The Planning Inspectorate

Appeal Decision

Site visit made on 24 October 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/V4250/W/19/3234818
20 Bodmin Drive, Platt Bridge, Wigan WN2 5JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mrs Emma Winstanley against Wigan Metropolitan Borough Council.
- The application Ref A/19/87235/HH, is dated 21 May 2019.
- The development proposed is a single storey extension to the front, rear and side of the building.

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension at the front, rear and side, at 20 Bodmin Drive, Platt Bridge, Wigan WN2 5JH in accordance with the terms of the application, Ref A/19/87235/HH, dated 21 May 2019, and the plan numbered B/D/24d, subject to the following condition:

   1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on any external elevation or roof plane, nor shall existing window openings be enlarged or altered in position.

Procedural Matters

2. This appeal has come about because the extension at 20 Bodmin Drive (No 20) has been constructed with a higher ridge height than that permitted[1]. At the time of my visit, the extension was substantially, but not fully, complete, with windows still to be inserted and internal works to be carried out. However, as the main structure was in place, I have treated this as a proposal to retain the building as it has been constructed.

3. The Council failed to determine the application within the statutory period and I have determined the appeal on this basis. However, I have had regard to the report considered by the Council's Planning Committee on 13 August 2019, which provides clarity as to the reason why the Council would have refused planning permission, had it been able to do so. The main issue below is therefore taken from the Planning Committee report.

[1] Planning application reference A/17/84614/HH

Main Issue

4. The main issue is whether the development causes harm to the living conditions of neighbouring properties on Portland Close, with particular regard to outlook.

Reasons

5. The appeal property (No 20) is a two storey house with pitched roof dormers to the front and rear. It is the last in a row of similar semi-detached properties and is well set back from the road, occupying a plot which is widest at the front, tapering to the rear. The extension which is the subject of this appeal occupies the full depth of the house with additional projections to both the front and rear, and is stepped at the side to follow the plot boundary. A number of houses on Portland Close and Shepton Avenue back onto No 20, the closest to the extension being 13 and 15 Portland Close (Nos 13 and 15).

6. The previously approved scheme is for extension in the same position and with the same eaves height as that which has been constructed, but with a ridge height some 0.4 metres lower. This existing grant of planning permission is the appellant's fall back position and I have given it significant weight in assessing this appeal. The key consideration for this appeal, therefore, is whether harm to the neighbouring occupiers is caused as a result of the additional ridge height and the associated increase in the mass and bulk of the building.

7. Whilst the extension is of a fairly modest width, for a single storey addition it is relatively high, with a large side gable. This was also the case for the previously approved development, however the additional ridge height and slightly steeper roof pitch of the constructed building has increased the scale and massing of the extension close to the shared boundary.

8. As in the approved scheme, the ridge of the extension is set below that of the main house and is viewed against the roof line of the host dwelling with its pitched roofed front and rear dormers. Although the side gable is undoubtedly larger than in the approved scheme, the additional effect of the raised ridge is fairly modest in the context of the building as a whole, and the footprint of the building and the eaves height are unchanged. The outlook from the neighbouring properties is not significantly different from that of the previously approved scheme.

9. Since it granted planning permission for the side extension, the Council has adopted a new supplementary planning document (SPD) which gives guidance on house extensions. The SPD says that a distance of 12.2 metres should be retained between a blank elevation and a wall with habitable rooms on a neighbouring property. This distance is comfortably met between the side wall of the extension and the rear elevations of Nos 13 and 15.

10. The SPD goes on to state that even where these distances are met, building up to the rear boundary of a neighbouring property would generally not be acceptable due to the overall impact on that property. However, in this case, the stepped side elevation of the extension is set at a slight angle from the boundary, rather than following it, which helps to reduce the impact. Furthermore, planning permission has already been granted for an extension which, although slightly lower in height, would occupy the same position relative to the boundary with a similar impact on the neighbouring properties.

11. As in the approved scheme, the current proposal includes a bedroom window at ground floor level on the side elevation. A neighbour has suggested that the window should be obscurely glazed to reduce overlooking and loss of privacy. However, whilst the window faces towards the neighbouring garden, it largely looks out onto the boundary fence, which provides a reasonable degree of screening and helps to reduce overlooking. Furthermore, whilst obscure glazing would be acceptable in a bathroom it would not be appropriate for a bedroom which has no other windows.

12. I conclude that the development does not cause undue harm to the living conditions of the neighbouring properties on Portland Close with regard to outlook. It complies with Policies CP10 and CP17 of the Wigan Local Plan Core Strategy 2013 concerning the design of developments and protection for the amenity of existing users. Although not following it exactly, the development broadly complies with the guidelines in the House Extensions SPD 2019.

Conditions

13. To safeguard the privacy of neighbouring occupiers a condition is necessary to prevent the insertion of additional windows and the enlargement or alteration of existing window openings.

Conclusion

14. For the reasons given the appeal is allowed and planning permission is granted.

R Morgan

INSPECTOR