
Appeal Decision

Site visit made on 10 November 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/V4250/W/20/3256529
205 Chapel Street, Leigh, Wigan WN7 2AN

- 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 M O'Connor against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/20/89046/CU, dated 28 April 2020, was refused by notice dated 06 July 2020.
 - The development proposed is change of use of part of commercial premises to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether or not the proposal would provide an adequate standard of living conditions for future occupiers.

Reasons

3. No 205 is a 2 storey end of terrace property with commercial ground floor premises and a residential flat above. It is in a mixed commercial and residential area on a busy through route. Astley Street, to the side of the appeal property, provides access to a primary school and residential properties.
4. The proposal would retain the front part of the ground floor premises in commercial use and it would convert the rear part to a 1 bed flat. There would be 3 new window openings, some of which have already been created, in the ground floor side elevation. The flat would be accessed via an existing door to the rear of the property.
5. The plans illustrate that 1 side window would serve a bedroom, with 2 serving a lounge/ dining room. The side elevation is immediately adjacent to the footway along Astley Street. Consequently, there would be high levels of footfall in close proximity to the only habitable room windows in the flat. The activity associated with large numbers of people on a regular basis, including school children and their parents and local residents, would be detrimental to the living conditions of future occupiers of the flat, including in terms of loss of privacy and noise and disturbance.
6. The highest levels of activity along the street will coincide with the beginning and end of the school day, when future occupiers of the flat would be unlikely to be asleep. Even so, the close relationship and lack of separation between the

habitable room windows and the footway would mean that pedestrians passing the property or loitering at any time of day could look directly into the habitable rooms. Moreover, given the relationship of the bedroom window to the footway, even low levels of external noise and activity at quieter times of day would disturb future occupiers and result in a loss of privacy.

7. While future occupiers would have access to the enclosed yard area to the rear of the property, this would be shared with the occupiers of the first floor flat and it would be used for bin storage associated with the flats and the commercial premises. Given its small size and its shape, the shared rear yard would not provide an adequate area of private outdoor space for future occupiers, including in relation to sitting out, the drying of laundry or the storage of bicycles and the like.
8. The flat is proposed as a market dwelling and it would be separate from the commercial premises to the front. Therefore, future occupiers would be likely to be disturbed by noise generated by commercial activity. I note the suggestion that mitigation for any such adverse impacts could be addressed by planning condition. However, there is nothing before me to demonstrate that the impacts arising from an immediately adjacent Class E use could be mitigated.
9. Therefore, the proposal would fail to provide adequate living conditions for future residential occupiers. It would conflict with Policy CP6 and CP17 of Wigan Council Local Plan Core Strategy Adopted September 2013. These require, among other things, that housing should meet people's needs and support a good quality of life, avoiding unacceptable adverse impacts on amenity and quality of life. It would also conflict with the policies in the National Planning Policy Framework that relate to the promotion of health and well-being and high standards of amenity for existing and future users.

Other Matters

10. The appellant intends to operate the small commercial frontage as a key cutting workshop on a part-time basis and he does not intend to employ any staff. Irrespective of the appellant's intentions, the small size of the premises including the lack of staff facilities would constrain future commercial uses. Therefore, the proposal would not represent an efficient use of the property.

Conclusion

11. For the reasons set out above, the proposal would be in conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR