



Appeal Decision

Site visit made on 30 November 2023

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20.12.2023

Appeal Ref: APP/U3935/D/23/3329313

38 Sutton Park, Blunsdon, Swindon SN26 7BB

- 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 N Kanji against the decision of Swindon Borough Council.
 - The application Ref: S/HOU/23/0512/JAAB, dated 26 April 2023, was refused by notice dated 10 August 2023.
 - The development proposed is for a second storey extension to rear elevation and extension to existing front dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed rear extension on (i) the character and appearance of the property and surrounding area, and (ii) the living conditions of the occupiers of 39 and 40 Sutton Park with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is a detached chalet bungalow. The character of the area is residential comprising a mix of two storey detached dwellings and chalet bungalows with dormer windows.
4. The appeal property has been extended in the past including a single ground floor rear extension. The proposal would extend over the existing rear extension to provide a second floor along the full width of the rear elevation. The existing rear dormer windows would be replaced at first floor level with a double hipped roof design. The proposal also includes a front dormer window extension in the same design style as existing.
5. The existing single storey rear extension is subservient, well balanced and proportionate to the original house. In contrast, the proposal would add substantially to the bulk of the property at first floor level on top of the existing extension. The proposed extension would significantly alter the appearance of the dwelling, creating a form of development that would not be subservient or sympathetic to the existing property. The over dominance that would arise would be exacerbated by the proposed double hipped roof, which together with

the massing, would result in an excessively large and disproportionate extended property at the rear.

6. As a result, the scale of the extension to the rear would conflict with the Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD), which states that two storey rear extensions should not extend more than 3 metres. I acknowledge the appellant's point that the single storey rear extension already extends further than this to 3.5m but this in itself is not sufficient justification for the clear guidance in the SPD to be set aside in this case. The SPD identifies that it is important to ensure design quality is of a high standard so as not to detract from the existing dwelling; in this case the original dwelling would be detrimentally impacted and changed by the overly large and dominant proposed two storey addition, which in turn would harm the character and appearance of the area.
7. In conclusion, the first floor rear extension would result in harm to the character and appearance of the host dwelling and wider area contrary to Policy DE1 of the Swindon Borough Local Plan 2026 (the Local Plan), which requires high standards of design in respect of existing built characteristics, siting, scale and massing. The appeal proposal is also contrary to the guidance contained in the SPD. Finally, the appeal proposal is not consistent with Paragraph 135 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character.

Living conditions

8. The Council's unchallenged evidence is that the proposal does not accord with the guidance within the SPD and would not provide the advised 12m separation distance to the facing walls of the neighbouring properties at Nos 39 and 40. Whilst I acknowledge that this is an existing gap, the scale and height of the proposal would result in a development that would be overly prominent when viewed from the amenity areas of Nos 39 and 40. Given the deficient separation distance, excessive size and scale of the proposal at first floor level the proposal would be an overbearing structure that would cause an unacceptable loss of outlook from the garden areas of Nos 39 and 40.
9. Whilst there would be harm to outlook from the gardens of Nos 39 and 40, there is no evidence that demonstrates it would lead to a materially harmful loss of light or overshadowing to any neighbouring properties. I also agree that the proposal would not result in any material harm from overlooking to any property given the positioning of windows within the scheme and non-habitable rooms in potentially affected nearby properties. However, these are neutral factors that are neither for or against the proposal and do not overcome the harm that would be caused by the loss of outlook that arises from the overbearing nature of the proposal.
10. Due to the harm identified to outlook from neighbouring properties, the appeal proposal is contrary to Policy DE1 of the Local Plan and the guidance contained in the SPD that both seek to ensure development does not lead to an unacceptable harm to residential amenity. The proposal is also not consistent with Paragraph 135 of the Framework that requires development to create places with a high standard of amenity.

Other Matters

11. I have had regard to the other concerns expressed locally, but none have led me to a different overall conclusion.

Conclusion

12. For the reasons given above, and taking account of all material planning considerations, I conclude that the proposal would result in harm to the character and appearance of the host property and wider area and the living conditions of neighbouring properties. There are no material considerations that outweigh the harm I have identified and the conflict with the development plan. Therefore, the appeal should be dismissed.

N Perrins

INSPECTOR