



Appeal Decision

Site visit made on 7 February 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/V4250/D/21/3282000

48 Rivers Street, Orrell WN5 8NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr McKirdy and Miss Campbell against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/21/91838/PDE, dated 16 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is described on the application form as 'PVCU conservatory'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As set out under Schedule 2, Part 1, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), where an adjoining occupier objects to the proposed development of a larger home extension, as is the case here, the Local Planning Authority is required to assess the impact of the scheme upon the amenity of all adjoining premises whilst considering any representations received. The Council has not alleged that the proposal fails to comply with any other condition, limitation or restriction potentially applicable to the proposal, and I shall consider the appeal accordingly.

Main Issue

3. The Council does not raise any concerns as to the effect of the proposal on the amenity of other neighbouring occupiers and I have no reason to disagree with this assessment based on the evidence before me and my observations on site. Therefore, the main issue is solely the effect of the proposal on the amenity of the occupiers of 46 Rivers Street, with particular regard to light and outlook.

Reasons

4. The appeal property is a two-storey linked semi-detached dwelling which is located within a residential area of similar properties. The appeal property and the attached neighbour, No 46, are positioned at an angle relative to the road and their rear gardens taper so that they are narrower at the end. The rear gardens of both properties are set lower than the ground level of the dwellings and are divided by a solid timber fence.

5. No 46 includes a ground floor window close to the boundary with the appeal site, which serves a living room, and another ground floor window further along its rear elevation. There is also a patio area adjacent to the rear elevation of the neighbouring property which extends to the boundary with the appeal site.
6. I note that the Council's House Extensions Design Guide Supplementary Planning Document (2019) (SPD) sets out that to address the impact on amenity of an adjacent house, a single storey extension should not project along a common boundary by more than 3 metres unless it is set off the boundary by a distance proportional to its extra length.
7. The scheme involves the erection of a rear conservatory which would project 4m from the rear wall of the property with a width of 2.8m, a maximum eaves height of 3.15m and a ridge height of 3.85m. The proposed extension would include large areas of glazing to the eastern and southern elevations, a solid brick wall to the western elevation facing No 46 and a glazed roof.
8. Although the plans indicate that it would be slightly offset from the boundary with No 46, as it extends away from the rear elevation the extension would be with very close to the boundary due to the tapering rear gardens. The proposal would create a long flank wall alongside the boundary with No 46 and rise substantially above the height of the dividing boundary fence.
9. Due to its rear projection and height, the proposal would appear as an imposing feature from the neighbour's rear patio and garden. Whilst the neighbour's living room has a window facing the road at the front of the property and is dual aspect, when looking out of the rear window towards the garden the proposed extension would be very close and overbearing, creating an uncomfortable sense of enclosure. Thus it would reduce the neighbour's outlook and result in an unacceptable impact on their amenity.
10. The proposed extension would lie to the south-east of No 46, such that any potential overshadowing effect would be limited to a relatively short period in the morning. It is unlikely in my view that the proposal would result in any significant loss of daylight or sunlight to the neighbouring occupier.
11. Nonetheless, for the above reasons, I conclude that the proposal would be harmful to the amenity of the occupiers of No 46, with particular regard to outlook. Although there is no statutory requirement to determine the application in accordance with the development plan, in coming to this conclusion I have taken into account Policies CP10 and CP17 of the Wigan Local Plan Core Strategy Development Plan Document (2013), as well as guidance in the SPD and the National Planning Policy Framework. Amongst other things, these policies and guidance seek to ensure that development protects the living conditions of neighbouring occupiers and be integrated effectively with its surroundings.

Other Matters

12. The appellants contend that a single storey rear extension with a projection of 3m would fall within permitted development. However, the proposal would have a greater depth which I consider would have an additional adverse impact on the neighbour's outlook. Irrespective of whether the neighbouring property is tenanted, it does not follow that the proposal should be considered acceptable in planning terms.

13. Although there are other rear extensions in the local area, I do not have the precise details or the planning history of these cases before me. Accordingly, I cannot draw any direct comparison between these developments and the appeal proposal. I also appreciate that the proposal would provide enlarged accommodation for the appellants. However, the criteria under the GPDO refer solely to the impact on the amenity of adjoining premises in terms of determining the appeal.

Conclusion

14. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

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INSPECTOR