



Appeal Decision

Site visit made on 2 January 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/U3935/D/24/3351685

Newhaven, Church Walk, Bishopstone, Swindon, SN6 8PZ.

- 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 I Thompson against the decision of Swindon Borough Council.
 - The application Ref is S/HOU/23/1274/JP.
 - The development proposed is erection of a single-storey rear extension with balcony above, a rear roof extension and a side roof dormer window.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description above is taken from the refusal notice as mostly aptly indicating the nature of the proposed development.
3. The proposed scheme was much amended during extended correspondence between the Appellant and Council officers prior to its formal determination by the Council. The application was refused on the basis of Site Location and Block Plans, dated 23rd November 2023, and Drawing No 23/2031/01 Revision E, dated 13th February 2024, showing the existing and proposed plans of Newhaven. This appeal is considered strictly on the basis of those detailed plans, as refused by the Council.

Main Issue

4. The main issue is the effect the proposed extensions and other built additions would have on the character and appearance of Newhaven itself, the surrounding Bishopstone Conservation Area (CA), and the setting of the Grade I Listed St Mary's Church.

Reasons

Newhaven – the host dwelling

5. Newhaven is an extended 1950s chalet bungalow with substantial loft accommodation under its hipped roof. It is therefore of relatively modern construction, featuring French doors, opening and facing north west into its garden beside Church Walk. I do not agree with the Council that the chalet bungalow in its present form is of low scale or of uncomplicated appearance.

6. However, the proposed extensions and balcony would add much bulk to the north west side of the house, especially to the hipped roof, and introduce larger areas of glazing, including to the parapet of the first-floor balcony. There would also be a substantial new dormer on the side of the roof facing the garden on the north east side of the dwelling.
7. The main, two-storey, north western extensions and glazed balcony would render this part of the property much more starkly modern in style, whilst the side dormer would further complicate the roof profile.
8. However, I do not think the alterations would affect the existing building to a degree that would warrant objection on grounds of harm to the appearance or character of Newhaven itself, compared with its already relatively complex form and scale.
9. That is not necessarily to say that this further modernisation of Newhaven would not harm the surrounding CA or the setting of St Mary's Church. The effects of the development on these designated heritage assets fall to be separately assessed.

Bishopstone Conservation Area

10. Newhaven was originally approved within the Bishopstone CA after its initial designation. The property has thus been a feature of the CA for some 70 years.
11. The CA Appraisal recognises an important view eastwards across the appeal site from Church Walk. This view has long been partly obscured by the evergreen hedge at the appeal site boundary with Church Walk. In the same way, the proposed extensions would be partly screened in this view and would potentially remain so. However, I consider that the overtly modern appearance of the enlarged and highly glazed north west elevation of Newhaven, once extended, would be significantly noticeable to people enjoying the local views, especially when using Church Walk.
12. I recognise that the appeal site is not within any of the three Areas of Distinct Identity within the village detailed in the CA Appraisal. However, the applicable legal test, supported by national and local planning policy, is that the development should preserve or enhance the character or appearance of the CA as a whole.
13. From consideration of the CA Appraisal and from inspection, the most valued features of the Bishopstone CA are its location and layout with its narrow lanes and many traditional buildings. Its architecture is widely varied and includes modern buildings other than Newhaven. At the same time, the CA Appraisal states that some modern housing in the centre of the village is out of character and has harmed the setting of the village, including by the use of inconsistent, unfamiliar materials.
14. In much the same way, despite the appeal site not being central to the village, I consider that the unfamiliar modern north west elevation of the proposed extensions to Newhaven would have an adverse visual impact on the views available to people using Church walk, and that this would be harmful to the character and appearance of this part of the CA.

Grade I Listed St Mary's Church

15. Moreover, although the setting of St Mary's Church is defined largely by its enclosed grounds, and Newhaven is some 80m away to the south east, the

extensions to Newhaven would be partly visible in views from the churchyard and more so to visitors and worshippers walking to and from the Church. This would give rise to a degree of adverse impact on the setting of the Listed Church. That is despite the effect of the degree of screening provided by the boundary hedge which, in any event, cannot be regarded as a permanent visual barrier.

Other Matters

16. I am alert to the strong opposition to this proposal by the Parish and Church Councils, noted at the beginning of the Officer Assessment. On the other hand, I note and agree with the Council that there are no other objections, such as with respect to residential amenity.
17. On my fresh and independent assessment of every matter raised both for and against this appeal, I find nothing further to affect my decision, which is derived from my consideration of the main issue of character and appearance.

Conclusions and Planning Balance

18. I conclude, first, that the proposed extensions, balcony and dormer would comply with the design requirements of Policy DE1 of the Swindon Borough Local Plan (SBLP) to the extent of responding to the character of the host dwelling, but not in terms of respecting the surrounding area in the context of the Bishopstone Conservation Area.
19. I further conclude that, in terms of national policy, the development would result in a moderate degree of less than substantial harm to both the setting of the Grade I Listed St Mary's Church and the Bishopstone Conservation Area, as a whole. This would result in conflict with Policy EN10 of the SBLP, which seeks to conserve, and where appropriate enhance, the character and appearance of such designated heritage assets.
20. Furthermore, national policy gives great weight to conserving heritage assets and provides that this less than substantial harm should be weighed against the public benefits of the proposal.
21. There would be some benefit in the modernisation of the appeal property to the Appellant family and the local housing stock, and also from the natural surveillance of Church Walk from the balcony in the interests of public security and crime prevention. However, these factors do not amount, in my judgement, to public or planning benefits sufficient to outweigh even the moderate less than substantial harm I have identified to the two designated heritage assets affected.
22. On balance therefore, it is my final conclusion that this appeal should be dismissed.

B J Sims

INSPECTOR