



Appeal Decision

Site visit made on 4 July 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/U3935/W/22/3292962

35 Lechlade Road, Highworth, Swindon, SN6 7HQ

- 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 Mrs K Smith against the decision of Swindon Borough Council.
 - The application Ref S/21/1310/SASM, dated 3 August 2021, was refused by notice dated 21 January 2022.
 - The development proposed is the erection of 1no. dwelling. .
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the proposed development on the living conditions of No 35 Lechlade Road, with specific regard to outlook and light; and
 - The effect of the proposed development on the character and appearance of the area

Reasons

Living Conditions

3. At present the host dwelling is served by a side garden. The proposed development would introduce a dwelling between it and No 36b. The proposed development would involve the construction of a 1.8 metre high wall approximately 0.7 metres from No 35 Lechlade Road and from a bedroom window in the elevation facing the appeal site. The proposed dwelling would also be located approximately 1.5 metres from No 35.
4. The location of the proposed dwelling and wall close to the side elevation and window of No 35 combined with its height and depth would have a significant enclosing effect on the outlook from this window. It would also significantly restrict levels of light resulting in the room which it serves being unduly gloomy. This would be to the detriment of its useability and the occupants of No 35.
5. My attention has been drawn to comments made that the window in No 35 could be blocked up and moved to the rear of the building. Whilst this falls outside the red outline, No 35 is within the appellants ownership. However, I have not been provided with any plans or information relating to this.

6. Nevertheless, this would represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. I am also conscious that planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application. Taking all this into account, I consider that this would not be an appropriate course of action in this case were I minded to allow the appeal.
7. I conclude that the proposed development would significantly harm the living conditions of the residents of No 35, with particular reference to outlook and light contrary to Swindon Borough Local Plan (2015) (LP) Policy DE1 and the guidance contained within the Swindon Residential Design Guide Supplementary Planning Document (2016) (SPD) which seek, amongst other things, to ensure that development has regard to amenity in respect of light and outlook. The proposed development would also be contrary to paragraph 130 of the National Planning Policy Framework (Framework) that seeks high standards of amenity for existing users.

Character and Appearance

8. Lechlade Road is a predominantly residential area with some commercial and other uses. The properties vary considerably in their individual design characteristics and form, with detached, semi-detached, single and two-storey dwellings close to the appeal site. There is no consistent palette of materials with stone, render, brick and painted stone being used in the immediate vicinity. Plot sizes vary with narrow and shallow plots located adjacent to the highway and larger plots on nearby roads.
9. There is no consistent building line, with some dwellings set back from the road and other abutting the pavement. Where dwellings are set back from the road this is largely behind parking and driveway areas. The dwelling either side of the appeal site have front gardens with planting which does provide a verdant character to this part of Lechlade Road.
10. The appeal forms part of a side garden for 35 Lechlade Road and therefore there is an area of open space between No 35 and the neighbouring No 36b. The proposed dwelling would be located within this space.
11. The appeal site is located on the northern side of Lechlade Road. The subdivision of the garden to facilitate the proposal would create a narrow plot, a similar width to the plots at No 36 and No 36a. The proposed development resembles the more tightly arranged parts of this section of Lechlade Road rather than the more spacious ones. Because of the prevailing pattern of development and its set back from the road the proposed development would not appear as a cramped form of development in the wider street scene.
12. The proposed dwelling would be located slightly forward of the dwellings either side however it would be seen in the context of an irregular building line and would not appear as a prominent or dominant feature in the street scene.
13. Parking is proposed to the front of the proposed dwelling, whilst this would be visible from the surrounding area, the submitted plans detail planting at the front boundary which would tie in with the verdant character of the immediately adjoining properties.

14. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area. Consequently, I find no conflict with Policy DE1 of the LP or the guidance contained within the SPD which seek, amongst other things, to ensure proposals address the existing built characteristics of the area. It would also comply with Paragraph 130 of the Framework which seeks to ensure that developments are visually attractive and sympathetic to local character.

Other Matters

15. The appellant suggests that the Council cannot demonstrate the supply of housing sites required by the Framework. If this were to be the case, I would be taken to paragraph 11 of the Framework. The most important policies would be out of date. As the erection of a single dwelling, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. Paragraph 130 of the Framework requires that developments have a high standard of amenity for existing and future users. I have found that the proposal would cause unacceptable harm on the living conditions of No 35 in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. It would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

16. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant material considerations, the appeal should be dismissed.

Tamsin Law

INSPECTOR