



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: 04 July 2023

Appeal Ref: APP/U3935/W/22/3310087

Newland House, 86 Bowood Road, Kingshill, Swindon SN1 4LR

- 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 and Mrs C Warren against the decision of Swindon Borough Council.
 - The application Ref S/22/0791/RACH, dated 23 May 2022, was refused by notice dated 28 July 2022.
 - The development proposed is the demolition of existing detached garages and proposed erection of 1 bed dwelling for family use.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing detached garages and proposed erection of 1 bed dwelling for family use at Newland House, 86 Bowood Road, Kingshill, Swindon SN1 4LR in accordance with the terms of the application, Ref S/22/0791/RACH, dated 23 May 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: Y21-129-2 Rev D; Y21-129-3; and Y21-129-4 Rev B
 - 3) No works above damp proof course shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) No works above damp proof course shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include
 - i) means of enclosure and retaining structures;
 - ii) boundary treatment;
 - iii) vehicle parking layouts;
 - iv) an implementation programme.The landscaping works shall be carried out in accordance with the approved details before the dwelling is first occupied in accordance with the agreed implementation programme.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification), no extensions, buildings or enclosures shall be erected other than those expressly authorised by this permission or landscaping works approved in accordance with Condition 4.

- 6) The dwelling hereby permitted shall not be occupied until surface water drainage works have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 7) The dwelling hereby permitted shall not be occupied until space has been laid out within the site for five cars to be parked and that space shall thereafter be kept available at all times for the parking of two vehicles in association with the new dwelling and three vehicles in association with the existing dwelling.

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 current occupants of No 86 Bowood Road and the future occupants of the dwelling, with particular regard to private outdoor garden space.

Reasons

Character and appearance

3. The appeal property is located in a residential area which has a mix of house styles, design and sizes from different periods with a variety in the orientation of dwellings and their position within their plots. The appeal property (No 86) is separated from its neighbour at No 88 Bowood Road (No 88) by its side garden and a single storey flat roofed block of four garages, two serving the appeal property and two serving No 88. Properties along the road are typically two storeys and the space between the dwellings at No 86 and No 88 creates an uncharacteristic gap in the streetscene, above the existing garages.
4. The appeal proposal would involve the demolition of the single storey garage at No 86 and the introduction of a modest two storey house into that gap. The architectural design, scale and massing would be compatible with the properties either side and would not be at odds with the character of the area, in view of the variety of built development surrounding the appeal site.
5. There would be a walkway separating the new dwelling and the garage at No 88. It would also be separated from the dwellings at No 88 and No 86 by an acceptable distance. The depth of the garden to the rear of the proposed house would be comparable to the depth of the garden of No 86. The rear elevation of the proposal would be separated by some distance from the rear boundary, which comprises a retaining wall and the development would also allow a parking area to the front. As a result, the proposal would not appear cramped in the streetscene, would be appropriately sited on the plot so as not to be at odds with the existing building line and would have adequate separation from the houses on either side. Further, the proposed plot size would be appropriate within this setting.

6. 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 consequently would not appear as an incongruous or cramped addition constituting an overdevelopment of the site.
7. I therefore conclude that the proposal would not have an adverse effect on the character and appearance of the area and would comply with Policies SD1 and DE1 of the Swindon Borough Local Plan 2026 adopted in March 2015 (SBLP) which, amongst other matters, seek to ensure that development has a high quality design, respects the natural and built environment and takes account of the context and character of an area. The proposal would also accord 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 would also accord with the National Planning Policy Framework (Framework), which seeks to ensure development is sympathetic to local character.

