



Appeal Decision

Site visit made on 17 August 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27th September 2021

Appeal Ref: APP/V4250/W/21/3274516

53 Railway Road, Leigh WN7 4AD

- 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 Damian McLaughlin (Yetti Bar 2 Ltd) against the decision of Wigan Council.
 - The application Ref A/21/90572/CU, dated 24 December 2020, was refused by notice dated 5 March 2021.
 - The development proposed is the conversion of existing hair salon and ancillary office/storage space to 6no. one bed flats and 1no. commercial unit, including minor elevation changes.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal floorspace provision and privacy.

Procedural Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Reasons

4. The appeal site comprises a vacant three storey property on the corner junction of Railway Road and Wilkinson Street, in the Railway Road Conservation Area (the CA). The area is controlled by an Article 4 direction restricting HMO development. It is located within the east-west core of the Borough, where the Council seeks to focus at least 80% of new housing.
5. The proposal would create six one bedroom flats at the site ranging in size from 30.5 sqm to 44 sqm. Submitted plans show double beds in all units such that they would be capable of occupation by two people. The Nationally

Described Space Standards (NDSS) require 50 sqm for such units and are therefore indicative of the proposed flats being unduly small. However, while a useful reference point, the NDSS have not been adopted by the Council. As such, the failure of the proposal to meet the NDSS carries limited weight.

6. Nonetheless, the submitted plans demonstrate that the flats would be cramped, with minimal circulation space. While the hallways have been purposely limited to maximise the space of habitable rooms, the overall limited floorspace would still result in confined and cluttered layouts with contrived arrangements of furniture and fixtures. This is particularly the case for Flats 2, 4 and 5, where there would also be no discernible separation between living and cooking areas to facilitate comfortable living.
7. The small size of the flats, and the positioning of window and door openings, leaves little scope for alternative configurations to the cramped layouts shown on the plans. The proposal would not therefore provide suitable or practical accommodation for future occupiers in terms of internal floorspace.
8. The windows for ground floor Flats 1 and 2 would be directly adjacent to the public footpath serving the residential Wilkinson Street. The Wigan Local Development Framework Design Guide for Residential Development Supplementary Planning Document July 2006 (the SPD) recognises the importance of achieving privacy for ground floor residents, particularly on busy streets where private space in front of the windows cannot be achieved.
9. The windows in question would serve the living room and bedroom where occupiers would expect a degree of privacy, but would allow clear, unrestricted views into the flats from the passing footpath. This would be obtrusive for future occupiers, particularly as it would affect all habitable rooms at the flats, and as such would erode their privacy to an unacceptable degree.
10. For the reasons given above I find that the development would have a significant adverse effect on living conditions for future occupiers, with particular regard to provision of internal floorspace and privacy. As such, it would fail to accord with Policies CP6 and CP17 of the Wigan Local Plan Core Strategy, September 2013, the SPD and the provisions of the Framework, which seek to ensure housing supports a good quality of life and development does not have an unacceptable adverse impact on amenity.

Other Matters

11. As the appeal property lies within the CA, I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Given the limited external alterations proposed and the mixed use of the area, there would be limited impact in this regard. The removal of the shutters at site would, however, have a positive visual impact. As such, overall the proposal would serve to enhance the character and appearance of the CA.
12. The proposal would provide additional housing on previously developed land. It would reuse a vacant building and be in an established residential area with a town centre location. While the Council can demonstrate a 5 year supply of deliverable housing sites, there is no bar to greater provision. In any event the flats would be in an area where the Council seeks to focus new housing. Significant weight is therefore attached to these benefits of the proposal.

13. The Council raised that the ground floor would be shared with a commercial unit but agrees that appropriate conditions would ensure no adverse impact on the living conditions of occupiers on the ground floor. I have no reason to disagree with this position. Similarly, appropriately worded conditions on extraction and internal insulation could address concerns relating to the effect of the waste and cycle storage area on the living conditions of the occupants of Flat 2 with regards to noise and odour. The Council also had concerns regarding ventilation of the bathrooms at Flats 1 – 5 due to the lack of windows in these rooms. However, such concerns would be addressed through the Building Regulations process.
14. It has been highlighted that the proposal would be environmentally sustainable, causing no water pollution and limited air pollution. These aspects of the proposal are acknowledged but represent examples of a lack of harm, which is a neutral matter that does not weigh in favour of the proposal. It has also been raised that no objections were received from statutory consultees. However, this lack of objection attracts limited weight and does not outweigh the harm identified above.

Planning Balance and Conclusion

15. I have concluded that the development provides accommodation which does not provide adequate living space. This equates to substantial harm. The support for provision of additional homes does not outweigh the need for those homes to achieve a basic minimum standard of accommodation for its occupants. In this case I find that the benefit arising from the provision of additional homes and the enhancement of the CA is outweighed by the poor living conditions to which its occupants would be subjected and the substantial harm identified in this regard.
16. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR