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## Appeal Decision

Site visit made on 1 February 2024

**by Laura Cuthbert BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 February 2024**

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### **Appeal Ref: APP/U3935/W/23/3322414**

### **130 Shrivenham Road, Swindon SN1 2NT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr M Kinsella against the decision of Swindon Borough Council.
  - The application Ref 23/0124, dated 11 January 2023, was granted approval by notice dated 11 May 2023 subject to conditions.
  - The development permitted is erection of a two storey rear extension.
  - The condition in dispute is No 4 which states that: No part of the development hereby permitted shall be occupied and/or commenced until the parking spaces shown on the approved plan(s) have been surfaced, marked out and made available for use. Thereafter the area shall be kept clear of obstruction and shall not be used for any purpose other than the parking of vehicles in connection with the use of the premises as permitted.
  - The reason given for the condition is: To ensure that satisfactory provision is made for vehicles to be parked off the highway at all times.
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### **Decision**

1. The appeal is allowed and the planning permission Ref 23/0124 for Erection of a two storey rear extension at 130 Shrivenham Road, Swindon SN1 2NT granted on 11 May 2023 by Swindon Borough Council, is varied by deleting condition 4, previously imposed on planning permission Ref 23/0124, dated 11 January 2023, and subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with the approved drawing no. 23/003 and Block Plan both received by the local planning authority on 8 February 2023.
  - 3) The development hereby permitted shall be constructed using external facing materials that match and correspond with those of the existing buildings. Such facing materials shall be retained thereafter in their approved form.

### **Background and Main Issue**

2. Planning permission has been granted for a two storey rear extension to 130 Shrivenham Road. The appeal seeks permission to carry out the development without complying with condition 4 which requires the development to provide the 3 parking spaces as shown on the approved block plan. The main issue therefore is whether the condition is reasonable or necessary in the interests of highway safety, with specific regard to on-site parking provision.

## Reasons

3. 130 Shrivenham Road is one of a pair of semi-detached properties, which are within a small cul-de-sac. Some of the properties in the cul-de-sac have a driveway to the front of their properties, providing either 1 or 2 off-street parking spaces. This includes No 130 which has 2 existing off-street parking spaces. Some properties have no off street parking but use a number of unrestricted parking spaces available on Shrivenham Road. There is also a rear access lane which runs to the side of 132 Shrivenham Road which provides access to the garages of No 132 and 134 Shrivenham Road.
4. Criteria 'h' of Policy TR2 of the Swindon Borough Local Plan 2026 (the Local Plan) (April 2015) states that parking provision should be provided in accordance with the Council's adopted parking standards. The Parking Standards for New Development Supplementary Planning Document (the SPD) (February 2021) sets out a minimum level of parking expected for new development. The standards require a 2-3 bedroom house in this area to provide a minimum of 2 car parking spaces and a 4 bedroomed house to provide a minimum of 3 car parking spaces. Where lower levels are sought, these will only be accepted in exceptional circumstances.
5. The proposal as originally approved would result in a 4 bedroomed property, with the smallest 'bedroom' shown as a study. It would keep the existing 2 parking spaces to the front, whilst introducing an additional parking space to the rear of the property. The removal of the disputed condition would remove the parking space to the rear and would result in a shortfall of 1 parking space against the adopted standards for a 4 bedroomed house.
6. As noted by the appellant, one of the 4 bedrooms is very small. Any occupant or user of this room is unlikely to put additional pressure on the parking. Therefore, in the particular circumstances of the appeal proposal, it could be considered as a 3 bedroomed house for the purposes of applying the parking standards.
7. Furthermore, I have concerns over the practicality of the additional third parking space to the rear. It is unclear where the rear of No 130 could be accessed from, given the presence of the double garage associated with No.132 immediately adjacent to the access lane to the side of Nos 130 and 132. There is also a private parking courtyard associated with Selwood Close to the rear. Therefore, it is doubtful whether that the third parking space could reasonably be implemented.
8. Finally, even if there was any overspill parking as a result of the proposal, then it is considered that there is the potential for Shrivenham Road to accommodate any off-site parking. Consequently, the lower parking requirement of 2 spaces could be applied without any harm to highway safety.
9. I therefore conclude that the disputed condition is not reasonable or necessary in the interests of highway safety, with specific regard to on-site parking provision. The development without the disputed condition would comply with Policy TR2 of the Local Plan, as well as the SPD, which together set out the minimum level of parking expected for new development.

## **Conclusion**

10. For the reasons given above, I conclude that the appeal should be allowed, and I vary the planning permission by deleting the disputed condition. I have also varied condition 2, the plans condition, in consultation with the main parties, so that it refers to the original block plan, showing the existing 2 parking spaces.

*Laura Cuthbert*

INSPECTOR