



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: 23 June 2021

Appeal Ref: APP/V4250/W/21/3269426

50 Shevington Moor, Standish, Wigan WN6 0SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr M Khan against Wigan Metropolitan Borough Council.
 - The application Ref A/20/89621/FULL, is dated 23 July 2020.
 - The development proposed is erection of bungalow.
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Decision

1. The appeal is dismissed and planning permission for erection of bungalow is refused.

Procedural Matter

2. The Council have not issued a refusal notice. However, I have had regard to the Council's accompanying statement of case, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area; and (ii) the effect on the living conditions of nearby residents, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site forms part of the garden of No.50 Shevington Moor (No.50) and is within a predominantly residential area. There is a mix of property types within the vicinity of the site with the majority having a consistent front building line facing the roadway and feature both enclosed front and rear garden areas. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.
5. The proposed dwelling would be of a single storey bungalow of contemporary appearance with a split roof form consisting on one part with a flat roof, roof light and the other a mono-pitch, both with overhanging eaves detail. Materials would be brick with the majority of elevations finished in a white render. There would be minimal openings on the west elevation, none on the north and the east and south elevations would feature the majority of openings including both

- doorways and windows. Access would be taken from Ashurst Road, an unadopted highway which serves a number of existing dwellings.
6. Overall, the proposed dwelling would be compact in size, incorporating one bedroom and living areas. However, it would be of a rather unique appearance, almost representing that of a squat garden outbuilding in part, oddly and poorly designed directly along the common boundary with No.52 Shevington Moor, with a marginal gap between the boundary of No.19 Ashurst Road and a driveway positioned directly along the boundary with No.6 Fircroft.
 7. Given its rather contrived design, particularly the roof and overall footprint to fit within the site context. It would appear as an incongruous building in comparison to those traditional dwellings within the area. Whilst it would not complement or have any resemblance to the appearance of the original dwelling the site forms part of. Furthermore, this would be exacerbated by the height, fenestration, use of a mix of material palettes and particularly the white rendered finish to the elevations.
 8. Moreover, there would be limited frontage due to the constraints of the site area and proximity to the common boundaries with neighbours. Given the limited space between the boundaries it would appear as a cramped dwelling resulting in over-development of the site, which would not be characteristic of properties in the area which feature enclosed spacious garden areas to both front and rear elevations.
 9. Consequently, I conclude that the proposed development would be harmful to the character and appearance of the area. It would be contrary to Policy CP10 of the 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 and meets standards for design. It would also be in conflict with the guidance contained within the Council's supplementary planning document, Design for Residential Development (SPD), in regard to design considerations for sustainable development, character and identity.

Living Conditions

10. Although, there would be a sufficient gap retained between the existing property at No.50 with facing elevations and no overlooking from windows into neighbouring garden areas. The overall height and length of the dwelling, its position and siting in close proximity to those common shared boundaries either side would result in it being unduly dominant when viewed from those gardens/private amenity areas of neighbouring properties. As such, it would create an unacceptable relationship, being overbearing and accordingly detrimental to the outlook that is currently enjoyed by adjoining occupiers within their existing garden areas.
11. For the reasons given above, I conclude it would cause harm to the living conditions of nearby occupiers, in regard to outlook. It would be in conflict with Policy CP17 of the CS, which amongst other things, ensures new development is planned and 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 guidance in the Council's SPD, in regard to amenity.

Other Matters

12. The Council have set out concerns regarding ownership certificates and the red line of the appeal site is not compliant with the relevant legislative provisions, as it does not show access to a public highway. The Planning Practice Guidance¹ (PPG) requires that the application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development, including land required for access to the site from a public highway. I have no substantive evidence to conclude on the ownership or responsibility of the unadopted highway along Ashurst Road.
13. Notwithstanding the above, it would appear from site observations of the road including its finish, existing parking, layout and the evidence before me, to be maintained in part by existing residents along Ashurst Road. Nonetheless, as I am dismissing the appeal, I have not investigated this matter further.
14. My attention has been drawn to a previous refusal at the appeal site for a certificate of lawfulness². This is not the proposal before me, and it is not a matter for the Inspector, in this type of appeal to consider whether this decision was flawed or if a building would be permitted development. In any event the appeal is necessarily determined on its individual merits on the basis of the evidence before me.
15. I acknowledge that the site is within a sustainable location for local services and facilities, and the appellant makes reference to the National Planning Policy Framework. That small sites can make an important contribution to meet the housing requirement of an area. Whilst this may be the case, it is not without caveats, including that developments provide a high standard of amenity for existing and future users and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
16. The appellant indicates that the proposal would provide much needed accommodation for retired couples. I have no substantive evidence that indicates that the proposed dwelling would be built for that purpose, or that there is an identified need or shortage of such one-bedroom bungalows within the Borough. Although there would be some social and economic benefits to providing an additional residential unit, this would be limited due to the quantum of development proposed.

Conclusion

17. The proposed development would cause harm to the character and appearance of the area, and the living conditions of existing adjoining occupiers. As a result, it would be contrary to the development plan taken as a whole. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan.
18. For the reasons given above I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR

¹ Paragraph: 024 Reference ID: 14-024-20140306, Revision date: 06032014

² A/21/9111/LUCP