



# Appeal Decision

Site visit made on 22 August 2023

**by J White BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 September 2023**

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**Appeal Ref: APP/U3935/W/23/3314790**

**55 Maunsell Way, Wroughton, Swindon SN4 9JF**

- 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 Curtis Arnold against the decision of Swindon Borough Council.
  - The application Ref S/22/0919/JP, dated 19 June 2022, was refused by notice dated 3 November 2022.
  - The development proposed is erection of 1 No detached dwelling (C3) and associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of 1 No detached dwelling (C3) and associated works at 55 Maunsell Way, Wroughton, Swindon SN4 9JF in accordance with the terms of the application, Ref S/22/0919/JP, dated 19 June 2022, subject to conditions set out in the attached schedule.

## Preliminary Matter

2. The appellant requested prior to the site visit that this be carried out unaccompanied. I carried out an unaccompanied site visit on 22 August and inspected the property and the surrounding area from the public highway and playing field. The appeal site and neighbouring dwellings could clearly be seen, and I am satisfied that I could see all that I needed to see.

## Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. The appeal site is part of a partially enclosed garden to the side of 55 Maunsell Way (No 55). The surrounding area has an established residential character and appearance with dwellings within the vicinity of the site and along the northern side of the road predominately comprising two storey houses. On the southern side of the road are predominately bungalows, which are typically set back from the street behind front gardens with off road parking.
5. The two storey dwellings along this part of the road are typically arranged perpendicular to Maunsell Way, facing onto short side streets and/or footpaths. Whilst there is some variety, the dwellings are normally arranged in an alternating pattern of a detached house and a pair of semi-detached houses. The dwellings are typically of simple form and evenly spaced.

6. The arrangement of dwellings, simple building form and sense of openness contributes strongly to the character and appearance of the area.
7. The depth of space between the side of dwellings and the street varies along the road. I noticed during my site visit that some dwellings have been extended, thereby adding to some diversity in the appearance of buildings. The arrangement of buildings means that there is some variation to the building line along this part of Maunsell Way and, as such, a clearly defined building line is not a strong characteristic of the area.
8. The appeal proposal would involve the subdivision of the site to accommodate the proposed dwelling. This would reduce the openness of the site and result in two smaller plots. Nevertheless, the existing plot is of comparatively generous proportions and the resultant plots would not be of an abnormally small size within the residential area. The proposal would retain sufficient visual gaps to its neighbours and the street to not appear as over-development or cramped.
9. The proposed dwelling would be set back from Maunsell Way, behind a side garden area. Even though it would reduce the depth of garden and set back of the development from the street within the plot, it would still be set back from the highway. Also, there is already some variation to the building line along here. Consequently, the proposal would maintain and reflect the variety in depth of development along the road. In this context it would not diminish the established character and appearance of the area or harm the rhythm of development.
10. The width and depth of the plot would appear generally consistent with the pattern of development within Maunsell Way as appreciated from the street. Its design, form and materials would respond to and reflect the established built vernacular. Even though it is a corner plot, the appeal scheme would not appear unduly prominent nor incongruous in this setting and it would integrate effectively with the established street scene and the character of the adjoining built environment. As such, the proposal would not alter the general spacious character of the immediate area.
11. For the above reasons, the proposal would not have a harmful effect upon the character and appearance of the area. In this regard the proposal would not conflict with Policy DE1 of the Swindon Borough Local Plan 2026 which, amongst other things, requires a high standard of design. The proposal would not conflict with the Swindon Residential Design Guide 2016, which amongst other things, requires residential schemes be designed to harmonise with the character of their surroundings and that the massing of development compliment the existing urban grain and character of the street.
12. I also find no conflict with the provisions in the National Planning Policy Framework 2021 (Framework) in relation to achieving well-designed places.

### **Other Matters**

13. I have had regard to the comments raised locally in respect of the proposal in addition to matters covered by the main issue. I note that the Transport Development Management Technician has not objected to the proposal. The appeal scheme includes driveway parking spaces for the existing and proposed dwellings. I have no cogent evidence that the scheme would not achieve the proposed parking within the site and any covenant would be a separate legal

matter. Furthermore, having viewed the site access, visibility along the road and the residential nature of the local access roads, I am satisfied that the frequency and nature of traffic and parking arising from one additional dwelling would not be of such a scale as to cause significant impacts to highway safety or to warrant a refusal of planning permission.

14. In relation to noise and pollution associated with parking, due to the limited scale of the development, I do not consider it would lead to harm to the living conditions of neighbouring residential occupiers. I have no compelling evidence to consider that there would be greater risk of fire to neighbouring properties nor that the proposed dwelling with a different internal layout to the adjacent properties would cause material harm.

### **Conditions**

15. I have considered the conditions put forward by the Council and I have had regard to the appellant's comments on these. Where necessary I have amended the wording of the conditions for clarity, to reflect the advice in the Framework and to meet the six tests. Those included in the schedule are found to be reasonable and necessary in the circumstances of this case.
16. I have attached the standard time condition and I have specified the approved plans in the interests of certainty. In the interests of the character and appearance of the area, a condition in respect of materials is necessary, and conditions to secure appropriate landscaping and boundary treatment are required. A condition to ensure adequate provision of cycle parking is necessary. Conditions requiring adequate vehicle parking, including with the provision of drop kerbs, are required in the interests of highway safety. I have amended the drawing number to ensure this is consistent with the approved plans condition. As the proposal would utilise the existing access into the site, a condition requiring the closing up of the existing vehicular access is not necessary.
17. A condition for electric vehicle charging points would be excessive, and there is no compelling evidence of a development plan policy basis for this. Moreover, this would be a matter under Building Regulations. A condition to require the inclusion of swift boxes is not necessary to make the development acceptable in this instance.

### **Conclusion**

18. For the reasons given above, and having regard to the development plan as a whole, I conclude that the appeal should succeed.

*J White*

INSPECTOR

## **Schedule of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans, as received by the Local Planning Authority and logged on its digital public access Planning depository system:
  - i. The 1:1250 Site Location Plan, with the drawing number 'MW-LP-01';
  - ii. The 1:200 Existing Site Plan, with the drawing number 'MW-EX-01';
  - iii. The 1:100 Existing Floorplans & Elevations drawing set for the existing dwelling at 55 Maunsell Way, with the drawing number 'MW-EX-02';
  - iv. The amended 1:200 Proposed Site Plan, with the drawing number 'MW-PL-01 Rev: C';
  - v. The amended 1:200 Proposed Street Scene plan, with the drawing number 'MW-SS-01 Rev: A', and;
  - vi. The amended 1:100 Proposed Floorplans & Elevations drawing set, with the drawing number 'MW-HT-01 Rev: B'.
3. The development hereby permitted shall be constructed using external facing materials that match and correspond with those of the existing buildings. Such facing materials shall be retained thereafter in their approved form.
4. The new dwelling hereby permitted shall not be occupied until a scheme of landscaping to include a schedule of proposed hard and soft materials including plants to be used and a timetable of works, shall first have been submitted to the Local Planning Authority for its approval in writing. A Key that identifies the plants proposed (preferably in horticultural Latin), their size at planting, planting densities and whether pot grown or open ground specimens must also be submitted. The scheme shall also include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. The approved scheme shall be implemented as per the approved timetable, and in accordance with the approved details.

Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species.

5. Prior to the occupation of the new dwelling hereby permitted, a Plan indicating the positions, design, materials and type of boundary treatment shall be submitted to the Local Planning Authority for its approval in writing. The approved boundary treatment shall be implemented before the new dwelling hereby permitted is occupied, and shall be retained in the approved form for so long as the development hereby permitted remains on the site.
6. The new dwelling hereby permitted shall not be occupied until secure and sheltered cycle storage facilities for a minimum of 2no. bicycles have been made available in accordance with details to be submitted to the Local Planning Authority for its approval in writing in accordance with SBCs Parking Standards.

The approved cycle storage scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

7. The new dwelling hereby permitted shall not be occupied until the vehicular parking has been provided in accordance with the submitted plans (drawing number MW-PL-01 Rev C), and those facilities shall be maintained available for those purposes thereafter.
8. The vehicular accesses hereby permitted shall not be brought into use until dropped kerbs have been installed at the carriageway edge and a vehicle crossover constructed in a bound material across the footway fronting the site for the width of the access.
9. The new dwelling hereby permitted shall not be occupied until the new replacement parking for property No 55 has been provided in accordance with the submitted drawing number MW-PL-01 Rev C.

**End of Schedule**