



Appeal Decision

Site visit made on 24 October 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023.

Appeal Ref: APP/U3935/D/23/3323931

59 Purton Road, Swindon SN2 2LT

- 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 Yiadom Boachie against the decision of Swindon Borough Council.
 - The application Ref S/HOU/23/0092/JAAB, dated 25 January 2023, was refused by notice dated 17 March 2023.
 - The development proposed is the construction of a conservatory to the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, the conservatory had been constructed, the appeal is therefore retrospective. Whilst the development generally appeared to have been carried out in accordance with the plans before me, for the avoidance of doubt, I have determined this appeal on the basis of the submitted plans.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the host dwelling and surrounding area; and the living conditions of the occupiers of 57 Purton Road (No 57) having particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal property is a 2 storey mid terraced dwelling. It is located in a predominantly residential area comprising of properties of a similar scale and appearance. The ground levels of the rear gardens of the properties in the row slope away gently towards their rear boundaries. The conservatory, which would be attached to the existing outbuilding to the rear, would project a considerable distance from the rear wall of the dwelling and would occupy a significant proportion of the width of the rear elevation.
5. Despite being single storey, due to its excessive depth, width and gable design, the conservatory would be a conspicuous addition and would fail to respect the simple modest proportions and form of the original dwelling. The decreasing ground levels of the rear garden would further increase the visual dominance of the extension when viewed from the rear. As such the conservatory would be

poorly proportioned and at odds with the scale of the host dwelling. It would therefore be an anomalous addition that would be detrimental to the appearance of the appeal property and the area.

6. For the forgoing reasons the proposal would harm the character and appearance of the existing dwelling and the surrounding area. In that regard it would fail to accord with Policy DE1 of the Swindon Borough Local Plan adopted 2015 (LP) which sets out that high standards of design are required for all types of development, having regard to context and character and the layout and form, in respect of among other things, the existing built characteristics, siting, orientation, scale, massing, materials and detailing.
7. The proposal would also fail to reflect advice in the Council's Residential Extensions and Alterations Supplementary Planning Document October 2011 (SPD) in so far as it seeks to ensure extensions are appropriate in relation to the existing dwelling in terms of their scale, proportion, shape, and mass and are not overbearing or incongruous. It would also fail to accord with the aims and objectives of the National Planning Policy Framework in terms of achieving good design.

Living conditions

8. The conservatory would project almost 5m beyond the flush rear elevations of the appeal property and the adjoining dwellings in the row and would be sited immediately adjacent to the side boundary fence which runs along the shared boundary between the site and No 57. It would be clearly seen from the rear of No 57 above the boundary fence and would inevitably result in some change to the outlook. However, notwithstanding the topography of the land, given the single storey nature of the conservatory and its roof design, which slopes away from the side boundary, it would not appear unduly imposing when viewed from the ground floor windows at No 57.
9. Moreover, despite the presence of an existing outbuilding to the rear of the property, the rear garden of No 57 benefits from an outlook in other directions. In light of this and given that the conservatory would project along only part of the side boundary, it would not unduly harm the outlook from the rear garden at No 57 or have a significant unacceptable impact on its use and enjoyment.
10. I am therefore satisfied that the conservatory would not appear as a visually dominant feature in the outlook from the ground floor windows in the rear elevation of No 57 or its rear garden.
11. The conservatory would be fully glazed to the side elevation facing No 57. Nonetheless, only the high-level openings would extend above the existing boundary fence immediately alongside this elevation. Consequently, there would be no direct overlooking or loss of privacy to the occupiers of No 57 as a result of the development.
12. For these reasons, I conclude that the development would not harm the living conditions of the occupiers of No 57 through loss of outlook or privacy. In that regard it would accord with the high design aims of Policy DE1 of the LP, in so far as they relate to privacy and outlook. Due to the distance of projection from the rear elevation of the property and the glazed construction of the flank wall, the proposal would fail to accord with advice in the SPG. Nonetheless, for the

foregoing reasons, I have found that the proposal would not give rise to any tangible harm to living conditions.

Other Matters

13. I acknowledge the appellant's desire for the conservatory, which would enable direct access to facilities in the outbuilding. However, there is no substantive evidence that this could not be achieved in an alternative way that would not result in the harm I have identified.
14. Whilst interested parties have raised concerns regarding the safety of materials used in the construction of the conservatory and drainage arrangements, the Council has not objected on these grounds. Moreover, as there is nothing before me to suggest that such details could not be secured by a planning condition, I have no reason to disagree. In addition, boundary issues are a civil matter which fall outside of the planning regime.

Conclusion

15. For the above reasons and taking into account all other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

E Worley

INSPECTOR