The Planning Inspectorate

Appeal Decision

Site visit made on 19 April 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/U3935/D/22/3307764
43 Brookfield, Highworth, Swindon SN6 7HY

- 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 V Jegathaiswaran against the decision of Swindon Borough Council.
- The application Ref S/HOU/22/0427/RACH, dated 15 March 2022, was refused by notice dated 25 July 2022.
- The development is a detached garage.

Decision

1. The appeal is allowed and planning permission is granted for a detached garage at 43 Brookfield, Highworth, Swindon SN6 7HY in accordance with the terms of the application, Ref S/HOU/22/0427/RACH, dated 15 March 2022, subject to the following condition:

   1) The development hereby permitted shall be carried out in accordance with approved plans; 21/1517/03; block plan at 1:500 scale and location plan at 1:1250 scale.

Preliminary Matters

2. At my site visit I saw that the development has largely been completed and I have determined the appeal on that basis. I have amended the description of development to leave out superfluous wording.

3. The appellant has referred to revised plans which appear to have been submitted during the planning application process, but the Council has confirmed that they made their decision based on the original plans for the garage as largely completed. As I consider the revised plans would materially change the development subject of the original application, I have not had regard to them in determining the appeal.

Main Issue

4. The main issue is the effect of the detached garage on the character and appearance of the area.

Reasons

5. The appeal site comprises a detached house and is located in an established residential area of predominantly detached properties of a similar age and of modest scale. This part of Brookfield is on a slope and as the appeal site is on a corner plot it has a prominent position in the streetscene.

6. Planning permission has been granted for a double garage to the side of the appeal property. However, the garage that is largely complete, has not been erected in accordance with the approved plans. The Council highlights that the approved garage had a dual pitched roof with a maximum height of 3.744 metres, an 8-metre depth, and a width of 6 metres, whereas the garage that has been erected has a dual pitched roof with a maximum height of 5 metres, an 8-metre depth, and a width of 6.6 metres. They point out that to accommodate the additional height the steep rear sloping ground levels have been excavated by 1.8 metres to the front reducing to 0.8 metres to the rear.

7. The Council acknowledges that because of the excavation, and the ground levels of surrounding land, the size and scale of the garage is not materially different from the one permitted when viewed from the east along Brookfield or from the north from the garden of 12 Orchard Grove (No 12). They also accept that when measured from the adjoining ground level, the ridge height of the garage from these locations accords with guidance contained in the Council's Residential Extensions & Alterations Supplementary Planning Document (SPD). I agree with the Council that the garage does not appear materially different from the approved garage when viewed from the north and east. They are however concerned about the effect of the garage when viewed from the south and west.

8. The garage is set back some distance behind the existing house. When measured from the recently excavated garden level, the height of the garage exceeds the maximum height guideline contained in the SPD. However, as the garage has been built on the excavated garden level, the ridge height of the garage is significantly below the height of the existing house from all vantage points and consequently appears subordinate to it. Notwithstanding the prominent position of the appeal site and the fact there is a relatively large expanse of brickwork above the garage door opening visible from the south along Brookfield, the garage still retains the appearance of a single storey building. As a result, the garage generally accords with the SPD guidance which seeks to ensure that garages should be single-storey and subordinate to the original dwelling.

9. The west elevation faces the garden of the appeal property and is not readily visible from the public realm with any views from surrounding properties set against the context of the existing two storey house and other residential buildings in the area. Within this setting it appears subordinate and does not harm the character and appearance of the area.

10. I therefore conclude that the garage does not harm the character and appearance of the area and complies with Policy DE1 of the Swindon Borough Local Plan 2026 adopted in March 2015 which seeks to ensure that development has a high standard of design taking account of the context and character of an area. The garage generally accords with the guidance contained in the SPD as set out above. The garage also accords with the National Planning Policy Framework which seeks to ensure development is sympathetic to local character.

Other Matters

11. I note that neighbouring residents at No 12 have expressed concern that the garage has an adverse impact on their living conditions. I was able to see the relationship between this property and the appeal site at the site visit. As the

garden level has been excavated this lowers the height of the garage relative to No 12. Due to the position of the garage relative to rear facing windows and the patio/sitting out area at No 12, it does not appear harmfully overbearing, nor does it unacceptably block sunlight or daylight from this neighbouring property.

12. The garage has a door and ground floor window, but this does not create an unacceptable level of overlooking of No 12 as any views from these areas are similar to existing views from the rear garden. Concern has also been expressed about the use of the garage, however there is no evidence that the garage will not be used as a garage, ancillary to the existing dwelling. Further, I have no compelling evidence that the garage has caused any adverse impact on drainage in the area.

13. The occupants have also mentioned that the building has been built one metre within their boundary, but later say that the building is one metre away from their boundary. Having visited the site I think it more likely that the latter is correct, but in any event, if agreement couldn't be reached on this matter it would need to be dealt with under separate legislation dealing with private legal rights regarding land ownership and therefore has not influenced the outcome of this appeal.

Conditions

14. As the garage is nearing completion, it is unnecessary to attach the standard commencement condition. However, in the interest of certainty I have imposed a condition requiring that the garage is carried out in accordance with the approved plans.

15. On the appeal questionnaire, the Council has not indicated that any conditions are necessary. However, in the officer's delegated report they did highlight that a condition could be imposed to ensure the garage remains ancillary to the main house. However, as highlighted above, there is no evidence that the garage will not remain ancillary to the existing dwelling and on that basis, such a condition is unnecessary.

Conclusion

16. For the reasons given above, I conclude that the garage accords with the development plan and the Framework, and therefore the appeal is allowed.

S Rawle

INSPECTOR