
Appeal Decision

Site visit made on 18 August 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal Ref: APP/V4250/D/20/3248275

67 Nel Pan Lane, Leigh WN7 5JT

- 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 Gary Buckley against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87978/HH, dated 12 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is a single storey rear extension to a mid terraced property.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension at 67 Nel Pan Lane, Leigh WN7 5JT, in accordance with the terms of the application Ref A/19/87978/HH, dated 12 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 927/NPL/PL1
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, with the exception of the walls which shall be finished in white render.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers at Nos 65 and 69 Nel Pan Lane, with particular regard to outlook and light.

Reasons

4. The appeal property is a two-storey mid-terraced dwelling located on the south side of Nel Pan Lane. It has a small single storey outrigger to the rear and a

lengthy rear garden. Permission is sought to erect a single storey rear extension.

5. Paragraph 3.8 of the House Extensions Design Guide Supplementary Planning Document (June 2019) (the SPD) notes that a single storey extension should not project along a common boundary by more than 3 metres (m) unless it is set off the boundary by a distance proportional to its extra length.
6. The proposed extension would exceed the 3m limit of the SPD and whilst it would be set off the shared boundaries with both No 65 and 67 Nel Pan Lane, the set off would not equal its additional projection. However, paragraph 3.9 of the SPD goes on to state that larger extensions may be acceptable subject to other considerations such as position relative to length of garden, position of windows and existing boundary details amongst other things.
7. There is an existing high fence between the appeal site and No 69 and the nearest window on the rear of No 69 is obscurely glazed and of a restricted size. When combined with the proposal's set off from the boundary, these factors would ensure the extension would not significantly interfere with the outlook from No 69 or create an uncomfortable sense of enclosure. Similarly, for No 65, the proposed extension would be set in from the shared boundary and would only marginally exceed the projection limits set out in the SPD. Furthermore, the nearest habitable room window on the rear elevation of No 65 would be a sufficient distance from the side elevation of the proposal, beyond their existing single storey outrigger. Therefore, the proposed extension would not result in an overbearing outlook.
8. Concern has also been raised that the proposal would overshadow the rear of adjacent properties. Whilst the extension would have an increased projection, due to the generous depth of the south facing rear gardens of the adjoining properties and the window arrangement on the rear elevations, the potential for increased overshadowing to Nos 65 and 69 would only be for a limited time during the day and therefore it would not cause material harm in this respect. Additionally, the existing single storey outrigger on No 69 is of a limited size therefore due to the proposals set off, the boundary treatment and length of the garden, this proposal would not result in a tunnelling effect or a significant loss of light reaching the rear of No 69.
9. Consequently, while the proposed extension would exceed the suggested limits to development in the SPD, when taking account of the specific considerations at the appeal site, the proposed development would not result in a harmful effect on the living conditions of occupiers at Nos 65 and 69 Nel Pan Lane. It is therefore consistent with policies CP 10 and CP 17 of the Wigan Local Plan Core Strategy (September 2013) which collectively seek to ensure proposals are designed to integrate effectively with their surroundings and do not have an unacceptable adverse impact on amenity and quality of life.

Conditions

10. Other than the standard time limit and approved plans conditions, necessary for certainty, the Council has suggested a condition requiring the external materials to be used in the construction of the development to match those of the existing building. However, the proposed plans indicate that the extension would be finished in render and the appellant has identified that it shall be white render. The Council has not raised concerns with this choice of material

and I have no reason to disagree as views of the extension would be limited given its position to the rear thus it would not harm the character and appearance of the host dwelling or wider area. Therefore, a condition restricting all the external materials to match the existing building would not be reasonable. To provide clarity and, in the interests of the character and appearance of the host dwelling and wider area, I have altered this condition to include the use of render on the external walls.

Conclusion and Recommendation

11. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Zoe Raygen

INSPECTOR