
Appeal Decisions

Site visit made on 13 May 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2020

Appeal A Ref: APP/V4250/W/19/3243726
26A Mesnes Road, Wigan WN1 2DA

- 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 Jason Millar against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87945/FULL, dated 4 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is an apartment to the rear of the existing shop.
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Appeal B Ref: APP/V4250/W/19/3244519
26A Mesnes Road, Wigan WN1 2DA

- 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 Jason Millar against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87107/FULL, dated 24 April 2019, was refused by notice dated 22 July 2019.
 - The development proposed is an apartment to the rear of the existing shop.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The main issues in both appeals are:
 - The effect of the development on the character and appearance of the area;
 - Whether the proposed development would provide satisfactory living conditions for future occupiers in respect of the provision of private outdoor amenity space, outlook and the size of the bedroom.

Reasons

Character and appearance

4. The appeal site is a red brick property, located at the end of a terrace of two storey houses on the corner of Mesnes Road and Chelmsford Mews. Both appeal proposals are to construct an extension within the rear yard to

accommodate a two-storey apartment, with the first floor utilising the roof space.

5. I acknowledge that there is a variety of building designs, extensions and outbuildings in the surrounding area. However, in both appeals the extension would present a solid block of built development at a significant height, adjacent to the back of the pavement of Chelmsford Mews. In both cases, the proposed apartment would result in built development for the full length of the plot, which occupies most of the length of this short street. As a result, the extensions in both appeals would have a dominant and overbearing effect upon the street scene, regardless of the type of external materials used. They would also remove the visually beneficial break which the yard provides between the appeal building and the three storey flats at Chandlers Mews, resulting in an enclosing effect upon the street.
6. In both appeals, the submitted drawings show a difference between the eaves height of the proposed extension and that of the existing side gable fronting Chelmsford Mews. In Appeal B, the ridge height would be lower too. Whilst I note the Council's concerns, to my mind the design of the proposed extension in relation to the host property would be acceptable in both appeals. However, this is not sufficient to overcome the harm to the streetscene which I have identified.
7. I conclude that both Appeal A and Appeal B would harm the character and appearance of the area. Both schemes would conflict with Policy CP 10 of the Wigan Local Plan Core Strategy (Local Plan) 2013 which requires, amongst other considerations, that new design respects and acknowledges the character of the locality in terms of siting, size and scale. There is further conflict with Section 12 of the National Planning Policy Framework (the Framework) which seeks to achieve good design in new developments.
8. The Council has also referred to Local Plan Policy CP 17 in its decision notice for both schemes. However, this policy is concerned with environmental protection rather than character and design, and is of limited relevance to this particular main issue.

Living Conditions

9. Both schemes would retain an area of outdoor space at the side of the proposed apartment, adjoining the boundary with the rear yard of the neighbouring property, 24 Mesnes Road. The proposal in Appeal B shows an area for amenity/car parking, but the appellant has confirmed that parking could be provided in a garage unit a short distance away. The Council has confirmed that this arrangement is acceptable. On this basis, I have assumed that the outdoor area shown in both schemes would be available for amenity use, not parking.
10. The Wigan Design Guide for Residential Development 2006 (Design Guide) requires that, for high density development such as apartments, ground floor occupiers should have an enclosed private garden where possible. The Design Guide does not set a specific size requirement for outdoor amenity space which would apply to the proposals, but does say that such spaces should be usable and of a high quality. I acknowledge that the proposed apartment would be near to Mesnes Park, which provides opportunities for recreation nearby.

However, this does not negate the need for an area of private space for activities such as sitting out, drying clothes or storing bikes.

11. In both schemes, the proposed outdoor amenity space would need to be shared with the commercial unit. I note the appellant's confirmation that the shop does not make use of the outdoor space and has not done so for a considerable length of time. However, access to the shared space from the commercial unit is shown on the plans of both proposals for bin storage. Furthermore, the potential future needs of the building also need to be taken into account. A different business operating from the building might have greater need for outdoor storage of waste or other materials than the current occupier.
12. There is more outdoor amenity space provided in Appeal B than Appeal A. Whilst there might be enough yard area remaining to provide space for the above activities in Appeal B, neither scheme proposes a sufficient amount of space to be shared between the proposed residential and existing commercial use. In addition, storage of commercial waste would be an unpleasant intrusion for future residential occupiers.
13. I also note the appellant's comments that there is adequate space for storage of bins at the side, rear and front of the property. However, these areas are in public view and bin storage in such locations would look untidy and would be an unacceptable alternative.
14. I now turn to the bedroom size. In the case of the smaller bedroom proposed in Appeal B, the section drawing shows a minimum head height of 2 metres at the centre of the space, above the stairs and landing. However, due to the pitch of the roof, this would quickly reduce. The low ceiling height would limit the amount of useable space in the proposed small bedroom to a significant extent and would be oppressive for occupants.
15. The Council has not provided any detailed evidence regarding their concerns over the bedroom size, or any minimum requirements which they consider should be met. However, on the basis of the submitted plans, I share the Council's view that, in the case of Appeal B, the bedroom area would not provide a satisfactory standard of usable accommodation for occupants due to its small size and limited ceiling height.
16. The proposed apartment in Appeal A would be wider, which would allow a larger upstairs space with an ensuite, wardrobe and storage area to be provided. From the submitted floorplan and section drawings, it appears that there would be an area of useable space which would be sufficient to provide an acceptable standard of accommodation.
17. In respect of outlook, the only windows serving the bedroom in both schemes would be roof lights. This is not an uncommon situation. The roof lights would look out to the sky and would provide an acceptable outlook for future occupants.
18. In Appeal B, the double door to the dining/kitchen area would also serve as the only window in that room, which would look out over the amenity space, towards the boundary wall. If the space were to be used solely by the proposed apartment, there would be the potential for the space to be made into a small but pleasant private area to use and look out onto. However, in light of my findings regarding the potential for conflict with the business use in

this shared area, there is no certainty that such an attractive space could be provided or maintained. For this reason, I share the Council's concerns about outlook from the ground floor dining/kitchen area in Appeal B.

19. I conclude that both Appeal A and Appeal B would fail to provide satisfactory living conditions for future occupiers with regard to the provision of outdoor amenity space. In addition Appeal B would also fail to provide satisfactory living conditions in respect of bedroom size and outlook from the ground floor kitchen/dining area. Consequently, both proposals would conflict with Local Plan Policy CP 17 criterion 7, which requires new development to be planned so that it does not have an unacceptable adverse impact on amenity and quality of life, or itself be impacted upon in such a way by existing uses. There is further conflict with paragraph 127f) of the Framework, also concerning the amenity of future users.
20. Local Plan Policies CP 10 and CP 6, regarding design and provision of housing, are not directly applicable to this main issue.

Other matters

21. I acknowledge that appellant's comments that the site is located in an area which does not have a high risk of crime or anti-social behaviour. It is close to a wide range of local shops, services and facilities, and is within walking distance of Wigan town centre. Public transport is available close by. The proposal would not be an affordable dwelling in terms of the definition set out in the Framework, but the size and type of accommodation proposed would mean that it would be a relatively inexpensive property for a single person, which would be easy to maintain. The single bedroom flat would be appropriate given the forecast reduction in average household size in the area.
22. However, these factors are not sufficient to outweigh the harm that I have found to the character and appearance of the area and to the living conditions of future occupiers.
23. The appellant has referred to the Council's requirement for a mining risk assessment and other issues relating to the determination of both planning applications. Reference is also made to the removal of the garage by the Council. However, these matters do not affect my consideration of the appeal proposals.

Conclusion

24. For the reasons given, I conclude that both Appeal A and Appeal B should be dismissed.

R Morgan

INSPECTOR