



Appeal Decision

Site visit made on 1 May 2024

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13TH May 2024

Appeal Ref: APP/U3935/D/24/3339041

30 Linden Avenue, Swindon, SN2 1QN

- 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 Shane Moore against the decision of Swindon Borough Council.
 - The application Ref S/HOU/23/1278/NICL, dated 28 September 2023, was refused by notice dated 29 November 2023.
 - The development proposed is the erection of two-storey and single-storey rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two-storey and single-storey rear extensions at 30 Linden Avenue, Swindon, SN2 1QN, in accordance with the terms of the application, Ref S/HOU/23/1278/NICL, dated 28 September 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development shall be carried out only in accordance with the following approved plans:

Site Location Plan	883/001
Existing Site Plan	883/005
Existing General Arrangement	883/010
Proposed Site Plan	883/050
Proposed General Arrangement	883/100
- 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country (General Permitted Development) (England) Order 2015 no windows or other form of openings shall be formed above ground floor ceiling level in the north or south elevations of the development hereby permitted.

Main Issue

2. The sole main issue is the effect of the proposed rear extensions on the amenity of the neighbouring property, No 28 Linden Avenue, with respect to dominance and overshadowing of its rear conservatory in particular.

Reasons

3. The built development would comprise a 1.4m deep, two-storey extension across the full width of the semi-detached dwelling at 30 Linden Avenue, in combination with a part-width two-storey extension a further 1.6m deep and a ground-floor extension projecting a total of 4m from the main rear elevation.
4. This arrangement is not dissimilar to many rear additions along Linden Avenue and there is no dispute that the extensions are acceptable in themselves. Concern arises due to the juxtaposition of No 30 with No 28 next door.
5. No 28 Linden Avenue stands immediately south of No 30, at the junction of Linden Avenue and Beech Avenue. With its semi-detached partner at No 12 Beech Avenue, No 28 is set at 45 degrees to the junction in a triangular plot, narrowing to the rear to form a compact back garden where the rear conservatory is sited.
6. Due to this particular layout, the proposed single- and two-storey extensions would appear relatively prominent in the outlook from the rear of No 28 and from the conservatory especially. Even so, the view northward from No 28 would only be partly interrupted and, given the urban character of the locality, I do not consider that the effect on the outlook would be unacceptable in planning terms.
7. The crucial question is to what degree the proposed extensions would overshadow the conservatory; and it is understandable that this concerns the residents of No 28 and the Council. However, existing and proposed shadow analysis submitted by the Appellant demonstrates that, due to their orientation, with No 30 located north of No 28, the rear parts of both properties currently remain within their own shadow throughout the day, all year round. The shadow analysis further demonstrates that this situation would not alter with the proposed extensions in place.
8. Accordingly, I do not consider that natural daylight and sunlight reaching the rear of No 28 Linden Avenue and its conservatory would be unduly reduced by the proposed extensions at No 30.
9. I therefore find no planning objection on amenity grounds with respect to dominance or overshadowing affecting No 28 Linden Avenue.
10. I conclude that the appeal proposal complies with the relevant design Policy DE1c of the Swindon Borough Local Plan and that the appeal should be allowed, subject to conditions to require matching finishing materials and removing permitted development rights for any additional first floor windows, in order to prevent future overlooking towards No 28.

B J Sims

INSPECTOR