



Appeal Decision

Site Visit made on 20 July 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/U3935/D/21/3274705

28 Basingstoke Close, Freshbrook, Swindon SN5 8RB

- 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. D. Clayton against the decision of Swindon Borough Council.
 - The application Ref S/HOU/20/1074/SASM, dated 22 August 2020, was refused by notice dated 11 November 2020.
 - The development proposed is the construction of a detached double garage with side workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) the effect of the proposed development on the character and appearance of the area and b) whether adequate access can be achieved.

Reasons

Character and Appearance

3. The site is located in a predominantly residential suburban area characterised by similarly designed two-storey dwellings set back from the highway with parking and garden areas to the front. A network of open spaces and footpaths connect Basingstoke Close to other estates in the area, together with the set back of houses, creates a uniformity and a pleasant open character. A footpath runs along the front and side of the appeal site and the site is bound by timber boarded fencing.
4. The site is not readily visible from the highway on Basingstoke Close, however it would be clearly visible from the footpaths running along the front and side of the site and Rowton Heath Way to the south east. A fence has been erected around the appeal site which has somewhat diminished the open character; however, the building line remains. There is no indication that the fence is anything other than authorised. Nevertheless, from the surrounding area a separation between the established building line and the fence is readily visible therefore retaining an element of the open character.
5. Whilst nearby properties have been altered, largely with the addition of side extensions, these remain essentially in line with the established building line. I acknowledge that the proposal would be single storey, however the introduction of an outbuilding in front of the established building line would

draw the eye and represent an incongruous feature. The proposal would be located in front of the building line, immediately adjacent to the boundary fence to the front and side of the appeal site, which contributes to the uniformity and openness of the area. The proposal would negatively impact upon the aforementioned uniformity and open character harming the surrounding area. I note the appellant's argument that the appeal site and associated plot is large relative to other nearby plots, however its size does not overcome the harm identified on the character of the surrounding area.

6. For the reasons above, I conclude that the proposal would harm the character and appearance of the area contrary to Policy DE1 of the Swindon Borough Local Plan 2026 (LP) and the guidance in the Supplementary Planning Document¹ 2011 (SPD) which seeks, amongst other things, to ensure that all new development respects the existing built characteristics of an area and that outbuildings are subservient and not overly prominent. The proposal is also contrary to paragraph 130 of the National Planning Policy Framework (the Framework) that seeks good design sympathetic to the local character.

Access

7. During my site visit I noted that this shared drive was in use and provided access for both the appeal site and the neighbouring property. The Council are concerned that third party land will be required to access the garage, however it is apparent that access across third party land is already required to access the appeal site. In any event, matters related to ownership of the land would be separate to and would not ultimately influence the assessment of the planning merits of the proposal. From reviewing the submission, and given the prevailing residential nature of the area where vehicular movements associated with driveways and properties are commonplace, I cannot find any concerns regarding highway or pedestrian safety and the proposed plans and submitted statement demonstrate that parking and turning areas can be provided within the appeal site.
8. For the reasons above, I conclude that the proposal complies with Policies DE1 and TR2 of the LP which seek, amongst other things, to ensure that all new development provides an appropriate access without detriment to highway safety. The proposal is also compliant with paragraph 110 of the Framework that seeks safe and suitable access.

Other Considerations

9. Whilst I note the appellant's points regarding the way in which the application was handled by the Council, those are administrative matters and my decision focusses instead on the planning merits of the scheme. Whilst I appreciate the scheme would be personally beneficial to the occupants of No 28, nevertheless that does not justify allowing a scheme harmful to local character.

¹ Swindon Borough Council Residential Extensions & Alterations Supplementary Planning Document (October 2011)

Conclusion

10. Accordingly, for the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR