



## COMMITTEE REPORT

**Item Number:**  
**Application Number:** S/19/0742/SASM

**Ward:** St Andrews  
**Parish:**  
St Andrews

**Proposal:** Erection of 1no. dwelling and associated works.

**Site Location:** Land Adjoining, 22 Dunley Close, Swindon

**Case Officer:** Sarah Smith

**Agent:**  
Mr Rod Navarrete  
Home Plan Design Services  
27B High Street  
Highworth  
Swindon  
SN6 7AG

**Applicant**  
Mr S Melville  
22 Dunley Close  
Swindon  
SN25 2BL

### Officers Report

1.1 Background: A planning application for a similar proposal was refused under delegated powers in May this year (S/19/0149) for the following reason:-

*The proposed development, by virtue of its scale, siting and position of windows would result in an intensive, and dominant development form, causing harm to the amenity of the neighbouring property (No. 32 Dunley Close) in terms of its visual dominance, inadequate separation distance and loss of privacy contrary to Policy DE1 of the adopted Swindon Borough Local Plan 2026, the adopted Swindon Residential Design Guide (2016) and the NPPF (2019).*

1.2 The scheme has been modified and the current application has been submitted to try to overcome this reason for refusal.

1.3 The application is brought to Planning Committee at the request of Councillor Tomlinson on the grounds of the impact on the amenity of neighbouring residents and impact on the street scene.

Summary of Recommendation:

2. That planning permission be GRANTED with Conditions

The Proposal

3. This application relates to the erection of a two storey detached dwelling in land to the side of 22 Dunley Close, Swindon.

4. The two house will be set down from the ridge height of the three storey dwelling at no.22 (the applicant's dwelling) by some 0.8 metre. The boundary of the existing house will be subdivided by means of a 1.8-metre close boarded fence as outlined on the Site Plan (S/19/1291/02 rev A). Two separate rear gardens will be provided along with two parking spaces per dwelling (one within the existing garage of no.22). Adequate manoeuvring space is provided.

5. The house will be 6 metres wide and have an overall depth at ground floor level, of 8 metres. It will be orientated so that its front façade is set back by 0.5 metre from that of No. 22.

### The Site and Surroundings

6. Dunley Close comprises of a mixture of house styles built at a relatively high density. The proposal site forms part of the curtilage of 22 Dunley Close, a semi-detached house. The site is accessed from Dunley Close to the rear by an existing vehicle access and bordered by a wall. The front of the property faces a path and landscaped area

### Representations

7. St Andrews Parish Council: Original plans: Plot size too small for proposed development, lack of garden space and existing parking issues will be exacerbated by the development of additional housing. Revised plans: no representations received.

### Neighbours

8. Original Plans: Representations have been received from the occupants of 20, 24, 26, 28, 30 and 32 Dunley Close. Their concerns relate to the following points:

- o Adequacy of parking and impact on access
- o Disruption during construction
- o Overlooking/ loss of privacy
- o Overshadowing of garden
- o Impact on tree
- o Inadequate separation distance
- o Noise and disturbance
- o Overdevelopment and impact on local amenity
- o Impact on property prices

Revised plans: - Representations received from 20,24,28,30 and 30 Dunley Close on the following grounds:- original comments still stand, not acceptable to build a house 20 cm away from neighbour's fence.

### Planning Considerations

9. Enshrined in planning law, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that in the determination of planning applications, regard must be had to the Development Plan unless material considerations indicate otherwise.

### National Planning Policy Framework

10. In considering this application, regard has been had to the National Planning Policy Framework (NPPF) which was published in Feb 2019. This sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 2 states that the Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. However, paragraph 12 confirms the primacy of an up to date Local Plan as the starting point for decision-making.

## Swindon Borough Local Plan 2026

11. The Swindon Borough Local Plan 2026 (SBLP) forms a statutory part of the Development Plan for the Borough of Swindon. It was adopted in March 2015 and the majority of policies therein are considered to be up-to-date and continue to carry significant weight in decision making.

12. The relevant Local Plan policies that have been taken into consideration in reaching the above recommendation are as follows:

- \* SD1 - Sustainable Development Principles
- \* SD2 - The Sustainable Development Strategy
- \* DE1 - High Quality Design
- \* HA1 - Mix, Types and Density
- \* TR2 - Transport and Development

## Supplementary Guidance

13 As a material planning consideration, regard is also had to the Council's Technical Guidance on Parking Standards Development Control Guidance Note which was adopted in 2009. In addition, regard is also had to the Swindon Residential Design Guide, which was adopted as a full Supplementary Planning Document in June 2016.

14. Paragraph 58 of the NPPF states that planning policies and decisions should aim to ensure that development will respond to the local character, are visually attractive as a result of good architecture, function well and establish a strong sense of place.

15. Policy DE1 (High Quality Design) of the SBLP provides a number of design principles that proposals will be assessed against, including context and character, layout, form and function.

16. The Swindon Residential Design Guide states context and character are key considerations and that development in existing areas must respond to and respect inherent scale, density and massing, height, landscape, layout, materials and access.

## Principle

17. Policy SD1 states that to enable the delivery of sustainable development and support sustainable communities within the Borough, all development proposals will inter alia be of a high quality of design.

18. The proposal site is located within the Swindon Urban Area, satisfying Policy SD2, in respect of concentrating development within Swindon's urban area. The proposal site is located in an existing residential area within walking distance of shops and services and has access to public transport. It is therefore considered that the site is sustainable in terms of its location.

19. Although it could be suggested that the principle of development could be supported based on the above policies, paragraph 53 of the National Planning Policy Framework does seek to resist inappropriate development in residential gardens where these could cause harm to the local area. The development would be located to the side of the host dwelling and within a densely built up area. The issue to consider therefore is whether the proposal will conflict with paragraph 53, the more detailed adopted Local Plan policy DE1 and the Swindon Residential Design Guide SPD (2016).

## Design

20. Policy DE1 requires a high quality of design in all development. In ensuring this proposals must be assessed inter alia in terms of the context and character of the proposal in respect of existing built characteristics, the appropriateness of the layout, form and function of the development in respect of, amongst other criteria; the siting, orientation, scale, massing, materials and detail, together with regard to the impact of the development on amenity in terms of light, privacy, outlook, noise, disturbance, small, pollution and space.

21. The Swindon Residential Design Guide SPD sets out the design and land assembly criteria in determining if such development would be appropriate. Infill development is defined as development in a small gap in an otherwise built up frontage. Although the proposed dwelling will be added to the end of an existing frontage, it is considered that the guidelines set out in the document are pertinent to this proposal in that the development will still be an infill within the context of an established high density residential area.

22. Infill developments are required to be in harmony with its surroundings and not harm the living conditions of neighbours. Infill should also appear to look generally in character with the existing built environment as if to appear to naturally belong to the surrounding area and seek to make a positive contribution in terms of design and materials. Relevant to this proposal, paragraph 2.17 of the SPD states that 'infill development should enhance its surroundings by positively responding to the scale, density, massing, landscape and access of its neighbouring properties.' This is important to reinforce local context and ensure that the character of the street is not adversely affected. A most satisfactory form of development will look as though it has been planned as part of the original design of the area.

23. The proposed building has been designed to be similar in form and appearance to the neighbouring property (No. 22) but at a smaller scale. The proposed height of the dwelling has been lowered with this revised application and set back from the frontage. The applicant was advised to join the dwelling to the existing dwelling to fit better into the street scene but has decided not to do this. Therefore although finely balanced in this respect it is considered that the proposed dwelling is acceptable in design terms.

## Amenity

24. The Swindon Residential Design Guide considers gardens as an essential part of the amenities of residents, also recognising garden size is important to the character of an area. It notes that new dwellings suitable for families should provide a sunlit area of private garden, of a size and shape capable to support household recreational use. It stipulates that main private gardens should be larger than the footprint of the host dwelling. The residential alterations and extensions SPD states that for 4+ bed dwellings the external space of a private garden should be greater than 50m<sup>2</sup>. The present scheme, not including the parking spaces manoeuvring areas or the garage space the dwellings have gardens of some 54 and 57 sq m respectively which meets the minimum space requirement.

25. Paragraph 2.20 of the Residential Alterations and Extensions SPD and 6.12 of the Swindon Residential Design Guide (2016) both outline a separation distance of a minimum of 12 metres from the rear to side of a dwelling. Due to the angled side boundary the proposed distance is between 12 and 13 metres from the main two storey façade of no. 32 Dunley Close which is considered satisfactory. The closer proximity of the built form to No. 32 will have some limited effect to the rear garden of no. 32 from the westerly direction although this garden does receive sunlight from the south for the greater part of the day. No.22 already blocks sunlight in the late evening and the proposed dwelling being smaller and to the west of No.22 will not result in a

material loss of sunlight. It is not considered that a small and obscurely glazed window to light an en-suite shower room on the side elevation will cause an adverse impact on privacy levels for surrounding properties. This can be controlled by condition. However the diagonal rear to rear separation distances are reduced through this proposal to a minimum of 15 metres but would be similar to those in the vicinity. It is not considered that there would be an adverse impact to refuse planning permission on these grounds.

### Parking

26. The applicant has demonstrated that the two off street parking spaces and secure cycle storage, both required to satisfy the Council's Parking Standards at a rate of two per dwelling can be accommodated within the site.

27. Many of the neighbours' representations related to the impact a further dwelling would have to on street parking, as a result of the removal of part of a boundary wall to widen the access. There is no guaranteed on street parking spaces for residents so it cannot be a material consideration especially as both dwellings are able to display the sufficient amount of off road parking provision which complies with policy TR2.

### Other matters

28. The character of the area in which the property is situated is of high density plots tightly packed together which are outward facing with rear parking courtyards and access. This scheme retains that character and whilst it is acknowledged that the scheme itself is 'tight', it nevertheless reflects and retains the character of the built form and represents an acceptable design. It makes adequate provision for parking and garden space and does not obstruct sunlight or daylight to an unacceptable degree and does not result in loss of privacy or outlook.

29. The scale of the new dwelling has been reduced from that previously proposed such that officers are now of the opinion that the previous reasons for refusal have been overcome and the scheme can be supported.

### Third party comments

30. A number of representations have been submitted and are partly considered within the above report. We cannot consider the impact on property prices or the impact of a proposal during construction (although Conditions can be attached with this latter issue). The parking standards are complied with through the proposal despite the fact that it has been pointed out that the applicant's needs in this respect appear to be above this level. This can change over time for which adopted Guidance cannot allow for.

### Community Infrastructure Levy

31. This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development.

### Concluding Comments

32. It is considered that the proposal would comply with the relevant Policies of the Swindon Borough Local Plan 2026 (2015) and the NPPF

### Recommendation

33 That planning permission be **GRANTED** with Conditions

## Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. This approval shall be in respect of Location Plan at scale 1:1250 and Drawing Number 19/1291/01 (Existing) at scale 1:100 received by the Local Planning Authority 14th May 2019, Drawing Number 19/1291/03 rev A ( Proposed) at scale 1:100 received by the Local Planning Authority 24th July 2019 and Drawing Number 19/1291/02 rev A ( Site Pan) at scale 1:100 received by the Local Planning Authority 19th September 2019.

Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

3. The building hereby permitted shall not be occupied until the vehicular parking and turning facilities including garages where provided, have been provided in accordance with the submitted plan 19/1291/02 rev A, and those facilities shall be maintained available for those purposes thereafter.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall:

- i. specify the type and number of vehicles;
- ii. specify the point of construction access and access route to the site;
- iii. set out details of the parking of vehicles of site operatives and visitors;
- iv. set out arrangements for the loading and unloading of plant and materials;
- v. set out arrangements for the storage of plant and materials used in constructing the development;
- vi. set out arrangements for wheel washing facilities;
- vii. specify the intended hours of construction operations;

Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development.

5. The development hereby permitted shall be constructed using external facing materials that match and correspond with those of the existing dwelling unless otherwise agreed in writing by the Local Planning Authority. Such facing materials shall be retained thereafter in their approved form.

Reason: To ensure that the appearance of the development is satisfactory.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no windows other than those hereby approved shall be formed in the east facing elevation wall of the new dwelling.

Reason: In the interests of residential amenity.

### Informatives

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk). To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. The weather will have an impact on construction sites which in turn will require roads to be swept in addition to using wheel wash facilities. Swindon Borough Council are on winter service alert for gritting roads around the Borough from mid-October to mid-April each year, the treated roads are shown on the attached plan. The de-icing material used for road treatment by this council is Thorox, this material is rock salt treated with an agricultural by-product similar to molasses and has the advantage of being active on the carriageway for up to three days providing there is no substantial precipitation or sweeping. It is imperative that any salt removed from the treated network by sweepers clearing mud and debris is replaced straight away at a spread rate of 15g/m2. Where a sweeper is used on the roads around your site, you have a responsibility to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents will be in the property of the developer. In the first instance, please contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.

[https://www.swindon.gov.uk/info/20040/road\\_safety\\_maintenance\\_and\\_repairs/737/find\\_out\\_about\\_road\\_gritting](https://www.swindon.gov.uk/info/20040/road_safety_maintenance_and_repairs/737/find_out_about_road_gritting)

3. In addition to this consent, under the Town Improvement Clauses Act 1847 the applicant is required to contact SBC's Street Naming & Numbering Officer as soon as possible with regard to registering new or changes to the official address of any properties within this development.

[http://www.swindon.gov.uk/info/20031/roads\\_parking\\_and\\_transport/321/apply\\_for\\_street\\_name\\_or\\_number](http://www.swindon.gov.uk/info/20031/roads_parking_and_transport/321/apply_for_street_name_or_number)

End of Report