Living conditions

8. Although the appellant says that the planning application did not show a clear indication of the precise extent of the amenity space to serve the proposed dwelling, the submitted plans show a clear line adjacent to the existing garden at the appeal site that extends from the corner of the rear elevation to the rear boundary. This area is annotated as garden and to my mind indicates the extent of the proposed outdoor space to serve the proposed dwelling. I have determined the appeal on that basis.
9. This area has about the same depth as the garden serving No 86 and I am satisfied that it would provide a private garden of a size and shape that would be adequate for a one bedroom dwelling.
10. The SPD sets out that as a rule of thumb the main private garden should be larger than the footprint of the host dwelling. The parties disagree whether the proposal is compliant with that guidance. I do not have adequate information before me to definitively decide this matter, but even if the area falls short, the requirement is a rule of thumb. As I have found that the proposal would provide adequate private outdoor garden space for future occupiers, I am satisfied that it would not harm their living conditions. The SPD identifies the importance of providing adequate private garden space. In view of my findings above, the proposal would not conflict with the SPD.
11. The proposal would result in the sub-division of the appeal site and the reduction of the garden area of No 86. However, the retained area would comprise a small patio/sitting out area immediately outside the rear and side of the property with steps up to a lawned area which comprises a further patio/sitting area, a wooden gazebo and a lawned area. Taking account of the area that would be lost as a result of the proposal, I am satisfied that the retained garden area would be of a reasonable size to provide adequate private outdoor garden space for the existing house. Therefore, the proposal would not harm the living conditions of the existing occupiers of No. 86.
12. I therefore conclude that the proposal would not harm the living conditions of the current occupants of No 86 or the future occupiers of the proposed dwelling as the provision of private outdoor garden space would be adequate for both properties. Consequently, the proposal would accord with Policy DE1 of SBLP,

which seeks to ensure development proposals provide an acceptable level of external amenity for all types of dwelling. I also find that there would be no conflict with the SPD for the reasons given above. The proposal would also accord with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

13. Neighbours have raised concerns in relation to the impact on living conditions. However, given the position of the proposed dwelling relative to surrounding properties I am satisfied that the proposal would not have an adverse impact on the living conditions of neighbouring residents. Properties to the rear of the appeal site on Okus Road are at a significantly higher level than the appeal site. Given this arrangement and due to the separation distance between the rear facing windows at the proposed dwelling and the rear facing windows of properties along Okus Road, there would be no unacceptable loss of privacy.
14. Views from surrounding properties would inevitably change due to the introduction of a new dwelling. However, changes within an established residential area are to be expected and views from other properties would inevitably change too. However, this change in outlook would not adversely impact the living conditions of neighbours. Due to the position of the proposed dwelling relative to No 88, the proposal would not result in a harmful loss of privacy at this neighbouring property.
15. In terms of parking, two spaces would be provided to serve the new dwelling and a space would be created in front of the new dwelling for an additional space to serve No 86, so that overall, three spaces would be provided to serve the existing house. I acknowledge that the development would result in the loss of off-street parking to serve No 86. However, I observed the availability of on street parking in close vicinity to the site and overall, the proposal would provide sufficient parking provision to serve the new and existing house and would not result in an unacceptable degree of inconvenience for road users.
16. The proposal involves the demolition of part of an existing garage block that also serves No 88. The neighbour is concerned about the impact the proposal would have on their retained garages. However, there is no substantive evidence that the appeal proposal would cause any issues that would not be covered under separate legal rights. In terms of drainage, there is no information before me that would lead me to find that the proposal would cause insurmountable drainage issues and I agree with the Council that this matter could be satisfactorily addressed by way of an appropriate condition.

Conditions

17. As I had not been provided with a comprehensive list of suggested conditions, I sent the parties a list of draft conditions for comment in the event that I allowed the appeal. In response the Council provided their own schedule of conditions, and the appellant has had the opportunity to comment on both sets of conditions. On that basis, I have considered whether conditions should be imposed and whether any wording needs changing taking account of the relevant tests set out in the Planning Practice Guidance – Use of Conditions and the Framework.

18. 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 details of materials to be used and hard and soft landscaping are submitted for approval and the development is implemented in accordance with those approved details. Also, to ensure that adequate outdoor garden space is retained for the occupants of the new dwelling, it is necessary to restrict permitted development rights in relation to extensions, buildings, and enclosures. However, given the position of the proposed dwelling relative to surrounding properties it is not necessary to restrict permitted development rights in respect of alterations to the roof.
19. To ensure that appropriate drainage works are provided, it is necessary to impose a condition covering this matter. I have found that the proposal would provide adequate parking provision and as noted above, space has been provided on the submitted plan for a car parking space to be provided in front of the proposed dwelling to serve No 86. However, unlike the other spaces, although on the ground floor plan it is annotated as parking for No 86, it is not specifically marked out or have a car shown in the space. As a result, it is necessary to require that the requisite number of spaces are laid out, provided, and thereafter retained but unnecessary to impose a further condition to require a parking assignment plan. Given the modest scale of the development, it is also unnecessary to impose a construction management plan.

Conclusion

20. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

S Rawle

INSPECTOR

