

Appeal Decision

Site visit made on 10 January 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 30 January 2024

Appeal ref: APP/U3935/W/23/3325983

Bridge End Road Service Station, Bridge End Road, Swindon SN3 4PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 by A K Retail Ltd against the failure of Swindon Borough Council to decide on the application, ref. 8/23/0402, dated 28 March 2023, within the prescribed period.
 - The development is: Raising of existing forecourt canopy from 4.1m to 5.5m.
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Decision

1. The appeal is allowed and planning permission is granted for Raising of existing forecourt canopy at Bridge End Road Service Station, Bridge End Road, Swindon SN3 4PD in accordance with application ref. 8/23/0402, dated 28 March 2023, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of s.91(1) of the Town & Country Planning Act 1990 as amended.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Plan, drawing no. 2023/300/001 dated 30 March 2023;

Existing Elevations, drawing no. 2023/300/002 dated 30 March 2023;

Proposed Site Plan, drawing no. 2023/300/003 dated 30 March 2023;

Proposed Elevations, drawing no. 2023/300/004 dated 30 March 2023;

Block Plan, drawing no. 2023/300/005 dated 30 March 2023;

Site Location Plan, drawing no. 2023/300/006 dated 30 March 2023.

Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

- 3) The forecourt canopy height-raising development hereby permitted shall be constructed using external facing materials to match those on the existing forecourt canopy structure. Such facing materials shall be retained thereafter.

Reason: To ensure that the appearance of the development is satisfactory.

Main issue

2. The decision turns on whether or not the proposed raising of forecourt canopy at the Bridge End Road Service Station from 4.1m to 5.5m would materially harm the appearance of this part of the street scene.

The Appeal Site and proposal

3. The Appeal Site, Bridge End Road Service Station, is a BP petrol and diesel filling station located on the south side of the B4143 Bridge End Road, Swindon. A large horizontal canopy covers the fuel dispensing pumps and the strip to a retail shop and payment counter.
4. The standard minimum clearance over every part of the carriageway of a public road is 5.03 metres. The appeal project is to raise the existing canopy from the existing clearance height of 4.1m to 5.5m. That would allow taller vehicles, usually up to 4.2m high to pass underneath with at least the minimum recommended clearance of 75mm, (Health and Safety Executive).

Considerations

5. The Council failed to determine the planning application to raise the canopy within the prescribed period. They said that had they determined the application, they would have issued a conditional planning permission.
6. I agree with the Appellants' view that the proposed raised canopy structure would not appear excessively tall nor be incongruous in the street scene of Bridge End Road. The appeal project would be a sensible and acceptable alteration to the existing somewhat low height canopy. Indeed, the existing canopy of otherwise acceptable appearance looks to be unusually low compared with the expectation for this type of structure at a fuel filling station. The appeal project would ensure that, for example, a standard container on a suitable flatbed vehicle structure, normally up to 4.2m high, could safely make use of the Bridge End Road service station without the risk of hitting the canopy.

Conclusion

7. For the reasons given above, the appeal succeeds. The general condition limiting the duration of the permission is applied, (s.91 of the Act), as is a condition relating to the submitted plans defining the project and a condition requiring that the canopy be constructed using external facing materials that match and correspond with those found on the existing forecourt canopy structure.

John Whalley

INSPECTOR