



Appeal Decision

Site visit made on 19 January 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/U3935/W/22/3297897

C.J. Parry Ltd, Unit B, Bartrops Yard, Westrop, Highworth, Swindon, Wiltshire SN6 7HJ

- 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 Christopher John Parry against the decision of Swindon Borough Council.
 - The application Ref S/21/1997/EDSN, dated 22 December 2021, was refused by notice dated 25 February 2022.
 - The development proposed is redevelopment involving demolition of commercial garage (Class B2) and erection of 2 no. dwellings (Class C3) and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment involving demolition of commercial garage (Class B2) and erection of 2 no. dwellings (Class C3) and associated works at C.J. Parry Ltd, Unit B, Bartrops Yard, Westrop, Highworth, Swindon, Wiltshire SN6 7HJ under the terms of the application Ref S/21/1997/EDSN, dated 22 December 2021, and subject to the conditions in the attached schedule.

Procedural Matter

2. The site comprises a commercial garage and its land to the south west of an attached single storey workshop. The Council considers that the workshop may fall within the curtilage of and therefore form part and parcel of the Grade II listed building Westrop Farmhouse. Whilst this is ultimately a matter for the Courts, I have had regard to it insofar as it is material to my assessment.
3. In my view the workshop is largely separated from the residential grounds of the farmhouse by a track and walling, and so is unlikely to have fallen within the historic curtilage of the listed building. Nonetheless, I do concur with the Council's assessment that, in lieu of this, the workshop should be considered a non-designated heritage asset (NDHA). I assessed the appeal on that basis.

Main Issues

4. The main issues are therefore the effect of the proposal on:
 - the character and appearance of the area, with reference to the settings of the Grade II listed buildings Westrop Farmhouse, Wall to Garden of Westrop Farmhouse (the Garden Wall) and Dovecote at Westrop Farmhouse (the Dovecote), and the setting of the workshop as a NDHA.
 - the living conditions of neighbouring occupants within 46 Brookfield and 47 Brookfield, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. Directly to the east of the site is the fine 17th Century Westrop Farmhouse with its sweeping Garden Wall and its former Dovecote (now a dwelling). The site falls within the settings of these listed buildings, and I am mindful of my duty to have special regard to the desirability of preserving their settings.
6. Historic mapping indicates that the site was part of a sprawling steading at Westrop extending west away from the farmhouse. All but one of the historic farm buildings have since been demolished and replaced by the modern Brookfield housing development. This has largely robbed the farmhouse of its rural, agrarian setting. The last vestiges of the once working farm are limited to the sole surviving workshop building, sections of walling here and there, and what little remains of the former yard within which the appeal site is set.
7. The significance that the Farmhouse, the Dovecote and the Wall derive from their settings thus largely turns on their relationship with one another and to a lesser extent the remnants of the farmstead. The workshop is legible as a farm building and attractive in its own right. However, the yard is now dominated by the unsightly modern garage which fills much of its length and breadth. The west yard wall is gone, and the south boundary has been repositioned and rebuilt as a modern garden wall to the rear of Nos 46 and 47. Any legibility of the site as an historic farmyard linked to Westrop Farmhouse is very limited.
8. The proposed dwellings would adopt a simple, agricultural typology. Whilst the Council considers their design to be contrived, I find it to suitably reflect the transitional position of the site bridging the space between the workshop and the overt modern housing along Brookfield. The density of the site layout would also reflect that of the housing within Brookfield. The northmost house would be very close to the workshop, but their relative disparity in height would not appear harmful. This is because the buildings would visually step down from the Brookfield houses to the west, and historic farm buildings were often functionally and intimately grouped in an assortment of shapes and sizes.
9. The dwellings would block a view towards Westrop Farmhouse from a footpath to the north west. The historic survey mapping indicates that a farm building once bound the footpath to the extent that it would have obstructed the view in question. As this suggests that the visibility to the farmhouse from the path is actually borne through the destruction of its steading, it does not positively add to the significance Westrop Farmhouse draws from its setting.
10. Compared to the garage, the dwellings would be set back from the farmhouse and its garden wall which forms the back of the yard. This would benefit the listed building. There would be better circulation within the yard to the point that the dwellings would appear set within it, instead of engulfing it like the garage does. Their scale and farm typology would ensure subservience to the far larger and more embellished farmhouse, which would maintain primacy. For their part, The Dovecote and Garden Wall would be well separated from the dwellings by the intervening garden/yard wall, and by a dense belt of leylandii and the farmhouse respectively. Even if the leylandii were felled, the typology of the dwellings, their scale and pitched roofs, and the distance between them and the Dovecote, would ensure they would not compete with it nor detract from its historic role as an ancillary building in the farmhouse grounds.

11. It is said that the scheme would take land from and/or possibly jeopardise the operational viability of the workshop and/or its potential future conversion, causing future degradation to the NDHA and its role in the settings of the listed buildings. I find this to be a largely speculative line of argument given that there is no clear evidence that the workshop needs a new use. Its current use is separate to and entirely beyond the appeal site within a separate planning unit. Moreover, it appears to have its own land anyway, including a parking apron to the front. The tangible effect of the proposal on the workshop would be the removal of the garage from its flank, which would improve its setting.
12. Accordingly, I conclude that the proposal would have an acceptable effect on the character and appearance of the area, with reference to the settings of Westrop Farmhouse, the Garden Wall, the Dovecote, and the setting of the workshop as a NDHA. It would accord with the heritage and design objectives of Policies DE1 and EN10 of the Swindon Borough Local Plan 2026 (adopted 2015) (SBLP) and the National Planning policy Framework (the Framework).

Living conditions

13. The habitable first floor rooms of the southmost proposed dwelling would be served by rooflights. However, the drawings suggest to me that, given their height and position within roofslope, any overlooking from the rooflights towards Nos 46 and 47 would be very limited. In terms of outlook, I noted at my visit that the rear garden wall of Nos 46 and 47 is quite high, and a tree within the garden of No 47 also significantly already impedes outlook in the approximate direction of the nearest proposed dwelling.
14. Accordingly, I conclude that the proposal would have an acceptable effect on the living conditions of neighbouring occupants within 46 Brookfield and 47 Brookfield, with particular regard to outlook and privacy. It would accord with the residential amenity aims of Policy DE1 of the SBLP, the Swindon Residential Design Guide Supplementary Planning Document and the Framework.

Other Matters

15. The issues about access rights are civil matters not germane to my assessment of the planning merits of this appeal. Nor are the matters raised about asbestos disposal, subsidence, and utilities, which are dealt with by separate legislation.
16. I have no reason to doubt that the concerns voiced about the logical potential for land contamination can be addressed by the conditions suggested by the Council's expert environmental health officer. Given the distances involved, and the limited aspect that would be offered from the rooflights, the dwellings would have an acceptable effect on the living conditions of the residents of Westrop Farmhouse and the Dovecote with regard to outlook, light and privacy.
17. The surrounding area is predominately residential with a clear place function. I attended the site visit during the school run and observed the adjacent street corner, which has excellent visibility, acting well as an informal shared space. There is no compelling evidence that the proposed access arrangement would adversely affect highway safety. Westrop was flowing smoothly at the time of my visit, and I observed areas where one could park. The proposal would not therefore have a detrimental impact upon the highway network. It is more likely to be a beneficial substitute for the comings and goings and offsite parking likely associated with the existing commercial garage use.

