



Appeal Decision

Site visit made on 26 July 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 4 August 2022

Appeal Ref: APP/V4250/W/22/3296587

Vacant Land, Unsworth Street, Tyldesley, Manchester M29 8NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Lee Ayre against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/21/92785/OUT, dated 22 November 2021, was refused by notice dated 9 February 2022.
 - The development proposed is described as 'Erection of a dwelling on a previously developed housing plot'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form states that the site address is 'Land at 2 Unsworth Street', however the appeal form and the Council's decision notice refers to the location of development as 'Vacant Land, Unsworth Street, Tyldesley'. In the absence of any conclusive information, I have adopted the consensus and amended the site address accordingly.
3. The application was submitted in outline, with access and layout to be considered at this stage. I have therefore dealt with the appeal on this basis.

Main Issues

4. The main issues are;
 - The effect of the proposed development on the character and appearance of the area.
 - The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to light and outlook, and future occupiers with reference to internal room sizes.

Reasons

Character and Appearance

5. The appeal relates to a narrow rectangular shaped area of previously developed land that sits in between 2 alleyways to the rear of residential terrace rows on Nelson Street and Manchester Road. The overriding character of the immediate vicinity is of 2 storey terrace rows, that contain adjoining properties and plots of similar width.

6. Nonetheless, the relative thinness of the appeal site and the layout of the proposal is such that the proposed dwelling would have a smaller garden area and plot width in comparison to the existing residential development in the area. Given these constraints, the proposed house, which would occupy the full width of the plot, would be narrower and hence smaller than the neighbouring dwellings.
7. This confined configuration would be emphasised by its detached nature, which would contrast with the surrounding, wider, terrace rows. My site observations also confirmed that 3 New Bank Street, like the other dwellings in the area, is wider than the proposed dwelling and sits more comfortably in its plot. As a result of this the proposed development would appear cramped on the site, and out of context with the predominant layout and pattern of development in the immediate vicinity.
8. I have had regard to the submitted historic map which indicates that a dwelling previously occupied a similar position on this land. However, on the evidence presented I cannot be certain that this was identical to and represents a direct parallel to the appeal proposal. In any case, this has been demolished, and no longer forms a part of the immediate local context.
9. I therefore find that the proposed development would have a harmful effect on the character and appearance of the area. As such, conflict would arise with Policy CP10 of the Wigan Local Plan Core Strategy Development Plan Document, 2013 (Core Strategy). This seeks, amongst other matters, for new development to respect and acknowledge the character and identity of the borough and its locality, including in terms of its siting. In similar respects, it would not accord with advice contained in the Council's 'Design Guide for Residential Development' Supplementary Planning Document 2006 (SPD) and guidance within the National Planning Policy Framework (the Framework), particularly Section 12.

Living Conditions

10. Although scale, appearance and landscaping are reserved matters, indicative plans showing the site levels and sections along with the profile of the proposed building, indicate a 2 storey dwelling.
11. It is uncontested between the main parties that the proposed dwelling would be within approximately 9 metres of the rear windows of Nos 128 – 132 Manchester Road and within around 8 metres of the rear windows of Nos 19-23 Nelson Street. I have no reason to question the measurements provided by the Council and agree that they would fall short of the advised 12.2 metre interface distance as set out in the SPD.
12. The proposal would thereby create substantial 2 storey elevations that would directly face and be close to the ground and first floor windows of these neighbouring properties. At such proximity to these neighbouring houses and their rear windows, the proposal would therefore visually dominate the outlook from the rear of them and their back garden areas, having an oppressive and overbearing effect and causing an undue sense of enclosure. Given the orientation of the appeal site and the proposed building in relation to the sun path I also consider that an unacceptable amount of overshadowing would occur to the residents of 128-132 Manchester Road.

13. On the basis of the evidence before me I am unconvinced that a 2 storey dwelling could be developed on this site with acceptable levels of outlook and light maintained for the residents of neighbouring properties.
14. The appellant has referred to other streets in the area where interface distances are below the advised SPD requirements. However, no specific examples have been provided, and on the evidence presented I cannot be certain that they represent a direct parallel to the appeal proposal.
15. Moreover, even if the proposed development was alternatively reduced to a single storey scale, the appellant has not contested that there would be insufficient internal room space to provide future occupiers with acceptable living conditions. I have no substantive reason to question this. As such, and in the absence of any substantive evidence to the contrary, I consider that any resultant single storey accommodation would be likely to be unduly small and cramped and provide an unsatisfactory quality of life for future occupiers.
16. I therefore find that the proposed development would cause harm to the living conditions of the residents of neighbouring properties, with particular regard to light and outlook, and future occupiers with reference to internal room sizes. It would thereby conflict with Core Strategy Policy CP17 which seeks to ensure that development does not have an unacceptable adverse impact on amenity, an objective shared with the SPD. Conflict would also arise with paragraph 130 of the Framework which requires new development to have a high standard of amenity for existing and future users.

Other Matters

17. Although I have been made aware that the site suffers from fly tipping the proposed development is not the only way of achieving a solution to this problem. It has also been put to me that the appeal site is an available deliverable plot within an urban area that has the benefit of previous connections to sewers and services. In addition, it is situated in accessible location, a short walk away from Tyldesley town centre, with excellent public transport links to Manchester City Centre. Nonetheless, these matters did not appear to be contentious in the appeal, and do not outweigh or overcome the harm that I have found that the proposal would cause to the character and appearance of the area and the living conditions of future and neighbouring residents.

Conclusion

18. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR