
Appeal Decision

Site visit made on 8 July 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/V4250/W/19/3227682

12 Trinity Gardens, Ashton-in-Makerfield, Wigan WN4 9SD

- 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 Mr Paul Witter against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/18/85372/RET, dated 1 April 2018, was refused by notice dated 22 January 2019.
 - The development proposed is described as retention of material change of use of scrubland to incorporate as an extension of the rear garden curtilage of my domestic property.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development sought is in place. It is broadly consistent with the details shown on the plan.
3. Retention is not an act of development under the above Planning Act. I have assessed the proposal as one that seeks retrospective planning permission.

Main issue

4. The main issue is the effect of the development on the character and appearance of the local area.

Reasons

5. The development sought is the extension and enclosure of land at the rear of the appeal property to form an enlarged back garden to the appeal property, which is a 2-storey house in a modern estate style residential area. In doing so, the development encroaches into a larger landscaped buffer zone that appears to have been designed as part of the wider residential estate to provide screening and noise protection from traffic using the nearby motorway.
6. The garden extension is modest in size. It is not readily evident other than from the appeal property and the upper rear windows of nearby houses. The development does, however, project noticeably into the landscape buffer and beyond the otherwise broadly consistent line to the rear boundaries of the properties on each side of the site. Having viewed the development from the rear of the appeal property, I consider that it appears as a visually disruptive

and uncharacteristic intrusion into the landscape buffer and that it is inconsistent with the well-established pattern of existing development.

7. While each proposal should be considered on its own merits, to grant planning permission would also make it increasingly difficult for the Council to resist similar proposals. While the development may not have materially reduced the effectiveness of the landscaped area in buffering noise from the motorway, it is possible that the cumulative effect of other similar proposals could do so.
8. On the main issue, I conclude that the development causes significant harm to the character and appearance of the local area. As such, it is contrary to Policy C1C of the Wigan Replacement Unitary Development Plan, Policies CP9 and CP10 of the Wigan Local Plan Core Strategy and the Council's 'Landscape Design' Supplementary Planning Document. Together, these policies and guidance aim to ensure that important areas of open space are protected and that development safeguards residential amenity. It also conflicts with the policies of the National Planning Policy Framework, which state that development should respond to local character, add to the overall quality of an area and provide a high standard of amenity.
9. I acknowledge that the original intention was to establish a retainer wall to prevent soil building up and pushing over the fence at that time. I saw that the walls that enclose the land in question also provide a barrier to vegetation encroaching into the back garden of No 12. The development also provides a useful area for outdoor play and for storage that the appellant considers was otherwise derelict. I note that the owner of the land accepted the change and that others raise no objection. However, these considerations do not outweigh the significant harm that I have identified.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR