

Appeal Decision

Site visit made on 19 September 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2024

Appeal Ref: APP/U3935/D/24/3347101

28 Carisbrooke Terrace, Chiseldon SN4 0LW

- 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 Mr Edmond James O'Dwyer against the decision of Swindon Borough Council.
 - The application Ref is S/HOU/24/0509/JAAB.
 - The development proposed is 'Proposed side and rear extension and detached garden shed'.
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Decision

1. The appeal is allowed and planning permission is granted for side and rear extension and detached garden shed at 28 Carisbrooke Terrace, Chiseldon SN4 0LW, in accordance with the terms of the application, Ref S/HOU/24/0509/JAAB 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 hereby permitted shall be carried out in accordance with drawing nos. 3418/1 and 3418/2.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) The extensions hereby permitted shall not be occupied until the first-floor window in the side elevation of the dwelling that faces number 29 Carisbrooke Terrace has been obscure glazed and fixed shut below 1.7m from the internal finished floor level of the room it serves. Thereafter, this window shall be retained as such.

Preliminary Matters

2. In the formal decision, the description of development has been amended to remove the word proposed, as this does not constitute an act of development.

Main Issues

3. The main issues are the effect of the development on;
 - the character and appearance of the area; and

- the living conditions of the occupiers of 29 Carisbrooke Terrace, with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site, which contains a 2-storey detached house (number 28), is located at the end of a mainly residential cul-de-sac. Albeit of varying heights, scales, and designs, and, often with very small gaps between them, the dwellings within the cul-de-sac have a pleasing rhythm. Furthermore, many of these dwellings appear to have had previous alterations, outbuildings, and/or extensions, which have assimilated well into the street scene.
5. When viewed from the public realm close to the end of the cul-de-sac, the house at number 28 appears to be more modest than the nearby houses which are also accessed from the turning head. That is despite it having a similar height as these other properties.
6. The enlargements and alterations to the front of the house would increase its scale. However, the height of the dwelling would not be increased and the resultant width of the 2-storey front of the house would be similar to that of the equivalent part of the neighbouring house at number 29 Carisbrooke Terrace (number 29). Furthermore, although the house would have a longer frontage and ridgeline than the other neighbouring house at number 27 Carisbrooke Terrace, it would continue to be stepped back from it. While the 2-storey side extensions would project close to the side boundaries of the site, the width of the gaps between the house and its neighbours would not be reduced. For these reasons, and given the inclusion of gabled roofs, the resultant house would not appear to be cramped. Nor would it be harmfully prominent or domineering in the street scene.
7. The front of the side extensions would be flush with the front of the main part of the house, and existing eaves and ridge heights would be continued through to the extensions. As such, the side extensions would not comply with the technical guidelines for 2-storey side extensions set out within the Swindon Borough Council Residential Extensions & Alterations Supplementary Planning Document – October 2011 (the SPD). However, despite significant enlargement, the resultant dwelling would have a pleasing regularity to its window positions and sizes, as well as a good general balance. Moreover, variety in the form and design detailing of buildings at and close to the end of the cul-de-sac are distinctive features of this area. Consequently, and while its appearance would differ from that of the existing house and other nearby houses, it would not be incongruous with other nearby development.
8. For these reasons the development would not cause harm to the character and appearance of the area. Consequently, and in respect of this main issue, it would comply with policy DE1 of the Swindon Borough Local Plan 2026¹ (the Local Plan), which requires development to be of a high quality design. Whilst there would be technical breaches of the guidelines within the SPD, it would

¹ Swindon Borough Council – Swindon Borough Local Plan 2026 – adopted 26th March 2015

accord with its broader aim to ensure that the design quality of residential extensions and alterations is of a high standard.

Living conditions

9. The neighbouring houses at numbers 28 and 29 are at oblique angles to each other, and a side projection of the house at number 29 at least partially faces the side of the house at number 28. Albeit separated by a wide pathway and intervening planting, during my site visit I observed a ground floor clear glazed window and a rooflight in the part of the side projection of number 29 that faces number 28. Other windows within the front elevation of number 29 generally face the end of the cul-de-sac and the intervening front parking and garden areas.
10. The section of the house at number 28 that is closest to number 29 would be increased in height from single-storey to 2-storey. However, that part of the existing house at number 28 which extends forward of the front door, and which is closest to number 29, would be demolished. As such, and overall, the quality of outlook that would be available to occupiers of number 29, through their front windows, would not be materially or harmfully altered.
11. The houses at numbers 28 and 29 are several metres from each other, and the separation distance between the 2 would not be reduced by the implementation of the development. Therefore, and notwithstanding the proposed increase in height of parts of the house at number 28, reasonable levels of daylight would still be available to occupiers of number 29, both in their house and their sizable garden.
12. The house at number 28 is positioned to the south and west of most of the house at number 29. As such, and given that the sun rises in the east, the development would not lead to any material increase in the level of shading of number 29 during the mornings. Furthermore, based on the evidence and my own observations, and despite the height increase previously referred to, at other times of day, any reduction in the amount of sunlight to those development-facing rooms within number 29 would not be significant or harmful. This is because of the distance between the neighbouring houses; the presence of fairly tall and substantial existing intervening planting; and the proposed inclusion of a gable roof. Consequently, and in respect of both daylight and sunlight, the living conditions of the occupiers of number 29 would be safeguarded.
13. For these reasons the development would not cause harm to the living conditions of the occupiers of number 29 Carisbrooke Terrace with particular regard to outlook and light. That being the case, and in respect of this main issue, the development would comply with policy DE1 of the local plan, which in respect of matters including light and outlook, requires development to be of a high quality of design. It would also comply with the parts of the SPD, which seek to prevent development that would cause unacceptable harm with respect of light and visual intrusion.

Other Matters

14. A first-floor window that would serve an ensuite bathroom, is proposed on the side elevation of the dwelling. At a close distance, the outlook through

this window would be over the house and rear garden at number 29. In terms of privacy, this would be harmful to the living conditions of the occupiers of number 29. Nevertheless, a condition requiring that this window be obscure glazed and non-opening below 1.7m from the internal floor level of the room it serves, would prevent this harm from being caused.

15. The appeal site is within the North Wessex Downs National Landscape (National Landscape), which is an Area of Outstanding Natural Beauty (AONB). In exercising or performing any functions in relation to or so as to affect land so designated, I have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the AONB.
16. Remote high chalk plains, agricultural fields, and scattered farmsteads and settlements in a landscape seemingly unchanged for centuries, are important features of this National Landscape. The appeal site is within a mainly residential built-up area, and mature planting and tall fences separate it from a narrow access road and the open countryside beyond. The development would be no taller than the existing house on the site and it would be contained within the existing residential plot. For these reasons, the natural beauty of the AONB would be preserved by the implementation of the development.

Conditions

17. The statutory condition which specifies the time period for the implementation of the development is imposed. For certainty, a plans condition is also added identifying the plans to which the permission relates. A condition requiring the use of matching materials is also imposed to protect the character and appearance of the area.
18. A condition regarding the first-floor window in the side of the dwelling that would face number 29, is also necessary. This is to protect the privacy of the occupiers of number 29.

Conclusion

19. For the reasons given above, and having regard to the development plan as a whole and any other material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR