



Appeal Decision

Site visit made on 2 November 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/U3935/W/23/3321242

18-22 Cricklade Road, Swindon SN2 8AA

- 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 M Guvercin against the decision of Swindon Borough Council.
 - The application Ref S/22/0127/JP, dated 20 January 2022, was refused by notice dated 9 February 2023.
 - The development proposed is first floor rear extension to existing 3 flats.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and the living conditions of the existing occupants of 24A and 26A Cricklade Road and 1A Caulfield Road, with respect to privacy, outlook and light, and the future occupants of 20A Cricklade Road, with regard to outlook and light.

Reasons

Character and Appearance

3. The appeal site consists of 3 terraced buildings, 18, 20 and 22 Cricklade Road, situated on a corner plot at the junction of Caulfield Road and Cricklade Road. It is a prominent position, situated slightly elevated to the north of the busy 'Transfer Bridges' roundabout, from which it would be visible. Nos 18-22 have existing modest two storey rear projections, which are similar in height, depth and scale to the 2 storey projections to the rear of the Cricklade Road properties to the north. As a result of the modest depth of the existing 2 storey projection, this has retained a gap between Nos 18-22 and the side of 1A Caulfield Road to the east. This small gap contributes positively to the character and appearance of the area, in what is an otherwise built up area.
4. By virtue of its depth, scale and height, the proposal would erode the existing gap between Cricklade Road and Caulfield Road. Consequently, the development would appear as an incongruous addition to the streetscene, harming the character and appearance of the area. The prominence of the proposal and its elevation above the 'Transfer Bridges' roundabout would mean that the harm would be seen from not just along Caulfield Road, but from further to the south too.
5. Furthermore, the design of the proposal with the first floor rear extension, with its supporting posts and wall at ground floor to allow for under-croft parking,

would result in a contrived extension, which would appear as cramped. The scale and prominence of the first-floor level 'walkway' between an external staircase and a first floor 'landing area' would add to the incongruity of the proposal.

6. It is acknowledged that the parking arrangement would provide the level of parking required. The appellant has also noted that the 6 parking spaces may not all be in use at the same time. At the time of my site visit, there was only one car parked in the existing courtyard. It has also been drawn to my attention that the parking arrangement¹ is similar to that approved in 2016 as part of the development at 1A-1D Caulfield Road ².
7. However, the proposal before me now includes changing the open courtyard parking into under-croft parking, as well as a new external staircase to be positioned to the side of the parking area. As a result of the contrived design of the proposal, the parking layout and function would result in poor legibility and accessibility, with future occupants of the flats having to walk under an under-croft parking area, with only a small gap between the boundary wall alongside No 1A to reach the external staircase. This would fail to achieve a safe and attractive development, in particular to the needs of those with disabilities or restricted mobility. Furthermore, the proposal would also involve the introduction of a supporting steel frame for the first floor extension, which would enclose the tight parking area. The restricted space around the parking spaces would cause vehicle loading & unloading issues, particularly for children and those with mobility issues, which is something that has been raised as a concern by the Council.
8. I note the lack of parking and turning space for delivery vehicles serving the retained ground-floor commercial units at Nos 18-22, fronting Cricklade Road. The appellant notes that currently 'delivery vans park to the side on Caulfield Road'. However, my site visit confirmed that in fact there are double yellow lines to the south of the appeal site along Caulfield Road and I noted that there was already a significant pressure on parking along Caulfield Road. Nonetheless, this is an existing situation. The existing flats are 2 bedroom flats with commercial uses below, and they would remain as such. Therefore, the lack of parking and turning space for delivery vehicles would not exacerbate any existing highway safety issues.
9. The appellant states that the proposed rear extension would not be out of character 'since the rear of most properties along this part of Gorse Hill already have large two storey extensions to the rear elements'. However, no details have been provided of any similar extensions to that which is before me now. Nevertheless, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development exists elsewhere is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
10. The appeal scheme would therefore cause harm to the character and appearance of the area. It would conflict with the overriding objective of Policy DE1 of the Swindon Borough Local Plan 2026 (Local Plan) (adopted 2015), which is to achieve high standards of design, including respecting existing built

