
Appeal Decision

Site visit made on 24 June 2025

by M Wiltshire CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/U3935/W/25/3364110

260 Ferndale Road, Swindon SN2 1HB

- 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 John Dagnell and Hayward Pensions against the decision of Swindon Borough Council.
 - The application Ref is S/24/1423/JP.
 - The development proposed is the change of use of workshop/stores building to 1 bed dwellinghouse, including window/door alterations and car parking space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on:
 - the character of the area;
 - the living conditions of the occupiers of 1, 3 & 5 Hunters Grove with regards to overlooking; and
 - the living conditions of the future occupiers of the proposed dwelling with regards to residential amenity.

Reasons

Character

3. The appeal site consists of an existing two storey, detached building, which has been used as a workshop, at the rear of 260 Ferndale Road, Swindon. Access to the site is via access-ways from Ferndale Road and Hunters Grove. The street scene in this urban residential area is characterised by closely spaced terraced properties with relatively small rear gardens or yards. Indeed, even though the yards are small, the modest degree of openness they provide creates a reprieve from the otherwise denser urban form and contributes to the uniformity of housing development.
4. The proposed development would utilise an existing workshop and convert it into a 1 bedroomed dwelling, resulting in a new residence being located behind the established building lines of the existing houses in this area. This would introduce a new main residential use with associated comings and goings and domestic paraphernalia in a location characterised by subservient buildings and ancillary domestic uses. This would be out of keeping with the surrounding fairly uniform

housing development characterised by terraced properties with small rear yards, resulting in a modest degree of harm.

5. For these reasons, therefore, the proposed development would be harmful to the character of the area. Consequently, it would conflict with Policy DE1 of the Swindon Borough Local Plan 2026, adopted 26 March 2015 (the LP), which seeks to ensure high standards of placemaking in respect of the existing built characteristics and acknowledged features of importance.

Living conditions of neighbours with regard to overlooking

6. The proposed dwelling would be positioned close to the rear gardens of 1, 3 & 5 Hunters Grove.
7. The neighbouring properties are characterised by closely spaced terraced properties with relatively small rear gardens or yards. Indeed, this uniformity of property layout combined with a sense of closeness contributes to the feel of providing limited private outdoor space for residents of this urban area.
8. The proposed dwelling would be a change of use of an existing workshop into a residential dwelling. Whilst the first floor window for the proposed bedroom currently exists, the use of the building would likely result in a greater use of this room. In addition to this, its close proximity to neighbouring rear gardens would result in overlooking that would compromise the existing amenity currently enjoyed by occupiers of these dwellings, thus harmfully eroding the limited privacy.
9. Therefore, the development would result in a significant degree of harm to the living conditions of the occupiers of 1, 3 & 5 Hunters Grove with regard to overlooking. It would fail to comply with Policy DE1 of the LP which, amongst other matters, seeks to ensure development is appropriate in terms of privacy.

Living conditions of future occupants with regard to residential amenity

10. The proposed dwelling would have very limited private outdoor amenity space, poor outlook onto the rear access-way and limited fenestration, and potential noise and smell from the adjoining retained workshop/store. This would result in a low quality living environment which would adversely affect the residential amenity of the proposed dwelling's future occupiers.
11. Therefore, the development would result in a significant degree of harm to the living conditions of future occupiers with regards to residential amenity. It would fail to comply with Policy DE1 of the LP which, amongst other matters, seeks to ensure development is appropriate in terms of light, outlook, noise, disturbance, smell, pollution and space.

Conclusion

12. The evidence indicates that the Council's current housing land supply falls below the housing requirement for the five-year period by a modest degree. Paragraph 11 d) of the National Planning Policy Framework (the Framework) explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

13. I note the appellant has suggested economic, social, and environmental benefits in terms of converting an existing workshop/stores into a new residential unit. The benefits of the provision of a single dwelling to the supply of housing, even taking account of the location where the need to travel would be minimised, would be very modest, as would any economic, social, and environmental benefits.
14. When considered in the round, the adverse impacts of the development in terms of the modest effects on the character of the area and substantive effects on the living conditions of the neighbouring residents and future occupiers would significantly and demonstrably outweigh the benefits of the development. The development would not accord with the policies in the Framework taken as a whole.
15. For the reasons given above the appeal should be dismissed.

M Wiltshire

INSPECTOR