



Appeal Decision

Site visit made on 15 December 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/U3935/W/23/3322373

15 Norman Road, Gorse Hill, Swindon SN2 1AZ

- 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 Gillett against the decision of Swindon Borough Council.
 - The application Ref S/22/0404/LZWI, dated 10 March 2022, was refused by notice dated 1 December 2022.
 - The development proposed is erection of a 2 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 2 bedroom dwelling at 15 Norman Road, Gorse Hill, Swindon SN2 1AZ in accordance with the terms of the application, Ref S/22/0404/LZWI, dated 10 March 2022, subject to the conditions set out in the schedule below.

Procedural Matter

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and I have taken the responses received into account.

Main Issues

3. The main issues are the effect of the proposal on: (i) the character and appearance of the area, and (ii) the living conditions of occupants of 15 Norman Road, with particular regard to light and outlook.

Reasons

Character and Appearance

4. The wider area surrounding the appeal site comprises long straight rows of predominately terraced houses with consistent front building lines close to the edge of the road and with small front gardens. By contrast, this part of Norman Road includes a rounded 90 degree bend and the character of the properties surrounding the bend varies from those in the wider area. A group of semi-detached houses surround the outer edge of the bend, which are set back from the road on more generous plots. The majority of these have areas of hard surfacing in the front gardens, allowing off street parking for multiple vehicles close to the edge of the road.
5. The appeal site lies between a group of properties with a forward front building line to the south, and the set back group of semi-detached houses to the north. As such the proposed positioning of the new house would respect this point of

transition in the building line. Due to its position adjacent to the off street parking areas of the properties surrounding the bend, the inclusion of the parking areas to the front of the building would also not appear uncharacteristic nor harmful in this particular location. The positioning of parked vehicles to the front of the proposed house would not necessarily prohibit access to the back of the houses, as the plans demonstrate space would remain for access behind the parking spaces.

6. I note the concerns of the Urban Design Officer that the proposed house would lack a clear sense of proportion and architectural refinement. However, the scale and design of the proposed house would respect that of the surrounding houses and, given its set back position from the road, its differences would not cause harm to the overall character of the area.
7. For these reasons, the proposal would not cause harm to the character or appearance of the area. It would comply with policies SD1 and DE1 of the Swindon Local Plan adopted 2015 (the LP) which together require high quality design which respects its context. The proposal would also comply with the design objectives of the Framework where it requires development to be sympathetic to local character and the aims of the Swindon Residential Design Guide 2016 (the SRDG).

Living Conditions

8. The Council's concerns relate to a ground floor window in the side elevation of no.15 which serves a dining room as the sole source of light. I observed that this is a fairly small window with a high sill level. It is currently close to existing hedging and looks towards the existing low level garage.
9. The outlook from the garage would undoubtedly be changed as it would face the flank wall of the proposed dwelling, which would be in close proximity. In addition, despite being north facing, the window has the ability to provide some daylight into the dining room, contributing to the quality of the accommodation within. However, as above, given the scale of the window and its position relative to features at the side of the house, its contribution to the living conditions of the property overall is limited. Larger openings exist to the front and rear elevations of no.15 which would continue to provide outlook and lighting to the ground floor rooms.
10. While there would be effects on the dining room of no.15, for the reasons given there would not be unacceptable harm to the living conditions of its occupants overall. As a consequence the proposal would comply with LP Policy DE1, the SRDG and the Framework insofar as they relate to amenity and ensuring healthy living conditions.

Other Matters

11. I note third party comments which refer to the space being reserved for a vehicular garage. Even if this were the case, I note the comments of the Transport Officer, that a sufficient amount of parking is proposed for both houses.
12. A consultee also comments that the size of the new house would be below the national described space standard for a three person house. While there is not evidence that these standards form part of the adopted development plan, the appellant and the Officer Report find the proposal to comply with the space

standards and, on the basis of the information before me, I am satisfied that the size of the proposed dwelling would provide an acceptable standard of accommodation for its future occupiers.

13. The Council accept that it cannot demonstrate a five year land supply for housing. As such, the provisions of paragraph 11d) of the Framework are relevant to the appeal. As the application of policies in the Framework that protect areas of particular importance do not provide a clear reason for refusing the development, and as I have not identified any adverse impacts of granting planning permission, the proposal would benefit from the presumption in favour of sustainable development. This adds further weight in favour of granting planning permission.

Conditions

14. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
15. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. To ensure the external materials respect the site's context, further details of the facing materials are also necessary. To help protect the living conditions of nearby properties, a condition is imposed to control the hours of construction work, and to ensure suitable site drainage, I have imposed the recommended condition to prevent discharge of water onto the highway and adjacent land. To maintain highway safety, a condition is necessary to ensure the delivery and maintenance of the proposed off street parking areas.
16. Given the site is predominantly flat, and in the absence of evidence as to why such a condition would be necessary, I have not imposed a condition requiring further details of the site levels. As electrical vehicle charging points are a building regulations requirement, and in the absence of evidence of a planning reason for the condition, I have not imposed a condition to secure these here.

Conclusion

17. The proposal would comply with the development plan as a whole and the appeal is allowed.

C Shearing

INSPECTOR

Schedule of 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 following approved plans: Y22-114-1, Y22-114-3, Y22-114-4 Rev.A, Y22-114-2 Rev.A
- 3) Construction work associated with the development hereby approved shall take place only between 08:00 and 18:00 Monday to Friday, and 09:00 and 13:00 on Saturdays, and at no time on Sundays or Bank Holidays.
- 4) Prior to the commencement of development above the damp proof course of the new house, details of external facing materials shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with those approved details.
- 5) Provision shall be made for sustainable surface water drainage within the site to ensure that none discharges onto the highway or adjacent land.
- 6) Prior to the first occupation of the new house, the off street parking spaces shown on the approved plans shall be available for use. They shall remain clear of obstruction thereafter and shall not be used for any purpose other than for use in connection with no.15 Norman Road and the new house hereby approved.

End of Schedule