



Appeal Decision

Site Visit made on 29 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/U3935/W/21/3271459

10 Conway Road, Eldene, Swindon SN3 6BU

- 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 Miss Jane Titchener against the decision of Swindon Borough Council.
 - The application Ref S/20/1667/PEKO, dated 21 December 2020, was refused by notice dated 19 February 2021.
 - The development proposed is the change of use of public open space to domestic garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located within an established residential area characterised by mostly two storey dwellings with large areas of open space and footpaths connecting to other estates. This results in an open and spacious character to this part of the estate. The appeal site itself is an area of land that has the boundary wall of 10 Conway Road to one side and a footpath and area of open space to the other. This area is laid to grass, appears well maintained and open to the adjoining footpath. It integrates well with its surroundings and positively contributes to the areas sense of openness which is experienced when walking along the footpath.
4. As the area of land is to be subsumed into the garden it is likely to be enclosed in some way. The submitted plans do not demonstrate any boundary treatment however the appellant has advised in their appeal submission that it is their intention to erect a fence with a small set back from the adjoining footpath to allow for a planted border. The change of use and intended boundary treatment would enclose an area of land that positively contributes to the openness of the area. Additionally, the enclosure would be brought closer to the footpath detracting from the openness users experience when walking through the area. The proposal would therefore erode the sense of openness harming the surrounding area.
5. Consequently, I find the proposal would be in conflict with Policy DE1 and EN3 of the Swindon Borough Local Plan 2026 (2015) which seeks, amongst other

things, to ensure that all new development is of a high standard of design and respects existing built characteristics and protects public open space. The appeal scheme would also be contrary to paragraph 127 of the National Planning Policy Framework that seeks good design sympathetic to the local character.

Other Matters

6. The Council have expressed concern that precedent could be should planning permission be granted for the proposal. Whilst my dismissal of the appeal renders that argument largely irrelevant, I did observe a number of similar areas of land on my site visit that, if they were subsumed into gardens, there would be a cumulative impact of the type I have described in response to the main issue of this case.
7. Although I observed other examples of fencing nearby, and the appellant has drawn my attention to other sites, these relate to fencing backing on to open space or positioned next to a highway and not to the enclosure of land within an area of open space and next to a footpath. As such, I do not consider that they provide any meaningful support in favour of the proposal. In any case, each development proposal should be considered on its own merits, with regard to its own individual context.

Conclusion

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

Tamsin Law

INSPECTOR