



Appeal Decision

Site visit made on 28 November 2023 by Max Webb BA(Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/U3935/D/23/3324828

30 St. Margarets Road, Swindon SN3 1RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Woolf against the decision of Swindon Borough Council.
 - The application Ref S/PHOU/23/0267, dated 23 February 2023, was refused by notice dated 4 April 2023.
 - The development proposed is the erection of a single storey rear extension.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of a single storey rear extension at 30 St. Margarets Road, Swindon SN3 1RU in accordance with the application Ref S/PHOU/23/0267 made on 23 February 2023, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. There is no dispute between the parties that the proposal complies with the conditions and limitations of Class A, and from the evidence before me I have no reason to disagree.
4. Paragraph A.4(7) states that where any owner or occupier of any adjoining premises objects to the proposed development, the local planning authority is required to assess the impact of the proposal on the amenity of any adjoining premises. Paragraph A.4(9) requires that the representations made must be taken into account when considering this impact.
5. Therefore, the main issue is the effect of the proposed development on the living conditions of the occupiers of 29 St. Margarets Road, with particular regard to outlook and light.

Reasons for the Recommendation

6. The appeal site is an end-terrace property which has a garden fence on the boundary of its rear garden with that of the No 29. The neighbouring property has a single storey rear projection that leaves a relatively narrow gap to the boundary with the appeal site. There are windows in the rear elevation of No 29 and in the side of the rear projection. The outlook from these windows is limited due to their proximity to the boundary fence, which already creates something of a tunnel effect.
7. There is no provision in the GPDO for development plan or national policies to be determinative in respect of Class A. However, Policy DE1 of the Swindon Borough Local Plan 2026 (adopted 2015), the Council's Residential Extensions and Alterations Supplementary Planning Document (2011) (SPD) and the National Planning Policy Framework (Framework) are of assistance in assessing the impact of extensions on the amenity of adjacent properties.
8. The SPD recommends single storey rear extensions should be a maximum of 4m deep where they are at or near the property boundary. The proposed extension would exceed this, projecting along most of the length of the appeal site garden adjacent to the boundary, angling away slightly at the far end to follow the plot edge.
9. While most of the roof would be flat, the section closest to No 29 would slope down such that the eaves would be only slightly above the existing fence line. It would be clearly visible from the side and rear window in No 29 and from its small garden. However, due to its roof form and limited height it would only result in a slight reduction in outlook from those areas compared to the existing situation.
10. The submitted shadow study demonstrates that the existing two-storey dwelling already shades the rear of No 29 and most of its garden in the morning. The proposal would be single storey, so would only result in some additional shadowing of the very end of the garden and would not materially increase shading of the nearest windows in No 29. Therefore, it would not result in a harmful reduction in sunlight. The angled section of roof would also mean that there would only be a slight reduction in daylight.
11. Nevertheless, the appeal proposal would result in some loss of outlook and light to the occupiers of No 29. Consequently, and having regard to the information in Policy DE1, the SPD and the Framework, it would result in harm to the living conditions of the occupiers of No 29 in these respects. Because of the roof design proposed however, the harm would be modest.
12. The appellant has submitted details of an alternative scheme that could be implemented through their permitted development rights without requiring prior approval. This would comprise a single storey rear extension with an outbuilding close behind, both adjacent to the boundary. Although I have not been provided with a Certificate of Lawful Development, I consider there is nevertheless a real prospect that this fallback option could be implemented if the appeal proposal were to be dismissed.
13. This alternative scheme would not be as deep as the appeal proposal but would be significantly taller at the boundary, particularly along the section closest to the windows of No 29. Consequently, it would result in a significantly greater

loss of outlook and light for the ground floor windows of No 29 than the appeal proposal, and result in commensurately greater harm to the living conditions of the occupiers of that property. I therefore regard the likely erection of such a scheme is a consideration which carries significant weight and, in this case, justifies granting prior approval for the appeal proposal.

14. Due to the end-terrace location of the appeal site, the proposal would not affect the living conditions of any other neighbouring property.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed. The GPDO sets out conditions required to be complied with for the development to be permitted, and no other conditions are necessary in relation to the prior approval matter.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and recommendation and I agree with the reasoning set out above. On that basis the appeal is allowed.

L McKay

INSPECTOR