



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: 07 March 2024

Appeal Ref: APP/U3935/W/23/3321761

10 Treforest Close, Swindon SN25 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr K McCarthy against Swindon Borough Council.
 - The application is Ref S/HOU/22/1660.
 - The development proposed is two storey extension to rear elevation.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. Following the submission of the appeal against non-determination, the Council has submitted a Statement of Case, which provides clarity in terms of the main reasons why the Council would have refused planning permission had it been able to do so. Therefore, the main issues below are taken from this document.
3. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have taken the revised Framework into account as part of the determination of this appeal.

Main Issues

4. There are 3 main issues. These are the effect of the proposal: -
 - on the character and appearance of the area;
 - the living conditions of the occupants of 8 and 9 Treforest Close, in regard to outlook; and
 - on highway safety, with specific regard to parking provision.

Reasons

Character and Appearance

5. The appeal site, 10 Treforest Close, is a detached dwelling situated in a predominately built up residential area. No 10 is positioned in the south-eastern corner of the plot, with the rear boundary running at an angle to the rear elevation. This creates a triangular parcel of land to the rear of No 10, within which the proposed extension would be sited.
6. Due to the principal elevation of No 10 facing southwards, the rear elevation is visible as you approach the site from north along Treforest Close. There is a variety in the type of dwellings in the area, with both detached and small rows

of terraces, and a mixture of brick, render and stone used for their construction. However, their traditional built form, with pitched gable roofs and rectangular/square plan configurations, is one of the consistencies in the locality, which contributes towards the character and appearance of the area.

7. The appeal scheme, by virtue of its siting and poor design, with its contrived tapered form and the use of a blank rear elevation, would noticeably jar with the immediate traditional built form. It would result in a cramped development and its visibility from the north would make these effects obvious in the streetscene and consequently incongruous.
8. The proposal would therefore cause harm to the character and appearance of the area. It would conflict with Policy DE1 of the Swindon Borough Local Plan 2026 (Local Plan) (adopted 2015), which sets out to achieve high standards of design, including respecting existing built characteristics, ensuring the layout and function is acceptable in regard to siting, orientation, scale, massing, materials and detailing. It would also be contrary to advice in the Residential Extensions and Alterations Supplementary Planning Document (the Residential SPD) (October 2011) which states that development should be of a high quality design and be well sited, in scale and proportion, with a shape and mass that is in character with the existing building.

Living Conditions

9. The angled nature of the appeal site means that No 10 is set at an angle with 8 and 9 Treforest Close to the north. A double garage structure, which is split between No 9 and No 10, is positioned along the rear boundary of No 8. The outlook of No 8 is therefore already partially impacted by the existing garage. No 9 has an existing single storey rear extension which brings the ground floor rear elevation of No 9 slightly closer to the shared boundary with No 10.
10. The proposal would bring the 2 storey bulk of No 10 closer to Nos 8 and 9. It would be 15.5m from the rear of No 9 and 20m from the rear of No 8. Whilst the existing garage would mitigate the impact felt by No 8 to a degree, by virtue of the scale, height and proximity of the two storey extension, the proposal would be of a much greater massing in relation to both Nos 8 and 9. It would be more overbearing and have a greater visual intrusion than the existing situation. The expanse of solid wall on the proposed rear elevation would increase the sense of enclosure felt by the occupants of both Nos 8 and 9, especially to the occupants of No 9 when viewed from their rear garden.
11. The proposal would therefore harm the living conditions of the occupants of 8 and 9 Treforest Close, in regard to outlook. It would be contrary to Policy DE1 of the Local Plan which requires development to not adversely impact users of existing or proposed development. It would also be contrary to the advice set out in the Residential SPD which states that a primary consideration for a two storey rear extension is the impact on the amenity of the neighbouring property and that visual intrusion should be minimised. It would also conflict with paragraph 135 (f) of the Framework which states that development should have a high standard of amenity for existing users.

Highways

12. The Parking Standards for New Development Supplementary Planning Document (the Parking Standards SPD) (February 2021) sets out a minimum

- level of parking expected for new development. The standards require a 4 bedroomed house, as proposed, to provide a minimum of 3 car parking spaces.
13. The proposed plan has an annotation to say there is 'existing off road parking for 3 cars'. No 10 has one parking space within the large garage which is shared with No 9. It has another off-street parking space in front of the garage. However, it is unclear where the third car would be parked as I am not convinced on the evidence before me that another car would fit on the driveway. Therefore, without any specific details demonstrating the level of parking and how these would be accommodated within the site, I cannot be satisfied that the proposal would be able to provide the minimum requirement of 3 parking spaces.
14. Therefore, there would be a potential shortfall in parking and future occupants may park elsewhere within the cul-de-sac. Whilst there are some parking spaces within the cul-de-sac towards 12 Treforest Close and some alongside No 15, it is unknown if these spaces are freely available to accommodate any shortfall. Therefore, given the built up nature of the area and the potential lack of alternative parking, even at a limited capacity given the scale of the proposal, future occupants could park in unlawful places that would impinge on the free flow of traffic and pedestrians to the detriment of highway safety.
15. Without evidence to demonstrate otherwise, the proposal would harm highway safety, with specific regard to parking provision. It would be contrary to Policy TR2 of the Local Plan which states that parking provision should be provided in accordance with the Council's adopted parking standards, as set out in the Parking Standards SPD.

Other Matters

16. The appellant has expressed concerns regarding a lack of communication with the Council during the application process, and the extended length of time taken to consider the proposal. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.
17. I note that the objection from the Parish Council refers to relevant sections of the SPD, which appear to relate to side extensions and not rear extensions, as proposed. Nevertheless, I have still found conflict with the SPD for the reasons set out above. I also note the lack of objections from neighbours and that there would be no harm to the privacy of neighbouring occupants. However, these matters do not alter or outweigh my findings on the main issues.

Conclusion

18. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR