



Appeal Decisions

Site visit made on 2 April 2025

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal A Ref: APP/U3935/W/24/3349161

Badbury Wick Cottage, 45 Day House Lane, Badbury Wick, Swindon, SN4 0ER

- 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 Jack Nethercott (Julius Bahn) against the decision of Swindon Borough Council.
 - The application Ref is S/HOU/24/0263/JAAB .
 - The development proposed is the erection of garden room style extension to the side.
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Appeal B Ref: APP/U3935/Y/24/3349165

Badbury Wick Cottage, 45 Day House Lane, Badbury Wick, Swindon, SN4 0ER

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Jack Nethercott (Julius Bahn) against the decision of Swindon Borough Council.
 - The application Ref is S/LBC/24/0264/JAAB.
 - The works proposed are the erection of garden room style extension to the side.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Preliminary Matters

3. The appeals concern works and development at the Grade II listed building, 45 Day House Lane¹.
4. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard is given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the National Planning Policy Framework (the Framework) that relate to the significance of designated heritage assets and their settings and the Planning Practice Guidance on the Historic environment.

Main Issue

5. The main issue in both appeals is whether the proposed works and development would preserve the Grade II, 45 Day House Lane listed building or its setting or any features of special architectural or historic interest that it possesses.

¹ List entry 1023316

Reasons

6. The appeal site is located on the edge of Swindon. There is an open grass field immediately adjacent to its west side but there is extensive twentieth century housing beyond and to the rear. The list description dates the Cottage from the nineteenth century.
7. The special interest and significance of the building is partly derived from its thatched roof, with small ridgeline chimneys at both ends. In addition, the front elevation is simple so that the eye is drawn to a centrally placed stone roofed porch and its modest cottage style fenestration within white painted walls. From the sides the thatched roof is seen ebbing over the narrow gables. The garden and driveway form the setting of the listed building, and the former contributes to its significance by allowing an open aspect and complementing the rustic architecture.
8. The proposed extension would be to the west side of the frontage, marginally recessed back from the front wall. It would be modest sized, single storey with a steeply pitched roof. In these respects, the proposal would not harm the listed building.
9. The extension would have extensive glazing to its front elevation. Due to its size, this would divert attention away from the thatched roof and the existing fenestration, thereby detracting from the simplicity and presence of the original structure. This would be particularly apparent from the front garden. The harmony and balance of the Cottage would be lost.
10. The side elevation would also have extensive glazing within the gable end of the roof. This would also unduly attract attention due to its height and position, undermining the experience of the thatched gable end.
11. The rear wall would have two windows which would be tall and narrow leading to a pronouncedly vertical orientation. These would appear overly assertive and at odds with the more balanced proportions of the existing fenestration, thereby harming the listed building.
12. The proposed extension also includes two rooflights on the rear roof slope. These would be modestly sized, square shaped and divided by a central glazing bar. If set within the roof plane, they would not be harmful.
13. I acknowledge the Appellant's suggestion that the extension would be a clear break from the historic structure, however they would nonetheless be experienced together, and the extent of the glazing would be overly dominating.
14. I therefore find that the proposal would lead to less than substantial harm to the listed building and a high point within that spectrum.
15. Policy DE1 of the Swindon Borough Local Plan 2026 requires designs respect existing characteristics and features of importance as well as provide amenity. Policy EN10 requires proposals conserve and where appropriate enhance the significance of heritage assets. It continues that alterations will not be permitted which adversely impact on the elements which contribute to their special architectural or historic significance, and proposals are required to be weighed against the public benefits of the proposal. Accordingly, I find that the proposal would be contrary to both policies.

Heritage and Planning Balances

16. Whilst the harm arising would be less than substantial; however, Paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, Paragraph 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
17. Paragraph 215 directs that the harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use.
18. The extension would provide additional space for the occupants contributing to their everyday living conditions and improving the housing stock. In addition, the proposed glazing would also provide good daylighting thereby contributing to saving energy as well as promoting wellbeing.
19. However, taking the public benefits together as a whole, I conclude that they would not be of sufficient weight to outweigh the high level of harm within the less than substantial spectrum identified to the significance and special interest of the designated heritage asset.
20. I consider that the proposed works and development would fail to preserve the special architectural or historic interest of the Grade II listed building. Consequently, the proposal would be contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
21. As the proposal would be harmful to the listed building it would be contrary to Policies DE1 and EN10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. In respect of Appeal A, the proposal would be contrary to the Development Plan when taken as a whole and material considerations do not indicate the proposals should be approved.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

John Longmuir

INSPECTOR