



Appeal Decision

Site visit made on 15 January 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/U3935/D/24/3353968

4 Conrad Close, Linden, Swindon SN3 6JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr A Moore against the decision of Swindon Borough Council.
 - The application Ref is S/PHOU/24/0787.
 - The development proposed is erection of a single storey rear extension measuring 6.00m (from existing rear wall), 3.20m (maximum height) and 2.55m (height to eaves).
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Decision

1. The appeal is allowed and prior approval is granted for erection of a single storey rear extension measuring 6.00m (from existing rear wall), 3.20m (maximum height) and 2.55m (height to eaves) at 4 Conrad Close, Linden, Swindon SN3 6JG in accordance with the terms of the application, Ref S/PHOU/24/0787.

Main Issue

2. There is no dispute between the parties that the proposed development would meet the criteria set out under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), provided it would meet the conditions set out at paragraph A.4 of the GPDO. From the evidence before me, there is nothing to lead me to a different conclusion.
3. The main issue in this appeal is therefore whether prior approval should be granted when the proposed development is assessed against condition A.4 (7) of the GPDO with regards to the impact of the proposed development on the amenity of any adjoining premises. In this case, with particular regard to outlook and light.

Reasons

Outlook

4. The appeal property is a 2-storey semi-detached house set on a moderate sized plot. The house has a fairly short yet reasonably wide rear garden that backs onto a garden of a comparable size serving a similar dwelling on Thackeray Close. Two windows and French doors front the rear garden at ground level. These serve the kitchen and living space at the rear of the property.
5. I saw on my visit that No. 3 Conrad Close, the house attached to the appeal property, has a similar sized garden and pattern of fenestration. However, its rear garden feels less enclosed as there is a parking area adjacent to the end of the garden rather than another rear garden and house. The existing boundary

treatment between the rear gardens of Nos 3 and 4 Conrad Close comprises a close-board fence, which is as tall as the ground floor windows and French doors.

6. The proposed extension would be positioned close to the boundary with No. 3 Conrad Close and, at 6 metres deep, would run just over half the depth of the rear gardens. Nevertheless, most of the extension would be screened by the existing fence. In my view, this fence, or a similar boundary treatment, is likely to be retained for reasons of privacy.
7. The proposed extension would have a low profile and only the very top of the extension, its flat roof and roof lantern would be visible over the existing fence. Given this, while it would be evident from the ground floor living space of No. 3 Conrad Close and its rear garden, it would not be visually dominant, overbearing, or obtrusive. While part of the outlook from the ground floor living space and rear garden of No. 3 Conrad Close would change, the difference in the overall outlook would be modest and any increase in the degree of enclosure would be slight. Thus, it would not result in harmful living conditions for the occupants.

Sunlight and daylight

8. The rear gardens of Nos. 3 and 4 Conrad Close face north. The proposed extension, therefore, given its position, could affect the amount of morning sunlight received by the ground floor living space and rear garden of No. 3 Conrad Close. Nonetheless, any overshadowing or loss of sunlight resulting from the proposed extension, would be limited, as the extension would only exceed the height of the existing fence by a modest amount. The roof lantern would be slightly taller. However, given it would be mostly glass, its effect on sunlight would be negligible.
9. The Council refer to the Swindon Residential Extensions & Alterations Supplementary Planning Document (2011) (SPD), which provides guidance on protecting residential amenity and is therefore material in this case. The Council consider the proposed extension would conflict with the guidance in the SPD, as it would impinge upon the adjoining neighbours 45-degree line from their habitable window. Nonetheless, the existing boundary fence is already within this zone and needs to be taken into account when assessing the impact. In this case, given the extension would only exceed the height of the existing fence by a modest amount, any additional loss of daylight would be limited and not to a degree that it would result in harmful living conditions for the occupants of No. 3 Conrad Close.
10. Accordingly, the proposed development would not have an adverse impact on the amenity of the adjoining property with regard to outlook and light. It would accord with Policy DE1 of the Swindon Borough Local Plan 2026 (2015). This policy seeks to ensure high quality design by assessing development proposals against specific design principles, including amenity, in respect of light and outlook, and is therefore material in this case.

Other Matters

11. The occupants of No. 3 Conrad Close have raised a variety of other concerns regarding the impact of the proposed development on the amenity of their property. These include, but are not limited to, an increase in noise and disturbance resulting from the construction and occupation of the proposed extension, the possibility of the smell of sewage arising from the proposed shower room and flooding from inadequate drainage.

12. I understand that construction activities may cause noise and disturbance to the occupants of neighbouring properties. However, the construction would only take place for a time limited period. In terms of the other concerns raised, there is no substantive evidence before me to demonstrate that the use of the proposed extension as a study and occasional bedroom with shower room would result in any adverse impacts on the amenity of the adjoining property in these regards.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed and prior approval should be granted.

Hannah Guest

INSPECTOR