Conditions

18. The Council has suggested several conditions in the event I were to allow the appeal. In addition to the standard time condition, it is necessary to identify the approved plans in the interest of certainty. Given the need to secure high quality finishes within this sensitive location, further details of such must be secured by a condition. However, this can be achieved prior to their installation, not the commencement of development. Given you can ascertain the site levels and building heights from the drawings, it is not essential for a condition to require this information. To ensure that the scheme successfully assimilates with its environment, details of soft and hard landscaping are essential. However, this can be obtained prior to work above slab level.
19. Although it is necessary to secure the position and specification of bat and bird nesting boxes, this does not need to be before development commences. Whilst the site is adjacent to the workshop, I am not aware that the workshop is likely to generate undue levels of noise that will significantly affect future residents of the proposed dwellings. As such, I do not find it necessary for a condition to seek to control noise levels within the houses. In the interest of highway safety and the network, it is necessary to ensure that the proposed access and parking and turning areas are laid out and retained. To promote and encourage sustainable transport and travel, conditions are also needed to ensure the provision of electric vehicle charging points and bicycle storage.
20. In the interests of the living conditions of neighbouring residents, a condition should restrict construction work to within typical working hours. But, given the fairly generous land available to support the construction phase, I do not find it essential that a detailed construction environment management plan is also submitted. Given that the acceptability of the proposed housing is predicated on its simple, agrarian style composition, a condition is needed to remove Permitted Development Rights with regard to domestic roof enlargements.
21. That said, as windows within side elevations at first floor level must be placed or designed so as to avoid overlooking in order to be Permitted Development, a condition is not necessary to remove Permitted Development Rights for such. With further respect to privacy, a condition shall ensure that the bathroom windows are obscure glazed. There is no clear reason why external lighting should be further controlled within this established residential environment. Finally, conditions are required to manage, and if necessary remediate, the issue of land contamination, as suggested by the environmental health officer.

Conclusion

22. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 120, 125, 126, 128, 129, 130, 131, 135.
- 3) Prior to installation, details of all external facing materials, including samples, shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with these approved details.
- 4) Prior to the commencement of work above slab level, a scheme of hard and soft landscaping, to include a timetable of works, shall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include full plans and specifications for all: a) hard landscape works; b) boundary treatments including the positions, design, materials, type, and means to secure the passage of hedgehogs; c) soft landscaping including the species, sizes and locations of tree, hedgerow, shrub and other planting including structural landscape planting. The approved scheme shall be implemented as per the approved timetable. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species by the following planting season.
- 5) Prior to the commencement of work above slab level, details including the positioning and specification of the integral bat box and bird nest boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the occupation of the development hereby permitted and maintained in perpetuity.
- 6) Prior to the occupation of the dwelling(s), the vehicular access shall be laid out and constructed in accordance with the Proposed Site Plan, drwg no. 120, with any gates hung so as not to open outwards towards the public highway and with the area of driveway within 5m of the carriageway edge of the public highway surfaced in bound material. These works shall be maintained thereafter.
- 7) Prior to the occupation of the dwelling(s), the parking and turning facilities shall have been laid out and constructed in accordance with the Proposed Site Plan, drwg no. 120. The parking and turning facilities shall be maintained available for those purposes.
- 8) Prior to the development being brought into use, details for the provision, installation and future management and maintenance of 2no. electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been installed, made available for use and shall be thereafter maintained in accordance with the approved scheme.
- 9) The dwellings shall not be occupied until space has been laid out within the site for 2no. bicycles per unit to be parked in a secure and sheltered location and such provision shall be maintained thereafter.

- 10) Construction and demolition work associated with the development hereby permitted shall only take place between 08:00 - 18:00 Monday - Friday and 09:00 - 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and reenacting that Order, no works under Schedule 2, Part 1, Class B are permitted on Plots 1 and 2 of the development hereby permitted.
- 12) No glass other than obscure glass manufactured to a privacy level of 4 or above shall be used in the glazing on the bathroom / en-suite windows proposed at first floor level.
- 13) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before development begins. If significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority before development begins.
- 14) The Remediation Scheme agreed in writing by the Local Planning Authority shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.