¹ As shown on Drawing No. 21/1696/03 – Parking Area

² Application Ref S/16/0384 – Permission Granted for Erection of 4 no. dwellings and associated works.

characteristics, ensuring the layout and function of the development achieves connectivity, legibility, and safety and security, as well as ensuring the form of development is acceptable in terms of scale and massing. It would also be contrary to advice in the Residential Extensions and Alterations Supplementary Planning Document (October 2011) which states that development should be of a high quality design and be well sited, in scale and proportion, with a shape and mass that is in character with the existing building.

11. The proposal would also be contrary to the principles within Chapter 12 of the National Planning Policy Framework (the Framework) 2021 which seek good design sympathetic to the local area.

Living Conditions

12. Due to the terraced nature of the Cricklade Road properties, No 22 shares a close relationship with 24 and 26 Cricklade Road to the north. Nos 24 and 26 have a similar set up to Nos 18-22, with a commercial unit at ground floor and residential flats above, known as 24A and 26A Cricklade Road. There is a first floor obscure glazed window at No 24A on the rear elevation of the main building of the flat immediately adjacent to the boundary with No 22, which appears to serve a bathroom. There is a shared external courtyard associated with Nos 24A and 26A adjacent to No 22, which I saw had evidence of being used as external amenity space, with a slide, scooter and bike all visible.
13. The row of 1A to 1D Caulfield Road are situated to the east. The path leading to the rear garden of No 1A is situated adjacent to the eastern boundary of the appeal site, with the private rear garden of 1A situated to the northeast.
14. The northern part of the first floor extension would run along the shared boundary with No 24A. The high level first floor windows to the northern side would help to prevent overlooking. However, by virtue of the scale and depth of the extension running along the shared boundary, and notwithstanding the use of the room served by the first floor window adjacent, the proposal would be of a much greater massing. It would be more overbearing and give a greater sense of enclosure than the existing situation. The depth and scale of the proposal and its siting in close proximity to this window would also reduce the level of light received by this first floor window to an unacceptable level.
15. The positioning of the external stairway and walkway, and the open nature of the 'post and-rail' barriers that would flank the first-floor access walkway would result in an elevated arrangement close to the private garden associated with No 1A, allowing an unacceptable level of overlooking to occur. The layout of the proposal would also increase the amount of pedestrian movement immediately adjacent to the shared boundary and private space associated with No 1A, as a result of the additional 'comings and goings' from the external stairwell being utilised in close proximity to No 1A. Therefore, the proposal would result in an unacceptable loss of privacy to the occupants of No 1A. Furthermore, due to the position of the central walkway, this would also allow for elevated views over the shared courtyard associated with Nos 24A and 26A to the north, harming the privacy that this area currently enjoys.
16. In regard to the effect on the living conditions of the future occupants of the middle residential unit, No 20A, the lounge/diner towards the back of the unit would only be served by one window on the eastern elevation, along with 4 small rooflights. Due to the depth of the living space of No 20A and the lack of

natural light, it is considered that future occupants of No 20A would have a restricted outlook and a sense of enclosure within their main living space. This would be harmful to the living conditions of the future occupants of No 20A.

17. For the reasons given above, the proposal would harm the living conditions of the occupants of 24A and 26A Cricklade Road with respect to privacy, outlook and light, 1A Caulfield Road with respect to privacy, and the future occupants of 20A Cricklade Road, with regard to outlook and light. It would be contrary to Policy DE1 of the Local Plan which requires development to not adversely impact users of existing or proposed development. It would also be contrary to the advice set out in the Swindon Residential Design Guide Supplementary Planning Document (June 2016) which states that development must ensure adequate levels of daylight, sunlight, privacy and outlook. It would also conflict with paragraph 130 (f) of the Framework which states that development should have a high standard of amenity for existing and future users.

Conclusion

18. The development 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