



Appeal Decision

Site visit made on 8 March 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Appeal Ref: APP/V4250/W/21/3281985

869 Atherton Road, Hindley Green, Wigan, WN2 4TB

- 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 P Heardman against Wigan Metropolitan Borough Council.
 - The application Ref A/21/91416/FULL, is dated 20 April 2021.
 - The development proposed is erection of a detached house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against the Council's failure to determine the planning application within the prescribed time limits. In its evidence, the Council states that if it had been in a position to determine the application, it would have refused it on grounds relating to visual amenity, living conditions and access arrangements.

Main Issues

3. Therefore, on the basis of the evidence before me, the main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether the proposal would provide an adequate standard of living conditions for neighbouring and future residential occupiers; and
 - iii) Whether the proposal would provide a convenient and safe access.

Reasons

Character and appearance

4. No 869 is a 2 storey end of terrace property in a residential area. The terrace is set back from the footway behind a narrow frontage and there is private outdoor space and parking to the rear. The appeal site is formed by the subdivision of the rear garden of No 869, which extends beyond the rear boundaries of the adjoining terrace to finish level with the rear boundary of the neighbouring semi-detached property. Access is from Ranicar Street, at the far end of terrace, via an unadopted track that serves the rears. The area has a somewhat mixed character and appearance due to the variety of ages, styles and sizes of dwellings and their varied siting and plot sizes.
5. The proposal would be a modest single storey dwelling with an open plan living, kitchen and dining area, 1 bedroom and a bathroom. It would have a

shallow hipped pitch roof to a maximum height of just under 3.5m and it would be finished in brick with concrete roof tiles. The rear of the dwelling would be narrowly separated from the side boundary of No 871. The north-facing side elevation would be similarly close to the fenced pedestrian access between Calder Avenue and Atherton Road.

6. The dwelling would not be visible from Atherton Road but it would be visible from locations elsewhere including Ranicar Street, the access track, the adjacent footpath, and the rears of nearby properties. The single storey detached dwelling, in its small plot with close boundaries to 3 sides, would not be in keeping with the 2 storey terraced properties nor the more generously spaced semi-detached and detached dwellings in the area. It would be out of scale and out of keeping with single storey ancillary outbuildings such as are commonly found to the rear of properties. By virtue of its design, scale, siting and proximity to the boundaries, it would be an incongruous and discordant form of development that would be out of character with the surrounding townscape. It would not make a positive contribution to local distinctiveness or sense of place.
7. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy CP10 of the Wigan Local Plan Core Strategy Development Plan Document Adopted September 2013 (the LP). This requires, among other things, that development respects the character and identity of the locality in terms of siting, size, scale and details and that it is integrated effectively with its surroundings and helps to create attractive places. It would conflict with the aims of the National Planning Policy Framework (the Framework) in relation to adding to the overall quality of the area, being visually attractive and sympathetic to the surrounding built environment and maintaining a strong sense of place.

Living conditions

8. The dwelling would be roughly 12m from the rear of the appeal property and there would be no windows in the side facing elevations. Therefore, there would be no overlooking between neighbouring habitable room windows. The high level and obscurely glazed bathroom window would not allow overlooking into the garden of No 871. Consequently, there would be no loss of privacy for the neighbouring residential occupiers.
9. The habitable room windows would be in the front elevation facing the access. The bedroom window would be within perhaps 2.5m of the side and front boundary fences and it would look onto the parking space for the proposal. Living area windows would be close to the fence separating the dwelling from the car parking and manoeuvring area for No 869. While the outlook would be somewhat uninspiring, the Council considers that the windows would not be unduly impacted or obscured by the boundary treatments.
10. Even accepting that there would be adequate outlook and daylight to the habitable room windows, and assuming the fences would prevent adverse illumination by car headlights, the close proximity of the windows to the access and the parking space for No 869 would allow close overlooking into the dwelling. Moreover, there would be overlooking into the small private outdoor space from the first floor windows in the rear elevations of Nos 869 and 871. The overlooking and reduced levels of privacy in the dwelling and the garden would be detrimental to the living conditions of future occupiers.

11. Both the proposal and No 869 would have a building to plot ratio, and rear garden space, comparable with the neighbouring terrace properties. However, the location plan illustrates that terraced dwellings have more limited outdoor space, and greater density of development, than semi-detached and detached properties in the area. The small and overlooked garden would not appear to meet the modern standard of living conditions that future occupiers of a detached dwelling might reasonably expect. The outdoor space to the rear of the traditional terraces does not provide a justification for the proposal.
12. The dwelling would extend along the side boundary of No 871. Irrespective that it would be single storey, there would be a significant increase in the length and height of built development close to the neighbouring garden. No 871 occupies the same depth plot as No 869, but it is set further back from the road. Consequently, the proposal would be closer to the rear elevation of No 871 than it would be to No 869, and it would extend along much of the neighbouring garden side boundary. Taking into account the neighbouring plot width, I find the proposal would be overbearing to the neighbouring residential occupiers in their rear garden.
13. Therefore, I conclude that the proposal would harm the living conditions of neighbouring and future occupiers, with particular regard to private outdoor space, overlooking and an overbearing form of development. It would conflict with Policies CP10 and CP17 of the LP which require, among other things, that development integrates with its surroundings and does not have an unacceptable adverse impact on amenity and quality of life. It would conflict with the residential amenity aims of the Framework.

Access

14. Pedestrian and vehicular access to the proposal would be via the unadopted road that serves the rears of 855-869 Atherton Road. While this is used by vehicles, residents and visitors travelling on foot to the terraced properties would be likely to do so via the well-lit frontages rather than the poorly-lit rears. The absence of natural surveillance and the narrow and dark access would be a deterrent to sustainable forms of travel to and from the appeal dwelling. The proposal would not create a place that was safe, secure and accessible and that prioritised pedestrian movements.
15. There is little evidence that the installation of security lights to the front of the dwelling would adequately illuminate the entirety of the access. Therefore, I am not satisfied that the proposed access could be made safe, or to feel safe, through the imposition of a planning condition requiring lighting details.
16. The Council considers that 1 parking space each for the proposal and No 869 would be acceptable parking provision in terms of quantity. Nevertheless, and while the highway consultee did not object, the proposal would result in an awkward and constrained parking arrangement. Moreover, the parking provision would be very close to the parking space to the rear of No 867. Particularly taking into account the additional commercial and private vehicles visiting the appeal property, it seems likely that the tightly constrained parking and manoeuvring would result in conflict between road users.
17. The 6m long shared access to the parking spaces would be finished in contrasting materials and the title deeds of both properties would require that part of the land to be kept clear and to not be used for parking. However, there

is little compelling evidence these measures would be sufficient to avoid conflict or that they would mitigate the significant constraints to parking and manoeuvring in and adjacent to the end of the unadopted access.

18. Therefore, I conclude that the proposal would not provide well designed, convenient and safe parking for the dwelling or for No 869 and it would not provide a safe and suitable access for all users. It would conflict with the parking and accessibility requirements of LP Policies CP7 and CP10. It would also conflict with the Framework in relation to providing safe and suitable access that gives priority first to pedestrians and cyclists.

Other Considerations

19. The location is suitable for new residential development. However, 1 small dwelling would make a negligible contribution to the supply of housing. There would be similarly negligible economic and social benefits during construction and occupation of the dwelling.
20. While the Framework supports the use of suitable brownfield land within settlements for homes, the definition of previously developed land specifically excludes land in built-up areas such as residential gardens. On this basis, the re-use of the land carries little weight in favour of the proposal.
21. The application form indicates that the proposal would be a self-build and custom build dwelling. Local authorities have a duty under the Self Build and Custom Housebuilding Act 2015 to keep a register of those seeking to acquire serviced plots in the area and to give enough suitable development permissions to meet the identified demand. However, there is little evidence that the appellant is on the register or that the Council is failing to meet the identified demand. Therefore, this matter carries little positive weight.

Conclusion

22. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
23. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR