

## COMMITTEE REPORT

**Item Number:**

**Application Number:** S/HOU/18/1670

**Ward:** Blunsdon And Highworth

**Parish:** Highworth

**Proposal:** Erection of a single storey rear and two storey side extension (retrospective)

**Location:** 5 Bydemill Gardens, Highworth, Swindon

**Agent:**

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

**Applicant:**

Mr N D'Angeli  
5 Bydemill Gardens  
Highworth  
Swindon  
SN6 7BS

### Officer Report

**Background:**

- i. This application has been brought before the committee at the request of Cllr Bishop and Highworth Town Council, due to concerns about the scale and impact of the extension and the building materials which differ from the previously approved.
- ii. An earlier application of similar dimension was granted permission at the January 2018 meeting of the planning committee

**Summary of Recommendation:**

1. That planning permission be **GRANTED with conditions**.

**The Proposal:**

2. This application seeks to retain minor elevation changes and to vary the building materials of the previously approved planning application for the erection of a single storey rear and two storey side extension and the conversion of garage into habitable space. This proposals are for additional living space to the ground floor and a bedroom with en-suite at first floor.

3. The development has been largely completed, with the exception of the rendering to the blockwork walls. The extensions are of the same dimensions and position as that approved last January. The single storey rear element of the application has a depth of 3 metres and extends across the entire length of the rear including the rear of the side extension. The eaves height is 2.4 metres, extending to 3.7 metres where the mono pitched roof abuts the host dwelling. There are a few minor discrepancies relating to the size and location of windows which varied from the approved plan and drawings have been provided by the agent to reflect what has been built. A summary of those alterations are set out below. A further round of consultation has not been conducted in relation to these corrections as they do not go to the heart of

the concerns The main difference and reason for a resubmission is the single storey rear extension, which instead of being constructed in matching brick, was constructed in blockwork and currently left un-rendered Furthermore, the roof materials for the single story element differs from the approved details as instead of using concrete tiles, it has been constructed in imitation slate. This is at the rear of the property.

4. The side extension has also been completed, it measures 2.7 metres in width. With a total height of both floors of 5.9 metres. The variations between the original approved design and the extension constructed on site is a narrower and smaller rectangular shaped window on the upper storey rear elevation and a roof light has been inserted into the rear first floor extension roof. A window in lieu of folding doors and French doors in lieu of a window at ground floor have also been inserted into the rear. Also three roof lights have been inserted to the ground floor extension roof in lieu of the permitted 4 roof lights. This amendment has also been shown on the plans for this new submission.

5. The original application also proposed to convert the garage into living accommodation, this element had been carried out prior to the decision being made on the previous application. Members are however advised that this element comprises again of permitted development and does not require planning permission. Whilst it has been included in the application, it falls outside the scope of control.

### **Representations:**

#### **Neighbours**

6. 4 Bydemill Gardens: As the previous application a further object was raised in relation to the single storey rear extension, now that it has been built in materials that will not match the existing dwelling, the occupants also stated that the single storey rear extension obstructs light to their kitchen window. Their concerns have been addressed within the report.

#### **Town Council**

7. Highworth Town Council recommended refusal stating in their comments that the originally proposed materials should be stood by and delivered on site as per the condition.

#### **Ward Member**

8. Councillor Bishop has raised concerns to the application as the building materials used differ from those approved previously by the planning committee and light will be reduced to the rear of 4 Bydemill Gardens.

### **Relevant Policy:**

9. Adopted Swindon Borough Local Plan 2026 (adopted on the 26th April 2015)
- Policy SD1 (Sustainable Development Principles)
  - Policy DE1 (High Quality Design)

### **Material Planning Considerations**

- 10.
- Adopted SPD Residential Extensions and Alterations (2011)

- National Planning Policy Framework (NPPF) (2018).
- Town and Country Planning (General Permitted Development) (England) Order 2015.

### **Relevant Planning Policy**

11. 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.

### **Swindon Borough Local Plan 2026.**

12. The Swindon Borough Local Plan 2026 forms a statutory part of the Development Plan for the Borough of Swindon. It was adopted in March 2015 and the policies therein are considered to be up-to-date and continue to carry significant weight in decision making. The relevant Local Plan policy that has been taken into consideration in reaching the above recommendation is policy DE1 - High Quality Design.

### **Planning Considerations**

13. The key considerations relate to the design and appearance of the proposal in relation to the host building and surrounding area, and the impact upon the neighbour's amenity must also be taken into consideration.

### **Design / Appearance**

14. Local Plan Policy DE1 requires developments to be of a high quality of design. In assessing this, regard must be paid in this instance to existing built characteristics and the orientation, scale, massing, materials and detailing of the structure. The Residential Extensions and Alterations Guidance helps to inform applicants and decision makers as to the design considerations that are required in order to meet the requirements of that local plan policy.

15. The extensions the subject of the application are located to the side and rear of the property and the side is in part visible from the street. The proposed two storey side extension incorporated a set back from the principle elevation by 900mm at first floor and is not excessive in width, being less than ½ the width of the existing dwelling. This resulted in a subordinate addition that is in accordance with the guidance set out in the Residential Extensions and Alterations SPD (2011) and is not at all untypical.

16. The appearance of the side addition is in sympathy with the design of the host property and is not considered to represent poor quality design or cause demonstrable harm to the character of the surrounding area or amenities of nearby properties. Whilst it is unfortunate that render and slate are proposed instead of brick and tile for the single story rear extension the result is not so inharmonious or out of character with the host dwelling or neighbouring properties so as to be sufficiently harmful for a refusal to be sustained at appeal. It is therefore considered that the extension is in accord with Local Plan policy DE1 and the adopted Residential Extensions and Alterations SPD.

17. The garage conversion has already been carried out but in any event constitutes permitted development.

**Amenity Impacts:**

18. In the considering the previously approved scheme, the concerns were primarily with the impact of that the single storey rear lean to element on the light to the kitchen of NO 4 Bydemill Gardens. That element constituted permitted development if undertaken on its own as matching brick was proposed. Unfortunately the applicant has constructed the extension of block which he intends to finish with a cream / buff colour render. The size and position of the addition is the same as approved and if a light colour render is used akin to the yellow brick as originally intended, there will be no significant or material change in the impact upon the neighbours.

19. The use of slate instead of tiles or the revised window arrangement will not have any impact upon neighbour's amenity through loss of light, privacy, overlooking or overbearing nature.

**Parking Impacts:**

20. The proposed development has altered off street parking arrangements due to the garage conversion however it did not create a requirement for additional parking.

**Other matters**

21 The extension as constructed is fairly close the boundary wall with 4 Bydemill Gardens, and it was unclear from the drawings whether the block wall on this side elevation could in fact be rendered as proposed. Officers have visited the site to assess this and are satisfied that this can take place

**Community Infrastructure Levy (CIL):**

22. In accordance with the provisions of the Community Infrastructure Levy charging schedule, as the proposed new floor space does not exceed 100 square metres in area, it is exempt from CIL Liability.

**Concluding Comments:**

23. In its revised form all elements of the proposal are considered to be compliant with adopted policy or the SPD guidance policy and where there are concerns such as the impact upon the adjoining neighbour, the impact is not materially different to that arising from the permitted scheme. This existence of a recent permission for a comparable scheme is a material consideration that the committee must take into account. It is considered that the proposal to alter the external finish of the rear extension would not have a greater impact on the amenity of adjoining neighbours that that permitted. The revisions have no adverse impact upon the street scene. By reason of scale or appearance. Given the lack of identified grounds to object, your officers do not consider that a refusal could be supported at appeal

**Recommendation:**

24. That planning permission be **GRANTED with Conditions.**

**Conditions**

1. The render works to the single storey rear element of the development hereby permitted shall be begun before the expiration of three months 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 the revised drawings: 1757.1 Rev C, Site Location Plan (1:1250) and Block Plan (1:500) received by the Local Planning Authority on 12th October 2018.

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

### 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 granting of planning permission does not authorise you to carry out any works on, over or under your neighbour's land or property without first obtaining their consent.

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| <b>Case officer:</b><br>(Miss Fern Lynch) | <b>Authorised Officer:</b> |
| <b>Date:</b> 12th December 2018           | <b>Date:</b>               |