
Appeal Decision

Site visit made on 25 April 2017

by J C Clarke BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 May 2017

Appeal Ref: APP/V4250/D/17/3168398

24 Langdale Avenue, Wigan WN1 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Eileen Bolton against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/16/83152/HHRET, dated 21 September 2016, was refused by notice dated 9 December 2016.
 - The development proposed is Erection of decking area in rear garden.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council officer report confirms that the application was submitted retrospectively. I have therefore determined the appeal on the basis that the application was submitted under Section 73A of the Town and Country Planning Act 1990 (as amended) for development which had already been carried out. This has not affected my consideration of the appeal which I have determined on its planning merits.

Main Issue

3. The main issue is the effect that the decking subject to appeal has on the privacy of occupiers of neighbouring dwellings.

Reasons

4. The appeal property forms one of a row of semi-detached houses in an established residential area. In common with its neighbours at numbers 22 and 26 Langdale Avenue, the property has a fairly narrow back garden most of which is set at a much lower ground level than the house itself.
 5. The decking subject to appeal forms an extension of about 4 metres in depth to the rear of a small patio at the rear of the dwelling and has been erected immediately next to the boundary with the rear garden of number 22. Whilst it is at a similar level to that of the ground floor of the houses at numbers 22 and 26 it is at a much higher level than that of much of their rear gardens. Very clear views are available from it over the boundary fencing into these gardens.
 6. Before the decking was erected the gardens of numbers 22 and 26 would have been subject to some overlooking from persons using the existing conservatory
-

and patio within the appeal property. However, due to the position, height and size of the decking, its erection would have notably exacerbated these problems. There are also views from the decking back towards habitable areas within the adjacent dwellings themselves.

7. Having regard to the points set out above, the decking subject to appeal has substantially increased the extent of overlooking of neighbouring properties from the appeal site and therefore caused material harm to the living conditions of their occupiers. Allowing the appeal would conflict with the provisions of Policies CP10 and CP17 of the Wigan Local Plan Core Strategy and the National Planning Policy Framework (the 'Framework') concerning this matter. There are no other matters which have been drawn to my attention which outweigh these findings.
8. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR