The Planning Inspectorate

Appeal Decision

Site visit made on 26 July 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal Ref: APP/U3935/D/22/3293461
Stoney Lea, 44 Trenchard Road, Stanton Fitzwarren, Swindon SN6 7RZ

- 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 J McCarthy against the decision of Swindon Borough Council.
- The application Ref S/HOU/21/1620/JP, dated 6 October 2021, was refused by notice dated 9 December 2021.
- The development proposed is a two storey rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Stanton Fitzwarren Conservation Area.

Reasons

3. Stoney Lea is a detached 2 storey dwelling which is part of a cluster of similarly large modern suburban dwellings which are set back from and elevated above Trenchard Road. A low stone wall borders the front of the property. This, and the elevated nature of the properties on the east side of Trenchard Road, means that there are clear and open views of the front and side elevations of the appeal property from Trenchard Road and Mill Lane. The appeal property has a rear conservatory, the roof of which can be seen in views from the road.

4. The appeal property is in the Stanton Fitzwarren Conservation Area (CA), the boundary of which covers the whole of the village. The prevailing character of the area is formed by low density dwellings following a linear development pattern. Dwellings are generally of a modest scale and well set back from the road. This, and the use of stone boundary walls, gives the village a distinctive spacious and rural character and appearance that reflects the historic settlement pattern. The modest scale of dwellings and the layout make a positive contribution to the character and appearance of the CA and contribute to its significance. The group of large modern suburban dwellings on Trenchard Road, of which the appeal property forms part, contrast unfavourably with the more modest and traditional rural character and appearance of the wider CA and consequently the appeal property fails to make a positive contribution to the significance of the CA.

5. The proposed 2 storey extension would be to the rear of the appeal property, but nevertheless it would be clearly visible from the street. Given the large size

of the appeal property and the elevated position of the appeal site, the large extension would add even greater visual bulk to an already dominant form of development. The extension would have the same footprint as the existing conservatory, and it would reflect the design and materials of the host dwelling. Nonetheless, by virtue of its height, scale and massing, the proposal would be an overly large and incongruous form of development. It would not be sympathetic to the surrounding built environment and it would be visually obtrusive and prominent.

6. As the appeal property is within a Conservation Area I have therefore had special regard to section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I find that the excessive scale of the extension, in combination with the large host dwelling, would appear dominant and out of keeping in the street scene, detracting from the distinctive character and appearance of the area. The proposed extension would fail to preserve the significance of the Stanton Fitzwarren Conservation Area. I find that the harm would be less than substantial in this instance but nevertheless of considerable importance and weight.

7. Under such circumstances, paragraph 202 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal. There would be limited economic benefits during construction but there is little substantive evidence that either this, or the primarily private benefits of the proposal, would be sufficient to outweigh the harm that I have found.

8. Given the above, and in the absence of substantiated significant public benefit, I conclude that on balance the proposal would fail to preserve the character or appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and it would conflict with the aims of Policies DE1 and EN10 of the Swindon Borough Local Plan 2026 Adopted March 2015 which together seek to ensure high standards of design which sustain and enhance the historic environment. As a result, the proposal would not be in accordance with the development plan.

9. My attention has been drawn to other planning permissions within the CA. On the basis of the limited information before me and my observations on site I find that these proposals are not similar to the appeal proposal. Some were considered in an earlier policy context while others appear to be single storey dwellings or are in a different surrounding context. They do not appear directly comparable, and they do not provide a justification for the proposal, which in any case must be considered on its individual merits. Furthermore, modern developments elsewhere, including some that may have eroded the character of the CA, do not provide a justification for further overly large development that would harm the significance of the CA.

10. Therefore, I conclude that the proposal would harm the character and appearance of the CA. It would be contrary to those aims of Policies DE1 and EN10 of the Swindon Borough Local Plan 2026 Adopted March 2015.

Conclusion

11. For the reasons given above the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR