The Planning Inspectorate

Appeal Decision

Site Visit made on 9 June 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June2021

Appeal Ref: APP/V4250/D/21/3270590
9 Thurlby Close, Ashton-In-Makerfield WN4 8SB

- 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 G Jones against the decision of Wigan Metropolitan Borough Council.
- The application Ref A/20/90153/HH, dated 22 October 2020, was refused by notice dated 21 January 2021.
- The development proposed is single storey side extension and detached timber gazebo.

Decision

1. The appeal is allowed and planning permission is granted for single storey side extension and detached timber gazebo at 9 Thurlby Close, Ashton-In-Makerfield WN4 8SB in accordance with the terms of the application, Ref A/20/90153/HH, dated 22 October 2020, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: TDS-201/SLP Rev C, TDS-201/BLP Rev E, TDS-201/04 Rev I, TDS-201/07 Rev G, TDS-201/08 Rev B.

    3) The materials to be used in the construction of the external surfaces of the single storey extension hereby permitted shall match those used on the existing building.

Preliminary Matter

2. The gazebo present at my site visit differed from the appeal plans as amongst other things, the roof was a different design and it was enclosed on three sides. In any event, the proposal before me is what is depicted on the proposed plans and it is the submitted plans 'TDS-201/08 Rev B' which I have considered the appeal against and upon which I have based my decision.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the host property and area; and (ii) the effect of the proposed single storey extension on the living conditions of the occupants of No.7 Thurlby Close (No.7), with particular reference to outlook.

Reasons

Character and appearance

4. The appeal site is a detached dormer style property positioned at the end of a cul-de-sac within a predominantly residential area. The majority of dwellings within the immediate area are detached or semi-detached dwellings of a similar style with dormers to the front and rear. The appeal property is constructed of brick and has been extended previously with a two-storey side extension. Despite, some variation in form the properties within the immediate area discretely contribute to its character and appearance.

5. The proposal would see the construction of a single storey extension forming a utility and a storeroom to the side and a rear gazebo. The gazebo is constructed of timber and positioned along the northern boundary within the enclosed rear garden area. The Council's decision notice indicates that this part of the proposal is not a matter of contention for the main parties and no interested parties have commented on this aspect of the proposal. Given the rear garden is enclosed and there are limited views of the gazebo other than the roofline along the access road to the north, there would be no harm to the character and appearance of the area.

6. The proposed extension would be positioned along the southern boundary with No.7, which is set further forward than the appeal property and at a lower level. The extension would be of a modest scale and set slightly further forward than the principal elevation by some 400 millimetres (mm). The plans indicate that there would be a marginal gap between the extension and the shared boundary.

7. The Council consider that the proposed extension would be contrary to its guidance set out in the supplementary planning document (SPD), House extensions Design Guide, 2019 paragraphs 3.20 and 3.24. In which, it states the Council will seek to prevent the loss of spaces between buildings where the spaces are important in defining the character of the street scene, and where their loss would give the impression of a continuous built form. The SPD also sets out that the Council will seek to retain a minimum of 800mm from an extension to a side boundary, unless it is demonstrated that there is an alternative access to a screened bin storage facility.

8. However, there would be limited impact along the street scene, particularly due to the position of the property at the end of the cul-de-sac and that other properties along the run of dwellings on the south western side are set further forward. I do not consider that the gap between properties defines the character of the street scene and wider area, particularly as those gaps look directly across onto further built development due to the dense nature of the area.

9. Furthermore, it would not result in a continuous built form as No.7 is set a considerable distance further forward than the appeal property. Although a marginal gap would remain, it would not be attached, and the staggered main ridge heights of the dwellings would not change.

10. Moreover, as I saw during my site visit there are various examples of properties being extended and gaps reduced between them. The majority of gaps had been filled by single storey extensions or garages/outbuildings

attached. Although there are none on the properties immediately adjacent to the appeal site, there were examples, including two storey extensions along Kilburn Avenue which immediately adjoins Thurlby Close. I also observed that it was not uncommon for bin storage, including the neighbouring property at No.7 to be within front garden areas.

11. I accept that the property has previously been extended, however there would be limited cumulative impact with the proposed extension due to its modest single storey height, size, limited front projection and that the appeal property has a larger front garden / driveway than other properties along Thurlby Close. The proposed extension would therefore not appear overly dominant or result in over-development of the site.

12. For the reasons given above, I conclude that the proposals would not cause harm to the character and appearance of the host property or the area. Accordingly, it would comply with Policy CP10 of Wigan Local Plan Core Strategy, Development Plan Document, 2013 (CS). This policy requires that new development respects and acknowledges the character and identity of the locality, in terms of materials, siting, size, scale and details used and is integrated effectively with its surroundings. It would also not be at odds with the guidance contained within the SPD.

Living Conditions

13. Although, the proposed single storey extension would not project further than the existing rear building line of the appeal property and there are no existing or proposed openings along the side elevations. It would still project a considerable length beyond the rear elevation of No.7, directly along the common boundary. Given that the garden to No.7 is significantly lower, the extension would create additional massing along the common boundary to an unacceptable degree and create a poor visual relationship between the two properties. As such, the proposed extension would result in an unacceptable impact on the outlook of those occupiers at No.7, when viewed from within their outside amenity space / garden area, particularly when looking up.

14. I acknowledge that there is to some degree already a poor outlook for No.7 as they would look upon the existing large side gable of the appeal property. Nonetheless, this would be exacerbated by the proposed extension due to the close proximity along the common boundary and the extent of length due to the siting of the dwellings in relation to each other. Furthermore, the absence or lack of any objection from a neighbour does not justify a proposal.

15. Consequently, the proposed single storey extension would have an unacceptable impact on the living conditions of occupiers at No.7, having particular regard to outlook. It would be contrary to Policy CP17 of the CS. Amongst other things, this policy ensures that new development is designed so that it does not have an unacceptable adverse impact on amenity and quality of life. It would also be at odds with the general design guidelines of the SPD.

Other Considerations

'The Fallback Position'

16. It is the appellant's case that, by virtue of a previously granted planning permission[1], '*to extend dwellinghouse to side incorporating dormers to front and rear, together with garage extension on opposite side'* a fallback position exists, whereby if the appeal scheme does not progress the garage 'fallback', will be developed. The permission remains extant, as the extensions have been built. I am not aware of any impediment to the construction of the approved works and on this basis, there is a greater than theoretical possibility that the development referred might take place. I have therefore given this 'fallback' position significant weight.

17. In comparing the 'fallback' position with the appeal proposal, the proposed single storey extension would still be positioned along the side common boundary and close the gap. However, it would not project further than the existing house / rear building line unlike the 'fallback', which would extend the length further along the rear common boundary and garden. The change in roof type would have a negligible effect in terms of the perceived height of either the extension or garage. The 'fallback' would therefore appear more prominent due to the difference in land levels and its projecting length. As such, I consider that the 'fallback' position' would be more harmful than the appeal proposal.

18. The 'fallback' position, therefore, attracts significant weight in coming to my decision and is a material consideration. In having regard to the site-specific circumstances and the degree of effect on the living conditions of No.7 between the 'fallback' position and the appeal proposal, it leads me to a conclusion that the conflict with the Council's policies in relation to living conditions is not sufficient to justify dismissing the appeal.

Conditions

19. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials of the proposed extension are to match the existing dwelling and in order to safeguard the character and appearance of the area.

Conclusion

20. The proposal would not have an unacceptable effect on the character and appearance of the host dwelling or area. As regard to the effect on the living conditions of the occupiers at No.7, the 'fallback' position justifies the proposal. This is a material consideration that supports a decision for a proposal that is not in accordance with the development plan.

21. For the reasons given above I conclude that the appeal should be allowed subject to conditions.

K A Taylor

INSPECTOR

[1] A/15/81703/HH