



Appeal Decision

Site visit made on 28 September 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/U3935/W/23/3316794

River Wood, West End Road, Stratton St Margaret, Swindon SN3 4PG

- 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 Joseph Mazzotta against the decision of Swindon Borough Council.
 - The application Ref S/22/1350/SASM, dated 7 September 2022, was refused by notice dated 10 February 2023.
 - The development proposed is sub-division of land and erection of 2no. 3-Bed dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appeal form, as opposed to the original planning application form, as it provides a more succinct and accurate description.
3. Alongside the submitted plans and drawings, the appellant has provided 3D visuals of the proposed scheme. There is dispute between the main parties as to whether the 3D visuals provide an accurate representation of the proposed development. In any event, I have found the visualisations to provide a helpful aid to considering the likely effects of the proposed development.
4. The appellant has also provided an email trail of discussions with the case officer during the course of the original application. From this, it is evident that the appellant was willing to make further design changes to the proposed scheme, but that these didn't materialise through amended plans before the application was determined. The Procedural Guide: Planning Appeals – England advises that the appeal process should not be used to evolve a scheme, as it is important that what is considered at appeal is essentially the same scheme that was considered by the local planning authority and interested parties at the application stage. Therefore, whilst I note the appellant's suggested changes that could be made to the scheme, I am determining the appeal based on the submitted plans.

Main Issues

5. The main issues are the effect of the proposal on: a) the character and appearance of the area; b) the living conditions of neighbouring occupiers; and c) highway safety.

Reasons

Character and Appearance

6. Riverwood is a detached bungalow that is served by a sizeable rear garden. The proposal would involve the sub-division of the plot to enable the development of a pair of two-storey, detached dwellings. The proposed dwellings would face onto an area of shared parking that would be accessed from Tilley's Lane.
7. The surrounding area is predominantly residential in character and contains a mix of dwelling types, including two-storey properties as well as bungalows and a variety of detached, semi-detached, and terraced properties. As such, there are significant variations in the scale and appearance of the residential built form, resulting in the area having a highly mixed character.
8. Nonetheless, residential properties nearby have a consistency in their layouts, with dwellings displaying frontages onto public streets, typically set behind modest front gardens. Notably, properties on West End Road have a strong linear arrangement, with dwellings being set back a rather consistent distance from the public highway, which they also consistently front onto. Likewise, existing properties on Hardie Close (that bound the appeal site to the east), also have a similar linear arrangement. The layout of existing dwellings in the immediate vicinity of the site is therefore almost akin to a perimeter block.
9. The proposed layout would result in two individual dwellings being sited between the existing strong linear arrangement of dwellings on West End Road and Hardie Close. Plot One would be set back a significant distance from the public highway, behind a sizeable area of shared parking. Plot 2 would be set side onto the street, instead fronting onto the internal parking arrangements, while its main area of private garden space would be position to its side running adjacent to the public highway.
10. Whilst the scale of the proposed dwellings would be generally reflective of other nearby properties, their position and orientation would be at odds with the surrounding pattern and layout of development. Indeed, the incongruous layout of the proposed dwellings relative to the surrounding build form, would result in the development having a rather forced and cramped appearance. This is despite the proposed dwellings providing suitable standards of floorspace and being served by reasonably sized plots.
11. I also appreciate that the proposed use of materials would not appear untoward given the variety in design of dwellings in the surrounding area. Likewise, I am not concerned by other urban design issues that were raised during the application, including the proposal's distance to services/amenities. Nonetheless, the layout of the proposed dwellings would not appropriately respond to the surrounding context of the site.
12. Consequently, I find that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policy DE1 of the Swindon Borough Local Plan 2026 (adopted 2015) (the Local Plan) and the advice of the Swindon Residential Design Guide Supplementary Planning Document (adopted 2016) (the SPD). Together the policy and guidance require development to be of a high-quality design that is sympathetic to the existing context and character of the area.

13. The proposal would also not adhere to the aims of Part 12 of the National Planning Policy Framework (the Framework), in respect of promoting high-quality design.

Living Conditions

14. Proposed dwelling no. 1 would be located tight to the eastern boundary of the site with neighbouring dwellings on Hardie Close. The proposed dwelling would be set perpendicular to the rear elevations of those neighbouring properties and within close proximity. Given the proposed dwelling's overall scale, orientation, and close relationship to the neighbouring properties, I find that it would result in significant overbearing impacts and a loss of outlook to the neighbouring residents. The harmful overbearing impact would be experienced from habitable rooms at the rear of the neighbouring dwellings, as well as rear garden spaces. It is also likely to lead to an associated loss of light and overshadowing, to the detriment of the living conditions of the neighbours.
15. Plot no. 1 contains a single window, serving a landing space, in the side elevation facing towards the adjacent dwellings on Hardie Close. In the event that planning permission was granted, a condition(s) could be imposed regarding the detailed design of the window to ensure there was no loss of privacy to the relevant neighbouring occupiers. However, the rear elevation of the proposed property would also contain two upper floor bedroom windows that would have views over much of the rear garden of no. 18a West End Road (no. 18a). I appreciate that there is already a degree of overlooking of neighbouring gardens between existing properties in the area. Despite this, the siting of the proposed dwelling in relation to the rear garden space of no. 18a would result in a far more intrusive form of overlooking than currently exists.
16. For the reasons identified above, I find that the proposed development would result in harm to the living conditions of existing neighbouring residents. The proposed development would therefore again conflict with Local Plan Policy DE1 and the advice of the SPD that, amongst other matters, seek to safeguard the living conditions of neighbouring residents. Similarly, the proposal would conflict with the Framework which also seeks for developments to provide high standards of amenity for existing users.

Highway Safety

17. The proposed dwellings would be served by a total of four on-site parking spaces that would be provided on a shared driveway to the front of the properties. The site would be accessed off of Tilley's Lane, with the road already leading to several dwellings beyond the appeal site on Hardie Close.
18. Nearby to the west of the proposed vehicular access there is a relatively sharp bend in the road as it turns onto West End Road. Additionally, the proposed access is located broadly opposite a junction that serves an industrial site, which appeared to be used for automobile repairs and sales.
19. Due to the nature of the proposal and site context, the Local Highway Authority has identified a need for the development to provide appropriate visibility splays of the footway for vehicles exiting the site. The necessary visibility splays would need to be provided at 2m from the boundary of the site.
20. No drawings have been provided alongside the appeal to demonstrate that the necessary visibility splays could be achieved. Instead, the appellant suggests

that the requirement can be dealt with via a planning condition on the grant of a permission.

21. I understand that the appellant has previously provided the Council/Local Highway Authority with sketch drawings demonstrating that the introduction of a landscaping feature at the entrance to the dwellings could enable the necessary visibility splays to be achieved. However, this has not been incorporated into the proposed scheme, nor has it been satisfactorily demonstrated that such a feature would provide the relevant visibility splays. It is also unclear from the information before me whether such design amendments would have any consequential impacts on the wider scheme.
22. Therefore, from the evidence before me, I am not satisfied that the appeal scheme could appropriately achieve the required visibility splays and do not consider the use of a condition to be suitable to address this matter.
23. In the absence of suitable visibility splays, there is a risk of collision from vehicles exiting the site with passing pedestrians and/or vehicles. Consequently, I find that the proposed development would cause harm to highway safety. It therefore conflicts with Policy TR2 of the Local Plan. The policy, amongst other matters, seeks to ensure that development proposals are provided with appropriate access and are not detrimental to highway safety.

Other Matters

24. I note the appellant's concerns with the manner in which the Council dealt with the original application, including the approach to publication of materials on its website. However, this is a matter for the Council to address.
25. Whilst the site may already benefit from planning permission (ref: S/22/1067/SAM) for the erection of a bungalow, this is not a comparable extent/form of development to the current proposal.
26. The appellant has made reference to other developments within the authority area, which have been deemed not to be held to similar standards of design as the appeal proposal. However, no specific details of those developments have been provided, including their planning histories or site contexts. As such, this does not provide a suitable reason 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.
27. The appellant has also referred to a historic proposal (from the 1970s) for development of the site, which it is claimed attracted support from the then Council but was not pursued by the then owners of the site. Notwithstanding that I have no specific details of what that proposal entailed, or indeed if planning permission was granted, it would likely have been considered against an entirely different site and policy context at the time.
28. Compliance with the aims of other local and national policies (e.g. in respect of provision of suitable floorspace and amenity standards for future residents of the proposal) is to be expected of new development. It is therefore a neutral matter that does not weigh in favour of the appeal scheme.

Conclusion

29. For the reasons outlined above, having regard to the development plan and all other material considerations, the appeal is dismissed.

Lewis Condé

INSPECTOR