



Appeal Decision

Site visit made on 3 May 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/U3935/W/22/3307344

33 Castleton Road, Middleleaze, Swindon SN5 5GE

- 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 Chris Mayo against the decision of Swindon Borough Council.
 - The application Ref S/22/0295/PIMO, dated 22 February 2022, was refused by notice dated 27 April 2022.
 - The development proposed is the erection of 1 No. dwelling and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No. dwelling and associated works at 33 Castleton Road, Middleleaze, Swindon SN5 5GE in accordance with the terms of the application, Ref S/22/0295/PIMO, dated 22 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CR-LP-01; CR-EX-01; CR-HT-EX-01; CR-CP-01 Rev A; CR-HT-FP-01 Rev A; CR-SP-01 Rev A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. CR-HT-FP-01 Rev A.
 - 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - Whether the development would provide satisfactory living conditions for future occupants of the proposed dwelling with particular reference to private outdoor garden space.

Reasons

Character and appearance

3. The appeal site is located on a residential estate which has a mix of house styles from the same period. The appeal property (No 33) is at the end of a terrace and due to its position, it has a significantly wider plot than other

properties in the same terrace. Many of the existing rows of terraced properties in the same area have slight variations in building height and building line. This variety provides interest and is characteristic of the area.

4. The appeal proposal would involve the introduction of a modest house at the end of the existing terrace. The roof line would be at slightly higher level than the neighbouring house, the width would be slightly narrower and the front and rear elevation would be sited further forward and behind the front and rear of the neighbouring property. However, the height and building line would not appear contrived or incongruous as many properties on the estate have a similar arrangement. Similarly, the width of the proposal would be entirely compatible with the other properties in the same terrace and the wider area and would not look out of place within this context.
5. Overall, the proposed dwelling would fit well with the existing pattern of development, would positively respond to the scale, density, massing and layout of its neighbouring properties and would not appear as an incongruous or contrived addition constituting an overdevelopment of the site.
6. I therefore conclude that the proposal would not have an adverse impact on the character and appearance of the area and it therefore complies with Policy DE1 of the Swindon Borough Local Plan 2026 adopted in March 2015 (SBLP) which seek to ensure that development has a high quality design which takes account of the context and character of an area. The proposal accords with the Swindon Residential Design Guide – Supplementary Planning Document (SPD) which seeks to ensure that development should harmonise with the character of their surroundings. The proposal also accords with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character.

Living conditions

7. Due to the shape of the existing rear boundary, the garden to serve the proposed dwelling would not be as deep as the garden that would be retained to serve No 33. In terms of size, the SPD sets out that as a rule of thumb the main private garden should be larger than the footprint of the host dwelling. Although the proposed garden would be well below that size, I am satisfied that it would provide a private garden of a size and shape that would be adequate to serve the proposed 1 bed dwelling. Given the orientation of the garden relative to the trajectory of the sun, it would also receive a reasonable amount of sunlight. It follows that the proposal accords with the spirit of the SPD which. The SPD seeks to ensure that all developments provide adequate private garden space. In view of my findings above, the proposal would not conflict with the SPD.
8. I therefore conclude that the proposal would provide acceptable living conditions for the future occupants of the proposed dwelling as the provision of private outdoor garden space would be adequate. Consequently, the proposal complies with Policy DE1 of SBLP which seeks to ensure development proposals provide an acceptable level of external amenity for all types of dwelling. The proposal also does not conflict with the SPD as out above. Further, the proposal accords with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

9. The proposed dwelling would be added to an existing terrace of properties and would have a similar relationship with houses to the rear as existing houses in the same terrace. As a result, the proposal would not result in an unacceptable increased loss of privacy for neighbouring residents. Similarly, the use of the garden, which is already in use as a garden, would not be likely to cause a harmful degree of disturbance. The proposed parking arrangements would be adequate to serve the proposed dwelling and the proposal would not be likely to have an adverse impact on highway safety.

Conditions

10. I have had regard to the conditions suggested by the Council and considered whether the tests set out in the Framework for conditions are met.
11. In addition to the standard time limit condition, in the interest of certainty I have imposed a condition requiring that the development is to be carried out in accordance with the approved plans. To protect the character and appearance of the area, it is necessary to impose conditions requiring that the materials match those shown on the approved plans. To protect highway safety, it is necessary to ensure that the parking spaces shown on the approved plans are provided prior to the dwelling being first occupied. However, details of the cycle and refuse storage arrangements are clearly shown on the approved plans and it is unnecessary to impose conditions in relation to these matters.
12. I note that at the application stage there were some other conditions suggested by the highways team and for completeness I have considered these too. Given the modest scale of the development it is unnecessary to impose a condition requiring a construction management plan, the approved plans show that dropped kerbs and electric vehicle charging points will be provided and so it is unnecessary to impose conditions in relation to these matters too.

Conclusion

13. For the reasons given above I conclude that the proposal would accord with the development plan and the Framework and therefore the appeal should be allowed.

S Rawle

INSPECTOR