

Appeal Decision

Site visit made on 30 July 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/U3935/W/24/3340158

21 Regent Circus, Swindon, Wiltshire, SN1 1PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Arkell's Brewery Ltd against the decision of Swindon Borough Council.
 - The application Ref is S/23/1110/AMMY.
 - The development proposed is described as "proposed covered outdoor seating area."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I noted that the proposed development has been fully completed. The appeal is therefore retrospective.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area and on the host building, a non-designated heritage asset.

Reasons

4. The site is located in a predominantly commercial area, with some residential uses above commercial uses on nearby streets. The appeal site comprises a two-storey art deco style building, a non-designated heritage asset, which was originally constructed as a Corporation Electricity Showroom. Despite some alterations the building is clearly an art deco style and retains a number of original features. The appeal site and building are in a prominent location at the junction of Regents Circus and Princes Street. The area is characterised by an established building line set well back from the highway creating an open character. Whilst there is variation in the design of nearby properties, the set back and wide pavement creates an element of uniformity.
5. The area in front of the appeal building has previously been utilised for outdoor seating. In order to formalise the seating and provide additional space during covid the appellant constructed a weatherproof cover over the

seating area. The development comprises timber and metal posts, Perspex walls, and corrugated plastic roof. It is proposed that the timber be finished in grey.

6. I acknowledge that the proposal would be single storey however the introduction of a permanent projecting enclosure with associated side Perspex walls in front of the established building line would draw the eye and represent an incongruous feature. The proposal would project forward of the building line which, inherent in my reasoning above, contributes to the openness of the area. The proposal negatively impacts the aforementioned uniformity and open character harming the surrounding area.
7. Additionally, the scale and materials used in the development appears as a bulky and dominant addition to the front of the host building. It blocks views of detailing of the building which erodes its art deco design, having a harmful impact on the non-designated heritage asset.
8. For the reasons above, I conclude that the proposal harms the character and appearance of the area and the non-designated heritage asset contrary to Policy DE1 and EN10 of the Swindon Borough Local Plan 2026 (2015) which seeks, amongst other things, to ensure that all new development is of a high quality and respects the existing built characteristics of an area. The proposal is also contrary to paragraphs 135 and 209 of the National Planning Policy Framework that seeks good design sympathetic to the local character and requires that the effect on the significance of a non-designated asset should be taken into account.

Other Matters

9. It has been suggested that there would be economic benefits to the business in the provision of the outdoor enclosure. That said, limited information has been provided in this regard as to how beneficial it may be. Taking this into account, I could ascribe no more than limited weight to the provision of outdoor space.

Conclusion

10. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR