
Appeal Decision

Site visit made on 20 October 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/V4250/D/20/3255163

411 Poolstock Lane, Wigan WN3 5RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr John Starkey against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/20/88601/PDE, dated 31 January 2020, was refused by notice dated 6 March 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter and Main Issue

2. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed development exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Thus, as required by Paragraph A.4(5), the Council notified adjoining owners or occupiers about the proposed development. Given the objection from the occupants of 413 Poolstock Lane, the prior approval of the Council was required as to the impact of the proposed development on the amenity of any adjoining premises. This led to the Council to refuse the application.
3. Due to the siting and relationship that the proposed development would have with 409 Poolstock Lane, no harm would be caused to their living conditions. Hence, the main issue is the effect of the proposal on the living conditions of the occupiers of No 413, with regards to outlook, sun and daylight.

Reasons

4. The appeal property is a two storey mid-terraced dwelling with a rear outrigger. This is initially two storeys high before dropping to single storey height at the rear. A similar arrangement can be found at No 413. In both outriggers, window and door openings populate the flank elevations. These openings face one another. The recessed part of the rear elevation has a ground floor habitable room window facing into the rear garden of No 413 in a north-westerly direction. A brick wall extends along the common boundary between the properties.

5. The proposal would square off the rear of the appeal property at ground floor. In doing so, the proposed extension, at 6 metres in length, would extend along and above the brick wall. The hipped roof form would reduce the effect of the added built form close to the rear and side facing windows in No 413, but it would not alleviate the harm that would be caused to the occupiers' outlook by the dominant form of development proposed. I recognise the existing close relationship between those windows and neighbouring built form, but the proposal would only exacerbate matters by introducing a solid wall far closer to them, and above the height of the boundary wall for 6 metres. The effect would especially be felt from the rear facing window in No 413 due to the resultant tunnelling effect.
6. While the appellant may be able to extend the appeal property to the rear for up to 3 metres, the effect on the outlook from the rear facing ground floor window in No 413 would not be the same as that which would be caused by the proposed development.
7. Due to the siting of the proposed extension next to the two-storey terrace and given the orientation of the sun predominately to the south of the terrace, little change would be likely to be experienced by the occupiers of No 413 in terms of sun and daylight. This includes the light received in their rear yard.
8. Despite my findings in respect of sun and daylight, I conclude that the proposal would harm the living conditions of the occupiers of No 413, with regards to outlook. The proposal would conflict with Policies CP10 and CP17 of the Wigan Local Plan Core Strategy Development Plan Document and the Council's House Extensions Design Guide Supplementary Planning Document as the development would cause an unacceptable adverse impact on amenity and would not make the built environment a better place to live.

Conclusion

9. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR