



Appeal Decision

Site visit made on 20 May 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025.

Appeal Ref: APP/U3935/D/25/3359682

8 Liddington Street, Swindon, Wiltshire SN2 1SF

- 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 J Singh against the decision of Swindon Borough Council.
 - The application Ref is S/HOU/24/1138/JP.
 - The development proposed is an annex to rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version.

Main Issues

3. The main issues of the appeal are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to outlook.

Reasons

Character and appearance

4. Liddington Street has a residential character with properties typically featuring large, spacious rear gardens which contribute positively to the local streetscape.
5. Whilst it is not uncommon locally, or in residential areas elsewhere to see single storey outbuildings or annexes within back gardens, such structures tend to be subservient in scale to their host dwelling.
6. Although, the annex would be positioned to the rear of the property, offset from its boundary and would be low in height, and a condition could be imposed to alter the building's double door width to a single door width, it would have a similar sized footprint as the host dwelling. As such the scale of the development would

overwhelm the host property and would disrupt the prevailing spacious pattern of development.

7. In view of the above, I conclude that the proposal would have a harmful impact on the character and appearance of the area and would conflict with Policy DE1 of the Swindon Borough Local Plan 2026, Swindon: Planning for our future (SBLP) which seeks high quality design that respects its setting and would also conflict with the Framework which seeks to ensure that development is sympathetic to local character.

Living conditions of neighbouring occupiers

8. Although there was no objection from neighbours, this does not indicate that the proposal should be considered acceptable in terms of its impact on their living conditions.
9. During my site visit I noticed that properties on Bedwyn Close were on higher ground than the appeal site. This, along with the orientation of its dwellings and their outbuildings and the appeal site's rear boundary wall, would ensure that the single storey annex would not harm the outlook of existing occupiers of properties located in Bedwyn Close, contrary to the view of the Council.
10. However, the size and scale of the annex would mean that it would dominate the garden of the host property and in turn the adjoining rear gardens of the properties on Liddington Street. Whilst the impact on no 10 Liddington Street would be similar in nature to that of its own outbuilding on no 8, the affect would nevertheless be more acute due to its greater size.
11. Consequently, I conclude that the proposed annex would harm the living conditions of the occupiers of the neighbouring dwellings on Liddington Street, with particular regard to outlook, contrary to policy DE1 of the SBLP insofar as it seeks to protect the outlook of neighbouring occupiers.

Other Matters

12. The appellant explains that the proposal would accommodate an elderly relative who can no longer get upstairs, as well as an associated carer. Accordingly, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age.
13. I have taken the benefits of the proximity of family to the elderly individual's wellbeing into account, as required by the PSED. Notwithstanding this important consideration, it does not follow from the PSED that the appeal should succeed, particularly as it has not been robustly evidenced that the accommodation and facilities could not be provided within a less harmful scheme. Therefore, set against the well-established and legitimate aim of the protection of living conditions and the resultant development plan conflict I conclude that it is proportionate and necessary to dismiss the appeal.
14. I have considered the appellant's argument that a Lawful Development Certificate for the proposed construction of an outbuilding to be used as an annex confirmed

that an outbuilding of the same size could be erected under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). However, it is not for me, under a section 78 appeal, to determine whether or not a use is lawful. Furthermore, the evidence indicates that the Lawful Development Certificate was refused. Therefore, I cannot be certain that there is a realistic prospect of such a fallback, and that it would result in the same or greater harm than I have identified with the scheme before me. Consequently, the potential fallback position attracts negligible weight. Consideration of this is therefore not sufficient to outweigh the conflict with the development plan and the Framework that would be necessary to justify the development.

15. Whilst the Council does not raise any objections to the proposal in terms of highway matters, compliance with the development plan in these respects is a neutral factor.

Conclusion

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

SE Hughes

INSPECTOR