
Appeal Decision

Site visit made on 2 December 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Appeal Ref: APP/V4250/D/19/3237374

42 Harrington Park, Shevington, Wigan, Greater Manchester WN6 8GD

- 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 Amanda McDonough against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87170/HHRET, dated 19 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is a single storey wooden structure to the rear of house.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey wooden structure to the rear of house at 42 Harrington Park, Shevington, Wigan, Greater Manchester WN6 8GD in accordance with the terms of the application, Ref A/19/87170/HHRET, dated 19 June 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Floor Plan and Elevations.
 - 2) Within 3 months of the date of this decision, the roof shall be tiled, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. Once implemented, the approved tiles shall be retained thereafter.

Procedural Matters

2. At the time of my site visit, a structure had been erected that appeared to be similar to that applied for. I have determined the appeal on that basis.
3. In their description of the proposed development, both parties state 'To retain...'. However, retention is not an act of development. Accordingly, I have omitted this from my description.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and the living conditions of the occupants of 40 Harrington Park, with particular regard to outlook.

Reasons

Character and appearance

5. Harrington Park forms part of a wider residential area that comprises a variety of dwelling types and sizes. Notwithstanding this variety, there is a common architectural theme running throughout the development, which is characterised by the use of similar red brick and render exterior finishes and concrete tile, pitched roofs. Properties have open frontages with rear gardens enclosed by close boarded timber fences and brick walls.
6. The appeal property comprises a semi-detached dwelling. The rear garden is modest in size and contains garden sheds and the structure that the appellant seeks permission for. The garden borders a number of rear gardens of neighbouring properties, bounded by a close boarded timber fence, which is reflective of other properties within the wider development. Within a number of these rear gardens are brick built single garages, although not all properties have such garages, including the appeal property.
7. The existing structure on site is constructed of timber with a felt roof and what appears to be a shingle effect felt covering on the north elevation. The southern elevation has a sliding door. Both the north and south elevation are solid and the western elevation is semi-open with a balustrade on the lower half with a clear plastic screen. The Council refer to a removable white plastic sheet; however, at the time of my site visit, this was not in use.
8. The use of timber within the wider residential development is largely limited to boundary treatments. The use of it in the structure is in contrast to the predominant use of brick. However, the timber has a soft, natural appearance and creates a pleasant link with the nearby woodland. I note the Council's contention that the use of timber fails to reflect the design ethos of the wider development. However, whilst the development has a pleasant and well designed appearance, I do not consider that the use of alternative materials to brick and render would have such a significantly harmful effect on its design, particularly, in this instance, the use of timber.
9. The single storey structure is relatively large. Nevertheless, its semi-open frontage and use of timber gives it a light weight appearance, which reduces the overall bulk of the structure and ensures that it remains subservient to the host dwelling. This is further enhanced by the asymmetrical pitched roof, which results in the eaves height of the north elevation being lower than that of the south elevation, further reducing its bulk.
10. Whilst the asymmetrical roof pitch does not follow the general roofscape of the locality, given the relatively low height of the structure it is not readily discernible from public vantage points. Although I accept that it is from private views from neighbouring properties, I do not consider that it is so incongruous as to be unduly harmful to the character and appearance of the area.
11. The existing structure has a felt roof. Given the size of the structure and the area of roof, the extent of felt used is relatively extensive and in marked contrasts with the prevailing concrete tile roofs in the area. The flat appearance and lack of any definition on the felt results in it appearing as a poor quality finish that is incongruous. The appellant has confirmed that the intention is to use concrete tiles. Were I minded to allow the appeal, I am satisfied that an appropriately worded condition would ensure that suitable roof tiles were used.

12. With regard to the use of the shingle effect felt on the north elevation, this is within proximity of the boundary fence and is not readily visible, with only a small part of it likely visible from No 40. Therefore, I do not consider that this results in any unacceptable visual harm.
13. I find therefore that the proposal would not significantly harm the character and appearance of the area. As such, it complies with Policy CP10 of the Wigan Local Plan Core Strategy (the CS) 2013, which, amongst other things, seeks to ensure that new development respects and acknowledges the character and identity of the borough and its locality, in terms of the materials, siting, size, scale and details used. It would also comply with Policy CP17 of the CS, which seeks to ensure that new development is planned and designed so that it does not have an unacceptable adverse impact on amenity. In addition, I find no conflict with the Wigan Council House Extensions Design Guide Supplementary Planning Document (SPD) 2019, which promotes good design. Furthermore, the proposal would accord with the design objectives of the National Planning Policy Framework (the Framework)

Living Conditions

14. The structure is set back from, but with proximity to, the boundary with No 40. It projects approximately 4.36m along the boundary, which is a large portion of the length of the boundary. However, due to the asymmetrical roof pitch, the eaves on the north elevation only slightly exceed the height of the boundary fence and therefore only a small part of the structure is readily visible from the garden and ground floor windows of No 40. This is further enhanced by the overall shallow pitch of the roof. Therefore, I do not consider that it appears as a dominant feature or discernibly reduces the outlook from the garden or rear windows of No 40 to such an extent that it would be unduly harmful to the living conditions of its occupants.
15. I note that on the northern boundary of the rear garden of No 40 there is a detached single garage. However, given the low height of both the garage and the structure at the appeal site, I do not consider that there would be any tunnelling effect as argued by the Council.
16. I find therefore that the proposal would not have any significantly harmful effect on the living conditions of the occupants of No 40, with particular regard to outlook. As such, it complies with Policies CP10 and CP17 of the CS, which seek to protect residential amenity. I also find no conflict with the SPD.

Other Matters

17. I have had regard to the concerns raised regarding the structure not being sound proofed. However, as it is clearly designed to be used as a covered outdoor living space, it is little different to a gazebo or other garden structure. There is no substantive evidence before me that the use of the structure would create any more noise than one would normally expect from a residential property that would justify the requirement for the structure to be sound proofed.

18. Whilst I acknowledge that the building is constructed of timber, there is no substantive evidence before me to indicate that there is any unacceptable risk of fire, even with the use of a log burner near to it.

Conditions

19. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
20. For the avoidance of doubt, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
21. In the interests of the character and appearance of the area, a condition is necessary regarding the installation of a tile roof. Given that the development has already been carried out, it is essential that this is carried out within 3 months.
22. The Council suggest the external walls shall be painted/coated. However, as the existing walls are not harmful to the character and appearance of the area, I do not consider that this is necessary.

Conclusion

23. For the reasons given above, the appeal is allowed.

Alexander Walker

INSPECTOR