



Appeal Decision

Site visit made on 2 September 2025

by **Mark Harrison BA(Hons) DipTP LLM MLoL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/U3935/W/25/3361569

58 Western Street, Old Town, Swindon SN1 3JR

- 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 M Rajah against the decision of Swindon Borough Council.
 - The application Ref is S/24/0596/JP.
 - The development proposed is basement conversion into separate dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to my site visit the appellant confirmed that there is no access into the basement of the appeal property. I am satisfied that from my site visit I have seen everything I require to determine this appeal without entering the property.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of future occupants.

Reasons

Character and appearance

4. The appeal property is a two-storey end-terrace property, occupying a prominent corner plot at the junction of Western Street and Swindon Road. The area around the appeal property largely comprises two-storey terraced properties, with staggered rooflines due to the relatively steep topography of the area.
5. The proposed development would convert the property's basement level into a self-contained flat. The proposed basement flat would be accessed from its front on Western Street by an external staircase within an excavated part of the pavement immediately adjacent to the property.
6. Given the corner location of the appeal property and the sloping topography of Western Street, the excavated area containing the external staircase would introduce a prominent new feature into the streetscape. The excavated area of pavement would be particularly visually intrusive when viewed from the junction of Western Street with Swindon Road, Rolleston Street and Prospect Hill. Notwithstanding steps made to take design details from the neighbouring property

and sympathetic choice of materials, the excavated area and external staircase would be uncharacteristic of properties in the area. The proposed development would introduce an alien feature into the streetscape of Western Street and therefore cause significant harm to the character and appearance of the area, contrary to Policy DE1 of the Swindon Borough Local Plan 2026, adopted 2015 (SBLP) and the Swindon Residential Design Guide Supplementary Planning Document (2016) which require, amongst other things, high standards of design that respond positively to the context and character of a place.

Living conditions

7. The appeal property comprises a ground floor flat and a first floor flat, served by a small rear hard-surfaced courtyard which is accessed via Swindon Road. The proposal would develop the basement of the property into an additional self-contained flat. In addition to the excavation within the pavement of Western Street at the front, part of the rear courtyard would be excavated to create a small rear external amenity space for the flat. Given the small size of the sunken amenity space and it being directly overlooked by the lounge window of the existing ground floor flat, it would be unlikely to be much used by future occupants.
8. The subterranean flat's two bedrooms would receive limited natural light from the two windows that look out onto the excavated area and staircase at the front of the property. A window from the kitchen and patio doors from the lounge look out onto the small sunken external amenity space to the rear. Given the narrowness of the rear courtyard area and the height of the boundary wall and fence with the neighbouring property, I have not been presented with any evidence that habitable rooms to the rear of the property would receive sufficient light. Occupiers of the flat would therefore find it gloomy and have a restricted and oppressive outlook.
9. Policy TR2 of the SBLP requires, amongst other things, that secure cycle parking is provided in accordance with the Council's adopted parking standards. It is unclear from the submitted plans where secure parking for a bicycle would be provided as part of the proposed development. The appellant's Grounds of Appeal indicates that cycle parking, as well as refuse bin storage for the proposal would be achieved in the rear courtyard area. However, this space is limited and would be further reduced by the proposed sunken amenity area. One of the existing flats is accessed from the rear courtyard, and the Grounds of Appeal refers to car and cycle parking and refuse bin storage already in that area for the two existing flats. This would result in over-intensive use of the small rear courtyard area.
10. The appellant confirms in their Grounds of Appeal that they are seeking permission for a 2-bed, 3-person residential unit and the proposed internal floorspace would meet the nationally described space standard for such a dwelling. Whilst in this respect the living environment would be adequate, it does not mitigate or minimise the other harm that I have found in respect of living conditions.
11. For the above reasons, the proposed development would receive insufficient natural light, have an oppressive outlook, and inadequate cycle parking and refuse bin storage arrangements. This would cause significant harm to the living conditions of future occupiers, contrary to Policy DE1 of the SBLP which requires, amongst other things, high standards of design and amenity in respect of light, outlook and space.

Planning Balance

12. Set against the harm identified, the proposal would deliver a net gain of one new dwelling within the urban area of Swindon, close to services and facilities and the local bus network. This would support the Government's aim of significantly boosting the supply of homes and contribute towards addressing the current shortfall in the Borough's housing land supply. However, the addition of one dwelling would be limited in this context, and I attach minor weight to this benefit. The proposal would also generate limited economic activity during its construction, to which I also attach minor weight.
13. The appeal proposal would cause harm to the character and appearance of the area by virtue of its negative impact on the streetscape of Western Street. It would also provide unacceptable living conditions for future occupiers of the proposed basement flat. I have judged the magnitude of these harms as significant.
14. In its Statement of Case, the Council acknowledges that it is currently unable to demonstrate a 5-year housing land supply. Accordingly, paragraph 11 (d) of the National Planning Policy Framework (the Framework) is engaged, and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The benefits associated with the provision of one additional dwelling would be relatively minor, even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and helps make development acceptable to communities. It also affords significant weight to development which reflects local design policies.
16. Therefore, the adverse impacts of the proposal on the streetscape of Western Street, together with the harm to the living conditions of future occupiers significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

17. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

Mark Harrison

INSPECTOR