that it would be bulky or disproportionate and I conclude that there would not be harm to the host house. The Council has not objected to the front porch and I see no reason to come to a different conclusion.
 7. However, the side of the extension against the road would be considerably higher than the existing structure. The increased height in such close proximity to the street would introduce a domineering structure as you enter the junction and harmfully reduce the characteristic sense of openness in a prominent location. The fact that the wall would be blank would exacerbate the sense that the structure is overbearing and enclosing. I observed that where other 2-storey gable walls faced the road nearby these were typically softened in appearance with windows and doors, and in this respect the proposal is also out of character for the area.
 8. I have noted the guidance in the Residential Extensions and Alterations Supplementary Planning Document (October 2011) (the 'SPD') which does not encourage 2-storey front extensions. An extension already exists on this footprint and the orientation of the houses means that, although the extension would be adjacent to the front entrance, it could also be viewed as a side and rear elevation, and for these reasons I consider that it would be appropriate to apply leeway when applying the guidance. However, for the reasons above, I have found that the proposal would harm the appearance and character of the street scene, in breach of the guidelines.
 9. The development would therefore not meet the requirements of Policy DE1 of the Swindon Borough Local Plan 2026 (March 2015) (the 'LP'), which requires that development does not harm the character of an area and is acceptable in terms of scale, mass and siting.

Living conditions of neighbours at No 48

10. The development would introduce a second storey immediately adjacent to the boundary, in proximity to the first floor rear window of No 48. The Council has calculated that the 45 degree line of sight from the neighbour's window would be breached and no evidence has been provided to the contrary. Based on the guidance in the SPD, I conclude that the proposal would unacceptably reduce the level of daylight to the first floor rear rooms of No 48 and the outlook from this window is likely to be reduced to the extent that the extension would be overbearing.
11. The appellant suggests that the window serves a bathroom, but based on my observation at the site, the window appears to be split and the farther side is likely to serve a bedroom. Notwithstanding this, although the loss of outlook would be less noticeable if the window is opaque, I still consider that the loss of daylight to the bathroom would be harmful.

12. The additional bulk and height would also cause a loss of outlook for the users of the garden of No 48 and, given its small size, I consider that this would be to an overbearing extent.
13. I conclude that the development would cause harm to the living conditions of the occupants of No 48 from loss of daylight and outlook, in conflict with Policy DE1 of the LP, which requires that these attributes are protected.

Conclusion

14. The development would cause harm to both the character and appearance of the area, and the living conditions of the neighbours at No 48. The proposal does not accord with the local development plan when read as a whole and the appeal is dismissed.

B Davies

INSPECTOR