



Appeal Decision

Site visit made on 17 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal Ref: APP/U3935/D/25/3369681

18 Kelly Gardens, Abbey Meads, Swindon, SN25 4YH.

- 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 Kevin Emery against the decision of Swindon Borough Council.
 - The application Ref is S/HOU/25/0636/JP
 - The development proposed is the erection of a rear dormer window.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effects the proposed development would have on the character and appearance of the existing house and the wider area, and on the privacy of neighbouring properties.

Reasons

Character and Appearance

3. Policies DE1 and SD1 of the adopted Swindon Borough Local Plan 2026 (SBLP) seek high quality design in new development and, in support of this, adopted design guidance advises that roof dormers should be set in from the sides of the roof, above the eaves and below the ridge.
4. The extension proposed in this case would extend over the whole width and most of the depth of the rear roof slope. Its fenestration and Juliet balconies would be misaligned with respect to the existing first-floor windows.
5. The effect would be to make the house appear unduly top-heavy in rear views, in which no other such roof additions are visible at any neighbouring property.
6. I recognise that the dormer would not be seen from the street, but it would be clearly visible from neighbouring properties. I also note the statement by the Appellant that a dormer amounting in size to some 90% of that now proposed might be constructed as permitted development.
7. However, I find that, properly judged on its own individual merits, due to its excessive width and bulk, the rear dormer window proposed in this case would have a significantly detrimental impact on the character and appearance of the host dwelling and on the wider rear views of the appeal property. Accordingly, I consider

the appeal proposals to be in unacceptable conflict with the relevant policies of the SBLP, which are summarised above and are essentially consistent with national planning policy.

8. I note the several examples, cited in precedent by the Appellant, of substantial roof dormers constructed elsewhere, but each of these is clearly set in from the sides and depth of the roof and so none are directly comparable with this proposal.

Privacy

9. Judging from the view I obtained from the present first floor windows of No 18, the proposed second floor windows and Juliet balconies would, to some degree, increase the potential for overlooking towards the adjacent rear gardens of Nos 16 and 20 Kelly Gardens.
10. However, a level of overlooking is to be expected in this urban location and I do not consider that the degree to which the privacy of the neighbouring back gardens of Nos 16 or 20 Kelly Gardens would be reduced amounts to a further reason for objection in this case.
11. That is especially given the possibility of a smaller dormer being erected as permitted development. Nor do I think privacy at the rear of properties immediately east in Darius Way would be unduly affected, given the greater intervening distance and boundary vegetation.

Other Matters

12. I consider there to be adequate frontage car parking space at the appeal property for the five-bedroom dwelling that would result from the development.
13. I take account of every other relevant matter raised in the evidence, including concerns over drainage, as well as the personal need of the Appellant for larger living accommodation without the necessity of moving house.
14. However, neither these nor any other factor for or against the appeal are of such significance as to affect my decision.

Conclusion

15. For the overriding reason of harm to the character and appearance of the existing dwelling and the wider area, I conclude that this appeal should be dismissed.

B J Sims

INSPECTOR