



Appeal Decision

Site visit 12 April 2023

By Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/U3935/D/22/3312754

154 Whitworth Road, Swindon SN25 3BJ

- 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 Miss D Kader against the decision of Swindon Borough Council.
 - The application Ref S/HOU/22/1492/LZWI, dated 10 October 2022, was refused by notice dated 24 November 2022.
 - The development proposed is the erection of a balcony.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Miss D Kader against Swindon Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. I observed at my site visit that the balcony has been constructed, although the proposed screening is not yet in situ, rather there was a trellis with artificial foliage attached. Accordingly, the application is partially retrospective.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and area.

Reasons

Character and appearance

5. The appeal site lies in a predominantly residential area with most dwellings comprising detached houses set in good sized established gardens presenting their principal elevations to the road. Whilst there is some variety in built form and materials, dwellings are generally two storey or single storey with accommodation in the roof space. Roof forms and materials are typically conventional in character. Overall, this results in a reasonably pleasant and spacious sub-urban character.
6. 154 Whitworth Road is one such detached dwelling and generally reflects the form, scale, layout and materials seen in the surrounding area. Despite the dwelling consisting of various components and the employment of a crown roof, the use of hipped roofs to the sides assists in limiting the overall bulk of

the roof form. Hence, the dwelling maintains a conventional appearance that reinforces the character and appearance of the area.

7. The proposed balcony serves a bedroom in the loft space, equivalent to first floor level. It is located above a flat roofed area in the north-eastern corner of the dwelling. Consequently, it alters both the rear and eastern side elevations of the property. Approximately 1m high metal railings define the extent of the balcony. In addition, a solid timber fenced screen is proposed that would extend entirely across the eastern elevation of the balcony and partially across the front and rear. Although the Council refers to this screen as 1.7m in height, the submitted drawing¹ is annotated and states the screening would be 1.8m. I have based my determination on the submitted drawing.
8. Screening of this height would enclose the space and produce a boxy protrusion to the side elevation of the dwelling. This would appear disjointed as it would awkwardly contrast with the profile of the hipped roof. Added bulk at this elevated position would make the adverse impact more prominent.
9. The harmful effect would be further compounded by the ill-suited use of timber fencing. Whilst such a material might be typically found at ground floor level within gardens and boundaries of domestic properties, it would appear incongruously conspicuous as part of a roof feature. Rather than having a natural softening effect as asserted by the appellant, the solid, rudimentary qualities of the timber would appear crude and alien in this context, thereby drawing the eye.
10. Taking these factors together, the proposal would be detrimental to the qualities of the host dwelling. I acknowledge that the proposal is of a modest size and would not be readily apparent in the street scene owing largely to the presence of mature vegetation and its position within the site. However, at my visit, I was able to glimpse the present trellis from Whitworth Road and so it is likely that similar glimpses of the proposed screening would be possible. Moreover, glimpses of the screening would be seen from the adjacent property.
11. Hence, whilst this would reduce the extent of the visual impact, it would not address it entirely. Nor do I accept that these are strong arguments in principle, as they could be taken as a justification for otherwise poor design. That is not the approach to design advocated in the National Planning Policy Framework (the Framework) or development plan.
12. Policy DE1 of the Swindon Borough Local Plan 2026, March 2015 (LP) requires a high standard of design for all development. It identifies some design principles which are relevant in making that assessment. These include consideration of the massing and materials of the proposal. The explanation² for the policy refers to massing as the combined effect of the height, bulk and silhouette of an extension, which must compliment the form of the host building and be in keeping with the character and context of the area. Furthermore, the choice of materials should suit the context, character and end purpose. This is reinforced by paragraph 126 of the Framework which states that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. In

¹ Drawing No 19/1346/03 Rev B

² Paragraph 4.14

this case, the proposal would fail to achieve the necessary high quality standard of design.

13. Furthermore, paragraph 8.3 of the Council's Residential Extensions and Alterations, Supplementary Planning Document, October 2011 (SPD) advises that unless balconies are a clear feature of the character of an area or have become established as an accepted and appropriate addition within the townscape, they are not normally considered acceptable on the side or the principal elevation. The insertion of an intrusion into an otherwise uninterrupted facade even in profile at the side, can cause a significant detrimental impact upon the character of the dwelling and the street scene.
14. There is little evidence to indicate that balconies are a clear feature of the area, and my general observations would tend to the opposite view. Whilst I accept that the balcony would predominantly concern the rear elevation, it also involves the side elevation. In particular, it is the protrusion of the proposed screening relative to the side elevation roof form that would be particularly harmful to the character of the dwelling. Accordingly, the proposal would conflict with the advice in the SPD.
15. My attention is drawn to a recent appeal decision³ concerning the balcony, which I accept is highly relevant to my determination. The Inspector dismissed the proposal due to the impact on the living conditions of the occupants of 152 Whitworth Road having regards to privacy but found no conflict with policy DE1 or the SPD. However, in that case the Inspector refers to a moveable privacy screen, which the Council's delegated report describes as a trellis. Hence, the solid timber screening before me did not form part of that proposal.
16. Moreover, my reading of that decision does not lead me to find that the Inspector gave any positive advice or stated preferences for an extended or permanent screen as is repeatedly inferred by the appellant throughout their statement. Consequently, I disagree that it can be clearly deduced that the Inspector would have found a scheme for an extended privacy screen of a more permanent nature to be acceptable. Such an approach assumes although alterations to the privacy screen would materially alter the impact on privacy, there would be no knock-on effects in relation to character and appearance. I consider that to be an unsound assumption, and for the reasons outlined above disagree. Consequently, given the differences between the proposals, the appeal decision carries limited positive weight in assessing the merits of the scheme before me in relation to the matter of character and appearance.
17. The appellant indicates that they would be prepared to discuss the materials used for the privacy screen. However, no alternatives have been put forward for consideration and I am required to determine the proposal before me.
18. Accordingly, I find that the proposal would have an unacceptably harmful impact on the character and appearance of the host dwelling and area contrary to policy DE1 of the LP.

³ Reference APP/U3935/D/22/3298328

Conclusion

19. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found no other considerations, including the planning history, which would outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR