



Appeal Decision

Site visit made on 10 November 2023

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/U3935/D/23/3324486

58 Westlecot Road, Old Town, Swindon SN1 4HD

- 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 Craig Werrell against the decision of Swindon Borough Council.
 - The application Ref S/HOU/23/0387/JAAB, dated 24 March 2023, was refused by notice dated 20 June 2023.
 - The development proposed is a detached garden room.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garden room at 58 Westlecot Road, Old Town, Swindon SN1 4HD in accordance with the terms of the application, Ref S/HOU/23/0387/JAAB, dated 24 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: site location plan and Drawing No 2259/1, dated March 2023, received by Swindon Borough Council on 9 June 2023.
 - 3) Notwithstanding submitted details, no development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the detached garden room hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. Three versions of Drawing No 2259/1 have been submitted as part of the appeal, all dated March 2023. The Council's Officer Report advises that, during the application process, an amended drawing was submitted by the appellant which includes a lower proposed building than the original proposal, with 3 parking spaces shown to the front of the appellant's home. Also, the Council's decision notice confirms that their decision was based on a version of drawing no 2259/1 submitted to them on the 9 June 2023.
3. I have therefore considered the appeal on the basis of the version of Drawing No 2259/1 which includes the lowest height outbuilding and 3 parking spaces in the front garden of the host dwelling. I will refer to this as Drawing No 2259/1, dated March 2023, received by Swindon Borough Council on 9 June 2023.

Main Issue

4. The main issue is the effect of the proposal on the site and area, including the setting of the outbuilding to the rear of 56 Westlecott Road, and whether it would preserve or enhance the Swindon Town Gardens Conservation Area (STGCA).

Reasons

5. The appeal site is located within STGCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the STGCA.
6. Paragraph 199 of the National Planning Policy Framework ('the Framework') (2023) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.
7. Policy EN10 of the Swindon Borough Local Plan 2026 (2015) (SBLP) seeks to protect heritage assets, including Conservation Areas and non-designated heritage assets. Policy DE1 requires high quality design which responds to context and character.
8. The part of STGCA in which the appeal site is located is characterised by good-sized traditional homes, many of which have rear outbuildings facing onto service lanes. These lanes are recognised in the Swindon Town Gardens Conservation Area Appraisal (STGCAA) as being an integral feature of the Conservation Area. The STGCAA advises that any new ancillary buildings should reflect the character of the STGCA.
9. The appeal proposes a replacement outbuilding to the rear of the appellant's garden, facing onto a service lane. It would sit adjacent to an existing two storey outbuilding, which is located to the rear of No 56 Westlecot Road. The Council considers this structure to be a non-designated heritage asset.
10. The proposed garden room would be slightly higher and bulkier than the building it would replace. However, given that the proposed pitched roof would slope away from the front elevation of the building, it would not appear overly bulky when viewed from the rear lane. Also, the building would sit well below the adjacent outbuilding, which has a notably larger mass. Whilst I note that the eaves of the building would not sit directly above the door, this design feature would not undermine the overall character and appearance of the building.
11. Whilst the proposed building would vary in design to the existing and nearby outbuildings, on my site visit I observed that these lanes include numerous outbuildings and garages with a wide variety of designs of varying height and mass. As such, there is no overriding form or character for outbuildings in these lanes. Therefore, the proposal would not be at odds with the character and appearance of the area.
12. I note the Council's comments that the examples of existing high outbuildings in the area, submitted by the appellant, mostly pre-date the introduction of the Residential Extensions and Alterations Supplementary Planning Document (2011) (REASPD). I recognise that the Section 6 of the REASPD recommends

that outbuildings should be confined to single storey and that the proposal would include accommodation within the roof space. I also acknowledge that the proposal exceeds the maximum height recommended for outbuildings in the REASPD.

13. However, this guidance states that this limit on height is to ensure that outbuildings are 'clearly subordinate to the original dwelling'. The proposed garden room would appear as subordinate to the appellant's dwelling as it would be significantly lower than the house and have a much smaller footprint than it. Additionally, I note that the existing outbuilding to be demolished and the adjacent outbuilding to No 56 already exceed this guidance.
14. Taking all of this into account, the proposed building would not be out of character in this vicinity, and, in this instance, the roof accommodation and proposed height is acceptable. The scale and height of the proposed garden room is acceptable.
15. In conclusion, in view of the above, the proposed detached garden room would preserve the character and appearance of the site and area, including the STGCA, and the setting of the adjacent outbuilding. Therefore, there would be no conflict with Policies DE1 and EN10 of the SBLP, Section 6 of the REASPD and the Framework.

Conditions

16. I impose conditions in regards to timescales and setting out the approved plans to provide certainty. The Council has requested that a standard condition be attached to any consent granted requiring the proposed external materials 'to match those used in the existing building'. In this case, it would not be clear what the existing building is. This could be the main dwelling or the existing outbuildings. I have therefore attached a condition requiring details / samples of the proposed external materials to be submitted to and approved by the Council for clarity and to safeguard the character and appearance of the area.

Conclusion

17. For the reasons given, I allow the appeal.

Rebecca McAndrew

INSPECTOR