The Planning Inspectorate

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/22/3313362
44 Moredon Road, Moredon, Swindon SN25 3DG

- 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 S Drew against the decision of Swindon Borough Council.
- The application Ref S/HOU/22/1427/LZWI, dated 26 September 2022, was refused by notice dated 18 November 2022.
- The development proposed is the erection of single storey front and rear extensions to existing garage to provide garage/garden room.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the living conditions of the occupants at 42 and 46 Moredon Road, having particular regard to outlook and light.

Reasons

Character and appearance

3. 44 Moredon Road lies within an established, mostly residential area whereby houses fronting sections of Moredon Road, Church Walk North and Coombe Road back onto a broadly triangular grassed area. Although a variety of house types are in evidence, most present fairly close to the road with long, relatively narrow rear gardens that have modest detached garages or domestic outbuildings situated at the end. Consequently, there is an access track along two sides of the rear grassed triangle, lined by a series of domestic garages and outbuildings. These factors result in a distinctive layout whereby there is a relationship between the siting of built form, its function and scale. Hence, there is a contrast between the more formal frontages of the larger principal dwellings relative to the informal, secondary structures and greenery found to the rear. Overall, this results in a well ordered and legible residential character.

4. The proposed development is situated towards the end of the long narrow rear garden at no.44, a modest mid terraced dwelling. It presently accommodates an area of garden and a single flat roofed garage with access onto the rear trackway. The siting, functional appearance and unassuming scale of the garage are commensurate with the generally subordinate qualities of other

domestic outbuildings in the vicinity. Hence, the layout and appearance of the appeal site reinforces the established character and appearance of the area.

5. The proposal would considerably increase the length of the garage by extending both at the front and rear, such that it would broadly double in length, and would span the width of the plot. Furthermore, although the appellant states that the proposal would be the same height as the existing garage, this is not borne out by a comparison of the existing and proposed elevational plans provided which show an increase. On that basis, the Council's description that the existing garage has a height of 3.8 metres and the proposal would measure 4.5 metres in height better reflects the proposal. Notwithstanding that the roofline would taper downwards into the site, this would still represent a marked increase in overall height in relative terms.

6. As a result, the overall footprint and volume of the structure would be greater than the prevailing scale of most nearby garages and outbuildings. This would harmfully increase the extent of built form covering the residential plot and would appear out of alignment with nearby outbuildings. Given that most of the increase in length would be to the rear of the existing garage, it would encroach into the garden space that separates it from the main dwelling. Hence, the proposal would adversely erode the way the space and structures interrelate in the underlying ordered layout.

7. Tension would arise as the resulting scale of the building would not be as obviously subordinate to the modest dwelling it would serve, yet it would retain a highly utilitarian appearance. Consequently, whilst the increased bulk would make the presence of the building more noticeable, it would fail to add interest to the appearance of the area. Therefore, in this context, the overall size of the proposal would appear harmfully disproportionate.

8. Moreover, the increase in height and forward extension would give the structure greater prominence when viewed from the grassed area, and the effects would also be seen in views from the rear windows and some gardens of houses in the vicinity. This would exacerbate the extent of harm.

9. My concerns are reinforced by the guidance in the Residential Extensions and Alterations Supplementary Planning Document, October 2011 (SPD) which suggests that all detached garages and ancillary buildings should be subordinate to the existing dwelling. Specific reference is made to a maximum ridge height of 4.2m. Although this is guidance rather than a mandatory limit, it is of direct relevance to the nature of the scheme before me and points to the additional height proposed in this case lying outside the typical modest proportions of a domestic ancillary structure. Overall, the proposal would conflict with the SPD guidance even though it might comply with other criteria contained within it, such as the recommended set back from the centre line of the backway.

10. My finding is augmented by paragraph 4.17 of the Swindon Residential Design Guide, Supplementary Planning Document, June 2016 (RDG), which states that proposals that are out of scale in relation to their context may be referred to as incongruent, inharmonious, or over dominant and as such will be resisted. Those terms would apply in this case.

11. In support of the proposal, the appellant highlights that the scheme has been reduced in length in comparison to a previously refused planning application to

extend the garage. Be that as it may, that would do little to address the harm I have identified arising from the scheme before me.

12. Accordingly, I find that the scale of the proposal would be at odds with the context and would therefore, have a harmful effect on the character and appearance of the area contrary to policy DE1 of the Swindon Borough Local Plan 2026, March 2015 (LP) which requires high standards of design for all types of development.

Living conditions

13. Amongst the general design principles listed in policy DE1 of the LP necessary to achieve high standards of design, is that of amenity. Amongst other things, specific reference is given to the consideration of light and outlook. Advice[1] contained in the RDG confirms that proposals should safeguard amenity and provide for adequate levels of sunlight.

14. In common with the appeal property, nos.42 and 46 have long and narrow, broadly north facing rear gardens. Such a configuration means that the occupants are less likely to be able to enjoy the sun in the portion of the rear garden closest to the house. Instead, this would make the area towards the end of the rear gardens more suited to such purposes, and indeed may provide some explanation as to the reference to a garden room within the proposal.

15. It would be reasonable to anticipate that the occupants of adjacent premises would be likely to use these areas of their rear gardens more intensively and consequently, they would be particularly sensitive to changes that effect the amount of sunlight and outlook.

16. The proposed structure would span the width of the plot and therefore would be directly adjacent to the boundaries of neighbouring gardens. The combination of the proposed increases to height and length would result in built form having an obvious presence above the boundary fences to sections of the rear gardens at nos.42 and 46 Moredon Road.

17. In the case of no.42 this would be adjacent to a patio area. When account is also taken of the narrow width of the garden and presence of existing buildings, the proposal would have an unreasonably confining effect on the residents when seeking to use the end section of their garden. Furthermore, the garage would extend beyond the rear elevation of the existing structure by approximately 3.5 metres. On this basis, it would be likely to block some sunlight to the rear section of the garden of no.42 later in the afternoon and evenings. I observed that this area was laid as a patio with outdoor seating and was of a limited width. Consequently, additional shadowing at those times would be likely to harmfully compromise the occupant's ability to enjoy this outdoor space.

18. In the case of no.46, the proposed building would equate broadly to a third of the length of the rear garden. However, when visiting no.46, I observed that the rear garden was comparatively wider, with the end area fenced off from the main body of the garden and generally used for storage. Outdoor seating was provided closer to the house. Furthermore, the proposed extended garage would broadly align with a small outbuilding at no.46 and consequently would be unlikely to have an overbearing impact on the occupant's use of the end

[1] Section 6 - Amenity, RDG

portion of the garden. Additional shadowing to the end of the rear garden at no.46 would cause some interference with morning sunlight. However, given the arrangement of this section of the garden, the degree of impact on the occupant's enjoyment of their garden would be marginal.

19. Accordingly, although I find that a reasonable relationship with the garden of no.46 would be maintained, I find that the proposal would result in unacceptable harm to the living conditions of the occupants of 42 Moredon Road, owing to the combined effect on sunlight levels and outlook from their rear garden. Therefore, further conflict would arise with policy DE1 of the LP in this regard.

Other matters

20. It is brought to my attention that the proposal would provide for two off street parking spaces rather than one. In the absence of evidence to show that such a facility would relieve pressure for on-street parking in an area of high demand, this would present only a limited benefit. Whilst I attribute limited positive weight to it, this would be insufficient to outweigh the harm I have identified in relation to the main issues. Consequently, it would not lead me to a different overall view.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR