



Appeal Decision

Site visit made on 7 September 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021.

Appeal Ref: APP//V4250/W/21/3275565
23 Ward Street, Hindley, Wigan WN2 2QH

- 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 Graham Atherton against the decision of the Wigan Council.
 - The application Ref A/21/90959/HHRET, dated 23 February 2021, was refused by notice dated 14 May 2021.
 - The development proposed is pergola and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the pergola and associated works at 23 Ward Street, Hindley, Wigan WN2 2QH in accordance with the terms of the application, Ref A/21/90959/HHRET dated 23 February 2021, and the plans and details submitted with it.

Procedural Matter

2. Notwithstanding the description of development for the proposed development, contained within the application form, I have reworded the description to clearly and concisely describe the proposal.
3. At the time of my site visit, the development was in place. The application form made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of occupants of No. 3 Forbes Close.

Reasons

5. The pergola is sited in the rear garden above the floor level of the appeal site dwelling. There has been a change in levels within the rear garden, however there is disagreement between parties as to whether it's been increased or decreased. The pergola sits adjacent to the shared boundary with No. 3 Forbes Close. No 3 is at a higher ground level than the appeal site.
6. The Council contend that the proposed development should be assessed as a single storey extension in terms of the House Extensions Design Guide, Supplementary Planning Document (2019) (the SPD). However, I disagree the

SPD contains guidance in relation to outbuildings which is more akin to the development before me.

7. The private gardens surrounding the appeal site appear to be of varying levels and many contain structures such as sheds or domestic extensions. During my site visit I viewed the development before me from the appeal property and the rear of No. 3. I observed No. 3 has an extension to the rear of the property which is visually prominent given the difference in levels to adjacent plots.
8. There is a minor difference in levels within the rear garden area of No. 3. The pergola projects above the existing shared boundary fence with No. 3 along a large proportion of the boundary. However, given the hipped roof design whilst prominent the structure does not appear excessive or overbearing in scale.
9. The appeal site lies to the south of the side boundary of No. 3, any development along this boundary is likely to cause a degree of overshadowing. Whilst the pergola is a large structure the overshadowing would not, in my opinion, reduce the enjoyment of the garden or be oppressive.
10. I conclude that the proposed development would not harm living conditions of occupants of No. 3 Forbes Close. There is no conflict with Policy CP17 of the Wigan Local Plan, Core Strategy, Development Plan Document (2013) which seeks amongst other things to protect the amenity and quality of life of occupants of neighbouring properties. There is also no conflict with the SPD.

Conclusion

11. For the above reasons I conclude that this appeal should be allowed.
12. Conditions relating to standard time limit for commencement of development, plans to be adhered to and materials to be used are not relevant or necessary as the development is complete.

C Pipe

INSPECTOR