



Appeal Decision

Site visit made on 24 May 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/U3935/W/22/3290508

41 Rycote Close, Grange Park, Swindon SN5 6AP

- 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 Jalil Ansari against the decision of Swindon Borough Council.
 - The application Ref S/21/1023/SASM, dated 6 July 2021, was refused by notice dated 11 January 2022.
 - The development proposed is described as erection of a two storey side extension to form 1 no 1 bedroom dwelling 70m² (two floor).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form. Despite this description, drawings and other information on the application form indicate the proposed house would have 2 bedrooms. The appeal form describes the proposal as "erection of a two storey side extension to form single dwelling" with no specific reference to the number of bedrooms. In light of the discrepancy in the application submissions, I have considered the appeal on the basis of this revised description.
3. As part of their appeal, the appellant has submitted amended drawings that were not considered by the Council in its determination of the planning application. These show the proposed dwelling with a single bedroom and 1 less parking space. The Council has had the opportunity to comment on the revised plans but as far as I am aware they have not been the subject of any public consultation. To my mind, the revised drawings represent a significant change to the scheme, particularly in respect of the reduction of parking. As such, injustice may be caused by taking into account the amendments. Therefore, my decision is based on the original drawings considered by the Council and which are listed at informative 1 on the Council's decision notice.

Main Issues

4. The main issues are (i) the effect of the development on the character and appearance of the area, (ii) whether it would provide acceptable living conditions for future occupiers in terms of the amount of internal space, and (iii) whether it would result in acceptable living conditions for the occupiers of 41 Rycote Close (No 41) in terms of the amount of private garden space.

Reasons

5. The appeal property is an end of terrace dwelling located in a residential cul-de-sac. The road curves around the terrace so that the front and exposed side elevations of No 41 are clearly seen from the highway. Despite a lack of regularity in the layout, the dwellings in Rycote Close are all set away from the pavement edge, leading to an attractive openness to the street scene.
6. The development would be clearly seen from the road to the front and side. Unlike other properties in the vicinity of the site, the front corners of the proposed house and its porch would be very close to the edge of the plot. A gap would remain between the side elevation and the pavement due to the curve in the road. Nevertheless, the dwelling would appear unusually cramped and tight to the highway due to its proximity to the pavement. Accordingly, the development would undermine the open qualities of the street scene.
7. The extension would harmonise with the style of the host property and the proposed parking spaces would not look out of place in light of the other nearby driveways. However, the acceptability of these aspects of the development would not address or override the incompatibility due to its proximity to the road. As such, I conclude the development would harm the character and appearance of the area and in these regards it would not accord with policy DE1 of the Swindon Borough Local Plan 2015 (LP). Amongst other things, this requires development that respects its context.

Living conditions for future occupiers

8. The Council's Residential Design Guide Supplementary Planning Document 2016 (RDG) includes the nationally described space standards (NDSSs) which set out minimum floorspace requirements for different types of dwellings. The RDG explains that the NDSSs have not yet been adopted by the Council but are used as a guide. Moreover, while LP policy DE1 requires consideration of amenity in respect of space, it does not require development to meet the NDSSs. The proposed house would provide a total internal space of 63m², below the 70m² required for a 2 bedroom, 2 storey dwelling under the NDSSs. However, in light of the local planning policy and guidance context, this failure to comply with the NDSSs is not determinative on the issue.
9. The floor plans show the proposed rooms would be of a similar size and layout to those at the host property. There is no evidence to suggest the current amount of internal space at No 41 creates unacceptable living conditions. Also, the drawings show a room layout with sufficient space for furniture and internal circulation, including within the bedrooms. Moreover, the Council provide little explanation as to why the shortfall in floorspace against NDSSs would lead to any particular problems for future occupiers.
10. For these reasons, I conclude the development would provide acceptable living conditions for future occupiers in terms of the amount of internal space, even though it would not comply with NDSSs. Therefore, the proposal would accord with LP policy DE1 in these regards.

Living conditions for occupiers of No 41

11. The proposal would sub-divide the appeal property so that only a proportion of the plot would remain as garden for the occupiers of No 41. The RDG advises that, as a rule of thumb, the main external private garden space for a house

should be at least the same area as the footprint of the host dwelling. The appellant does not dispute the Council's claim that, as a result of the development, the back garden of No 41 would be less than the footprint of the house. However, the wording of the RDG suggests it provides a broad guide rather than a firm stipulation and I note that it is not a formal development plan policy requirement. As such, non-compliance with the RDG in these respects should not be decisive on the issue.

12. No 41 would retain a private back garden that would be similar in size to the neighbouring properties in the terrace. The Council state that these adjoining properties have 2 bedrooms whereas No 41 is designed as a 3 bedroom house and so requires a larger garden. However, the floor plans provided indicate that No 41 has 2 bedrooms with an additional room upstairs of insufficient size to accommodate a bed. Therefore, it is likely that occupants of No 41 would have a similar level of need for private external space compared to occupants of the adjacent residences. There is no evidence to show the size of the neighbouring back gardens have created unsatisfactory living conditions.
13. Also, the back garden retained for No 41 would provide an outdoor area for sitting out, drying clothes, external storage of domestic items and limited play. The property is within a short walk of large areas of public open space where more extensive play activities could reasonably take place. There is little explanation from the Council that shows how living conditions for the occupiers of No 41 would be unacceptable as a result of the shortfall in garden space when assessed against the RDG advice.
14. Taking all the above factors together, I conclude that, following the development, the occupiers of No 41 would have acceptable living conditions in terms of the amount of private garden space. In these regards, it would accord with LP policy DE1. The development would conflict with the provisions of the RDG but for the reasons set out above, I consider there is sufficient justification to find the proposal acceptable in these regards.

Other Matters

15. The proposal includes the provision of a new parking space for the occupiers of No 41 which would be positioned at the rear of the back garden for the proposed house. This space would be separated from No 41's front door but it would be only a short distance away. As such, I am satisfied the location of the parking space would not be so inconvenient to be unacceptable.
16. Reference is made to a planning permission to add a side extension to No 41. No plans have been provided to show this permitted development and so I am unable to draw comparisons to the appeal scheme. In any event, the submissions indicate the permission has expired without implementation and so there is no fallback position for me to take into account.
17. The development would be acceptable in terms of its effects on highway safety and on the living conditions of occupiers of other residences. Acceptability in these regards is a neutral factor rather than a benefit to which I attach positive weight.
18. The planning application form states that the proposed house would be a self-build or custom build property. However, there is no mechanism in place to require the appellant to be the initial owner of the house or to ensure that any

other initial owner has had an input into its design. As such, it is uncertain whether the proposed dwelling would be provided and occupied as a self-build or custom-build unit. Therefore, this factor attracts limited weight in my assessment.

19. Nonetheless, the development would add to the housing stock and would be located in an area where occupiers would have good access to facilities. These factors add in favour of the scheme, although attract modest weight as only a single unit is proposed. Overall, I find any benefits of the scheme would not outweigh the harm identified in respect of the first main issue.

Conclusion

20. While I have found the development would be acceptable in terms of the second and third main issues, the harm it would cause to the character and appearance of the area means it would not accord with the LP when considered as a whole. There are no factors of sufficient weight to justify making a decision contrary to the development plan. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR