



Appeal Decision

Site visit made on 19 November 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2019

Appeal Ref: APP/V4250/D/3236412

67 Alder Lane, Hindley Green, Wigan, WN2 4ET

- 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 David Reading against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87172/HH, dated 7 May 2019, was refused by notice dated 12 August 2019.
 - The development proposed is to retain children's play equipment with a raised platform.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 65 Alder Lane with regard to overlooking and loss of outlook.

Reasons

3. The appeal relates to a large piece of children's play equipment consisting of a raised platform and slide that is reached by a ladder and climbing wall. It is a relatively tall structure that is positioned next to the boundary with No 65.
4. The garden/yard areas to Nos 65 and 67 are relatively small, private spaces bounded by brick walls. The raised platform element is positioned above the height of the boundary wall and it allows for direct views over most of the garden/yard area to No 65. This results in a significant level of overlooking that undermines the privacy of that space. The platform is also relatively large in size which could encourage its use over extended periods of time.
5. The raised platform is enclosed by thick wooden railings and is covered by a large pitched roof. This results in an imposing presence along the boundary that partly encloses the garden/yard to No 65 along one side. It dominates views from the rear of that property and has a harmful overbearing in this regard. It is suggested that a panel could be affixed to the side of the raised platform to prevent overlooking of the adjacent garden area. However, this would increase the solidity of the raised platform, which would exacerbate its overbearing effect. Whilst there are other structures along the shared boundary, including a single storey extension and a shared outhouse, that does not justify further infilling the remaining gap with a structure of this size. I acknowledge that the play equipment encourages the appellant's children to

play and exercise outdoors, however, this benefit could also be achieved by play equipment without these drawbacks.

6. The appellant states that the occupiers of No 65 also have access to a large garden area to the rear of the terrace that would not be affected by the play equipment. However, that does not alter the harm to the garden/yard, which is the outdoor area closest to the house.
7. It is suggested that a temporary permission could be granted so that the play equipment is removed after a period of 6 years. However, given the harm I have identified, I do not consider that a temporary permission would be appropriate in this case.
8. For the above reasons, I conclude that the proposal significantly harms the living conditions of the occupiers of No 65 Alder Lane with regard to overlooking and loss of outlook. It is therefore contrary to CP17 of the Wigan Local Plan Core Strategy (2013), which seeks to ensure that new development has an acceptable impact on neighbour amenity and quality of life.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR