



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: 17 January 2024.

Appeal Ref: APP/U3935/D/23/3328450

125 Redhouse Way, Redhouse, Swindon SN25 2AY

- 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 T Mazzotta against the decision of Swindon Borough Council.
 - The application Ref: S/HOU/23/0589/JAAB, dated 10 May 2023, was refused by notice dated 6 July 2023.
 - Second storey extension to side elevation plus conversion of internal garage to habitable room.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant considers that the Council determined the planning application using plans that had previously been refused under a separate application as opposed to those that were submitted and, in their view, should have been assessed. The Council has confirmed that there was an error at validation stage and the previously refused plan ref: 22/070 were registered, rather than plan ref: 22/070 Rev A that the appellant had submitted and wanted to be determined. This is clearly an unfortunate situation for the appellant.
3. I have considered whether to accept the revised plans in this appeal against the Wheatcroft principles where it was held in *Bernard Wheatcroft Ltd v SSE* [1982] JPL 37 that amended plans can be accepted on appeal and approved through a grant of conditional permission. The key test for application of the Wheatcroft principles is whether the development is so changed that to grant it would be to deprive those who should have been consulted in the changed development of the opportunity of such consultation.
4. In this case, the amended plans are different from those originally submitted in that they include reductions in height and scale in order for the proposed side extension to comply with the Council's guidance set out in its Residential Extensions & Alterations Supplementary Planning Document (SPD) 2011. The appellant also contends that sufficient space for parking is now shown on the revised plans. I note that the plans the Council made its decision on did not attract any objections from the Parish Council or residents. The Council has also been given the opportunity to comment on the revised plans through the appeal process. For these reasons and because the appeal is for a smaller development than originally consulted upon, I do not consider that the proposal is so different that an interested party would be materially prejudiced without

further formal notification taking place; I have therefore decided to determine the appeal based on plan ref: 22/070 Rev A.

Main Issues

5. The main issues in this appeal are the effect of the development on (i) highway safety and (ii) the character and appearance of the area.

Reasons

Highway Safety

6. The appeal site is a 4-bed semi-detached dwelling located on the north side of Redhouse Way. Parking for the property is provided at the rear of the site by the existing garage and 2 off-street parking spaces.
7. The development proposes to convert the existing garage from parking to habitable space alongside a first floor side extension that would change the dwelling from a 4-bed to a 5-bed dwelling. I observed on my site inspection that there are limited opportunities for on-street parking in the local area including on those roads closest to the appeal site. The local parking conditions in the area therefore make it essential for development to comply with the Council's parking standards in respect of off-street provision for dwellings in order to maintain highway safety for users.
8. The Swindon Borough Council Parking Standards 2021 document confirms that 3 parking spaces are required to service 4+ dwellings. The appellant asserts that the red line area provides sufficient space within the appeal site to provide 3 off-street tandem parking spaces, albeit only two are demarked on the block plan submitted with the application. The Council's Highway Officer has reviewed the plans and advised that there is insufficient space within the red line site area to provide the required 3 off street parking spaces in line with technical standards in the tandem approach proposed by the appellant. The resulting effect would be the 3rd parking space hanging over into the highway.
9. Therefore, it is evident from the information before me that the development would not be able to provide sufficient off-street parking that accords with technical requirements. This would result in harm to highway safety by requiring the dwelling's parking requirements to be displaced and met by on-street parking. There is no information before me that persuades me that relying on on-street parking, in a situation where there a limited opportunities near to the site, provides sufficient justification for the Council's parking standards to not be met in this case.
10. In conclusion, the appeal proposal will result in harm to highway safety contrary to Policy TR2 of the Swindon Borough Local Plan 2026, which requires development to provide access without detriment to highway safety and parking provision in accordance with the Council's adopted parking standards. The proposals would also conflict with paragraph 115 of the National Planning Policy Framework (The Framework) that seeks to prevent development that would cause an unacceptable impact on highway safety. There are no material considerations that outweigh the harm I have identified to highway safety and conflict with the development plan.

Character and appearance

11. The character of the area is residential comprising predominantly terraces of dwellings with relatively infrequent gaps in between development blocks. The appeal site comprises one such gap within the context of the predominantly terraced residential character. I note that the Council consider this gap an important character feature to provide a sense of spaciousness within what is a relatively high density frontage
12. The appellant has set out that the proposal has been amended from the previous refusal to ensure compliance with the Council's Residential Extensions & Alterations SPD 2011. The Council do not dispute this and it is clear to me that the proposal meets the SPD requirements for a 900mm set back at first floor level and ridge height below the existing roof ridge height. It is also notable that the appeal site is within a run of dwellings where the roof form and height does step down, which the appeal proposal would be consistent with in terms of its subservient design with the host dwelling.
13. Whilst I understand the Council's position, I do not agree that the loss of some of the gap as is proposed would have a perceptibly harmful impact to character when considering the overall built up and terraced appearance of the area, and the specific site circumstances that exist with adjacent roof forms stepping down towards the appeal property.
14. For the reasons given above, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the area. Consequently, the proposal accords with Policy DE1 of the Local Plan and the guidance within the Council's Residential Extensions & Alterations SPD. However, finding no harm in this regard is a neutral factor and does not outweigh the harm that would arise to highway safety.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed due to the impact that would arise to highway safety and conflict with the development plan when considered as a whole and the Framework. There are no material considerations that outweigh the harm I have identified.

N Perrins

INSPECTOR