



Appeal Decision

Site visit made on 30 November 2021

by Helen Davies

an Inspector appointed by the Secretary of State

Decision date: 13th December 2021.

Appeal Ref: APP/U3935/D/21/3284023

17 Bowood Road, Old Town, Swindon SN1 4LP

- 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 and Mrs Underhill against the decision of Swindon Borough Council.
 - The application Ref S/HOU/21/0844/EMMI, dated 17 April 2021, was refused by notice dated 20 July 2021.
 - The development proposed is proposed single storey rear and proposed two storey rear extension and first floor side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was described on the application form as 'proposed single storey rear and proposed two storey rear extension and first floor side extension'. On the decision notice and appeal statement the description also included 'conversion of garage into living accommodation'. Notwithstanding this variation, the proposed development is clear from the submitted drawings. The appeal has been determined on the basis of the submitted drawings.
3. The appellants state that the conversion of the garage is not development for which planning permission is required and therefore any consequences associated with it are not material planning considerations. However, the submitted drawings clearly show that the proposal includes converting the garage into a bedroom. In all likelihood, this would be carried out as one operation alongside the proposed extensions. Therefore, I consider the proposal to be a single development comprising the extensions and the garage conversion. As the proposal is one operation, falling within the meaning of development, as set out in section 55 of the Town and Country Planning Act 1990 (the Act), it is not permissible to separate out an individual part and to argue that it does not require permission.
4. Within the context of an appeal under section 78 of the Act, it is not within my remit to formally determine whether planning permission is required. If the appellants wish to establish whether an operation would be lawful, without prejudice, they may make an application under section 192 of the Act.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the host dwelling and the surrounding area;
- The effect of the proposed development on the living conditions of the occupants of 15 Bowood Road, with regard to outlook and light;
- Whether the proposed development would encourage alternatives to car use, through the provision of suitable cycle parking; and
- Whether the proposed development would provide acceptable living conditions for future occupants, with regard to noise, smell and disturbance.

Reasons

Character and appearance

6. The site is a two storey semi-detached dwelling in a predominantly residential area. There are a few detached dwellings, but the section of Bowood Road where the appeal site is located, is characterised by pairs of semi-detached dwellings, with adjoining single storey elements between the pairs. The single storey elements appear to have originally been flat roof garages. Over time, many of the garage doors have been replaced with a window and pedestrian door, and there are a variety of roof finishes.
7. There is a distinct visual break between pairs of semi-detached dwellings at first floor level. A small number of dwellings have been extended at first floor, above the single storey element. Where this is the case, the extensions are well set back from the front elevation, so the visual break between dwellings is retained. These visual breaks in the built form define the pairs of semi-detached dwellings and contribute an openness to the streetscene, which is a positive element of the character and distinctiveness of the area.
8. The section of Bowood Road which contains the appeal site rises in level from No 1 up to No 23, then branches off at roughly right angles. As a consequence, the rear of dwellings along this section of the road are partially visible from the public realm. The rear elevations feature a strong and consistent building line at first floor, unbroken by two storey projections.
9. The appeal dwelling has previously been extended across two stories to the side. This extension adjoins the boundary with No 15 and is flush with the rear elevation but significantly set back from the front elevation at first floor. The dwelling at No 15 has been similarly extended, albeit with a lesser first floor set back. These existing extensions already close the space between the pair of semi-detached dwellings. However, the significant set back at the appeal site means the characteristic visual break at first floor is retained.
10. The proposed first floor side extension would largely fill the remaining first floor space between the host dwelling and No 15, resulting in a cramped and discordant frontage. The proposed small set back from the front would do little to mitigate the loss of openness. Losing the characteristic visual separation between the dwellings at first floor would result in semi-detached properties

taking on the character of terraced housing. In addition, the proposed two storey rear extension would disrupt the rear building line at first floor.

11. Taken together, these elements result in a development that would be unsympathetic to the pattern and grain of built form in this section of Bowood Road, causing detriment to the host dwelling and the streetscene.
12. I conclude that the proposed development would cause significant harm to the character and appearance of the host dwelling and the surrounding area. Consequently, the development would not comply with Policy DE1 of the Swindon Borough Local Plan 2026 (LP), and the Swindon Borough Council Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD), which together, amongst other things, seek to ensure high quality design which responds appropriately to existing context and character.

Living conditions for occupants of No 15

13. The two storey rear extension would be approximately 1.87 metres deep, right on the boundary. No 15 has a ground floor kitchen window very close to the boundary, plus a first floor bedroom window less than a metre from the boundary. No 15 is directly to the north of the appeal site and approximately a metre lower.
14. Policy DE1 of the LP requires development to protect amenity, including outlook and light, and the SPD sets out guidance on how to achieve this. The SPD indicates that a two storey rear extension could be up to 3 metres deep. Notwithstanding this, it also sets out that all sites are individual, and matters such as changes in levels, site orientation and precise window location need to be taken into account.
15. The depth of the extension is modest, but due to a combination of the two storey height, proximity to the boundary and the differing ground levels, the rear extension would be a dominant and visually oppressive feature and result in an enclosing and overbearing effect on the outlook from rear facing habitable rooms at No 15.
16. The SPD sets out guidance on the use of the '45 degree rule' to assess the impact on daylight to a neighbouring window. The appellants accept that the proposed two storey extension would not fully comply with this as set out in the SPD. The appellants also state that guidance given in BRE209 applies the '45 degree rule' in a different way to the SPD. BRE209 does not form part of planning policy so is not the basis on which the proposed development is to be assessed.
17. I acknowledge that the existing boundary wall already has some impact on light into the nearest ground floor window at No 15, and that the kitchen area is also served by another window into the conservatory. Despite this, the proposed two storey extension would further reduce the amount of daylight received to the rear windows at No 15, albeit the impact is likely to be modest.
18. In addition, No 15 is to the north of the proposed extension so would experience additional overshadowing and loss of sunlight in the area next to the rear elevation and in the conservatory.

19. Taken together, the negative impact on outlook, reduction in daylight to windows and additional overshadowing caused by the two storey extension would have a detrimental impact on the amenity of No 15.
20. I conclude that the two storey element of the proposed development would cause unacceptable harm to the living conditions of the occupants of No 15, with regard to outlook and light. Consequently, the development would not comply with Policy DE1 of the LP and the SPD, which together, amongst other things, seek to ensure that development does not adversely impact on neighbours in respect of outlook and light.

Cycle parking

21. The submitted drawings which show the layout and location of the proposed cycle storage do not appear to take account of the existing front bay window. As a result, I have insufficient evidence before me to conclude that suitable cycle parking could be provided, without compromising the required vehicle parking. Therefore, the proposed development would not encourage alternatives to car use and would be in conflict with Policy TR2 of the LP. Amongst other things, this policy seeks to ensure that development encourages the use of sustainable transport such as cycling, by providing suitable secure cycle parking.

Living condition for future occupants

22. The conversion of the garage to living accommodation would likely result in the use of the front drive for bin storage. This appears to be a common feature in the area and there is no evidence before me to suggest it would result in unacceptable levels of noise, smell, or disturbance.
23. I conclude that the proposed development would not cause harm to the living conditions of future occupants, with regard to noise, smell, or disturbance. Consequently, the development would not conflict with Policy DE1 of the LP in so far as it relates to this issue.

Conclusion

24. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR