



Appeal Decision

Site visit made on 8 December 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 5th January 2021

Appeal Ref: APP/V4250/D/20/3250140

138 Orrell Road, Orrell, Wigan, Greater Manchester WN5 8HJ

- 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 Michael Nanyin against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87955/HHRET, dated 04 October 2019, was refused by notice dated 15 January 2020.
 - The development proposed is described as "retention of timber elevated platform to rear of existing residential dwelling with timber post rail around perimeter. Platform is at same level as natural ground level of frontage of dwelling but measures 2.3 metres in height from ground level on which it sits at rear of dwelling. The height of the fence is 1.85 metres from the decking. The projection of the decking from the dwelling is 3 metres."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development, an elevated timber deck to the rear of the property, has already been carried out. Therefore, I have determined the appeal on the basis that permission is sought for the development that has been implemented.
3. The reason for refusal relates to the effects of the development on the neighbouring residential occupiers of No 136. At the time of my visit, I observed the development from the rears of Nos 136 and 138 but I did not enter the neighbouring property to view it from habitable room windows, due to the coronavirus pandemic. During the appeal process, the neighbouring occupier provided photographs of the development taken from inside the property. The parties have been given the opportunity to comment upon the photographs and they agree that the appeal can be determined based upon the submitted evidence, including the photographs.

Main Issue

4. The main issue is the effect of the development on the living conditions of the neighbouring residential occupiers of No 136, with particular regard to outlook.

Reasons

5. No 138 is a semi-detached dwelling set back from Orrell Road. By virtue of the change in ground levels through the area, the attached pair of properties have

- 2 storey front and 3 storey rear elevations. The rear gardens slope away from the properties towards open countryside beyond the settlement.
6. The development is a timber deck that extends across and protrudes out from the rear of the property at first floor level. It is accessed from the dwelling via first floor patio doors and from the garden via a set of matching wooden stairs. Notwithstanding that the railings, posts and handrails impart a degree of openness to the structure, it is nevertheless a large and conspicuous feature.
 7. The large expanse of raised decking results in significant overshadowing of the rear of the appeal property including its ground floor windows. However, there is nothing before me to indicate that those windows serve habitable rooms. Moreover, the garden is sufficiently large such that the development does not diminish the outdoor space associated with the appeal property.
 8. As originally constructed with open and low balustrades, the development would have allowed unobstructed and close views into the habitable room windows and garden of No 136. Consequently, in order to mitigate the significant overlooking, tall close-boarded timber fence panels have been erected to the side of the decking to screen views between the properties.
 9. While the screen fencing does protect privacy, by virtue of its size, height and proximity it contributes to a visually obtrusive, dominant and overbearing form of development when viewed from the ground and first floor habitable rooms and the garden of No 136. Consequently, the development results in a significant loss of outlook for the neighbouring occupiers. It also results in a loss of daylight, and sunlight for part of the day, to the rear of No 136.
 10. Therefore, the development results in significant harm to the living conditions of the residential occupiers of 136 Orrell Road, with particular regard to outlook. It conflicts with Policy CP17 of the Wigan Local Plan Core Strategy Development Plan Document Adopted September 2013. This requires, among other things, that development does not have an unacceptable impact on amenity and quality of life. It conflicts with the residential amenity aims of Wigan Council House Extensions Design Guide Supplementary Planning Document Adopted June 2019. It conflicts with the National Planning Policy Framework in relation to creating places which promote health and well-being with high standards of amenity.

Other Matters

11. Although the decking may be smaller than a 2 storey rear extension, no substantive evidence has been provided to demonstrate that such an extension could be constructed without the benefit of planning permission. Moreover, there is little before me to suggest that the appellant intends to extend the property if the appeal should fail. Therefore, other forms of development do not provide a justification for the scheme.
12. The external stairs provide a means of exit from the property in the event of a fire. However, it has not been demonstrated that the ground floor door in the rear elevation is not suitable to be used in the event of an emergency or that 3 storey dwelling houses without fire escapes are inherently unsafe.
13. The decking is a benefit to the appellant's mother when she stays at the property. However, while the SPD refers to alterations to enable people with disabilities to remain in their homes, the appellant's mother is not resident at

the appeal property. Moreover, there is little to suggest that there are no alternative solutions that could deliver similar benefits without the harm that I have found. Therefore, the appellant's personal circumstances do not outweigh the harm to the neighbouring occupiers.

Conclusion

14. For the above reasons, the development conflicts with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Sarah Manchester

INSPECTOR