



Appeal Decision

Site visit made on 31 August 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/U3935/W/23/3318106
32 and 34 County Road, Swindon SN1 2EW

- 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 Minaz Moledina against the decision of Swindon Borough Council.
 - The application Ref S/22/0581/LZWI, dated 12 April 2022, was refused by notice dated 9 September 2022.
 - The development proposed is Change of use of 2no. HMO's to 8no. self-contained flats, erection of a first floor rear extension and 2no. dormer windows to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit procedure was altered from an access required site visit to an unaccompanied site visit as the appellant was not present when I arrived at the appeal site during the pre-arranged period. I was able to see all I needed to from public land and have determined the appeal on this basis.
3. In the banner heading above, I have taken the description of development from the Council's decision notice and the appellant's appeal form as this more accurately describes the appeal proposal.

Main Issues

4. The main issues are the effect of the proposed development on i) the character and appearance of the area, and ii) the living conditions of the future occupants, in respect of a suitable level of living accommodation, light and ventilation, and external amenity space.

Reasons

Character and Appearance

5. The appeal site consists of 2 end of terrace dwellings situated along County Road. The rear of the property is visually prominent due to its position on the corner of County Road and Elmina Road. Apart from the odd exception, the terraced properties along this part of County Road have retained their original roof form. This uniformity contributes positively to the character of the existing buildings and the wider street scene. Notably, other dormer windows are not a common architectural element in the area.
6. Whilst the dormers are on the rear, due to the corner position of the appeal site, they would be highly visible in the streetscene when viewed from Elmina

Road. The proposed dormers would unbalance the existing roof scape of the terrace and would represent an incongruous addition to the immediate area. The window design of the dormer windows would not be the same style as the existing windows in 32 and 34 County Road, which would further emphasise the inappropriateness of the proposed dormer windows. Consequently, the character and appearance of the area would be harmed.

7. My attention has been drawn to other dormers in the area, the presence of which were confirmed on my site visit. No application details of these other dormers are before me. Nevertheless, the circumstances of each proposal are likely to be different. In any event, the fact that similar dormers exist in the area is not a reason, on its own, to allow unacceptable development in the above context. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
8. I note that the design of the dormers was amended from an earlier proposal and that the dormers would have tile roofs and cheeks to match the main roof. Nevertheless, neither of these issues would outweigh the harm identified above.
9. Consequently, the proposal would harm the character and appearance of the area. It would conflict with Policy DE1 of the Swindon Borough Local Plan 2026 (Local Plan) (adopted 2015) which requires high standards of design for all types of development. It would also be contrary to the Residential Extensions and Alterations Supplementary Planning Document, which recognises that the roof of a dwelling has a major impact upon the character of the building and performs an important role within the wider street scene.

Living Conditions

10. The appeal site consists of 2 existing dwellings, both currently used as houses in multiple occupation (HMO), with the appellant advising that both Nos 32 and 34 currently have HMO licenses for 7 occupants each. The proposal would result in 8 self-contained flats, which would all have 1 bedroom, kitchen/living area, and a shower room.
11. As set out in the Nationally Described Space Standards (NDSS) (2015), referenced in the Swindon Residential Design Guide Supplementary Planning Document (the SPD) (adopted 2016), the minimum gross internal floor space for one bedroom flats, where a shower room is proposed, is 37 sqm. 6 of the proposed 8 flats would fail to meet the NDSS, providing internal floor space of between 27 and 30 sqm. As a result of this shortfall, the proposal would fail to provide a suitable level of living accommodation for future occupants.
12. The appellant alleges that 'all the flats meet the minimum space requirements of published guidelines for 1 bedroom flats'. The guidelines referred to are titled 'Standards for Houses in Multiple Occupation' which are dated May 2008. However, the SPD was adopted in 2016, and refers to the NDSS which were published in 2015 and were intended to replace the existing different space standards used by local authorities. Therefore, I attach significant weight to the conflict with both the SPD and the NDSS. The development would not demonstrate the highest internal quality expected of housing development.
13. It is noted that the proposal would not increase the overall number of occupants in Nos 32 and 34 and that each flat would have its own kitchen,

ensuite and lounge, and that it would 'provide a much better quality of accommodation that will match tenant requirements'. However, given the shortfall against the NDSS, I can only attach limited weight to this benefit. I also note the suggestion that that the dormers could be changed to flat roof dormers in order to provide additional space. However, this is not the scheme before me.

14. The Council do not raise any objection to the amount of amenity space provided nor have I been presented with any requirement for private amenity space. I acknowledge that the strip of amenity space which runs alongside Units 4 and 5 would be overlooked by the kitchen and bedroom doors and windows of Units 4 and 5, as well as the fire exit doors of Units 1 and 6. However, this amenity space is intended to be communal, rather than private. Whilst this relationship is slightly awkward, I do not find that that it would be materially harmful. There would still be sufficient communal external amenity space to serve the proposed flats.
15. I also acknowledge that there would be no natural light or ventilation in the shower rooms. Whilst this is not ideal, given the use of the room, it would not be a reason, on its own, to withhold planning permission. The living conditions of future occupants would not be harmed.
16. Therefore, whilst I have found that the proposal would not harm the living conditions of future occupants, in respect of light and ventilation and external amenity space, the proposal would harm the living conditions of future occupants, as it would fail to provide a suitable level of living accommodation. The proposal would be contrary to Policy DE1 of the Local Plan which requires development to achieve high standards of design by taking in to account the amenity of future occupants in respect of space.
17. It would fail to meet the guidance within the SPD with regards to the NDSS for the minimum gross internal floor area to be achieved on new development. It would also conflict with paragraph 130 (f) of the National Planning Policy Framework 2021, which states that development should have a high standard of amenity for future users.

Other Matters

18. The appellant has expressed concerns regarding difficulties in communicating with the Council during the application process. I also note that because of the delays and refused planning applications, one of the properties remains empty which is a financial cost to the appellant. Whilst these matters must have been, and continue to be, frustrating for the appellant, this does not materially affect my consideration of the planning merits of the appeal proposal.

Conclusion

19. The proposal conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR