



Appeal Decision

Site visit made on 20 September 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/V4250/W/22/3295469

15 Bowland Avenue, Ashton-In-Makerfield WN4 8BD

- 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 Jennifer Winstanley against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/21/92236/FULL, dated 7 August 2021, was refused by notice dated 13 January 2022.
 - The development proposed is described as 'Demolish existing garage and bungalow and construct a new two storey house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of the development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details before me that the development comprises the demolition of a bungalow and garage and the construction of a 3 storey dwelling with paved parking area.
3. At the time of my site visit the bungalow had been demolished and the site had been fenced off. For the avoidance of doubt, I confirm that my determination of the appeal is based on the drawings submitted.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site sits in between a bungalow and a 2 storey semi-detached dwelling. The immediate surroundings are residential comprising a mixture of true bungalows and 2 storey semi-detached properties that are laid out in an orderly fashion and set back from the highway. Although a number of dwellings along the street have been altered or extended in some way, all of the bungalows have simple pitched roofs. The vast majority of the 2 storey dwellings in the locality, including 17 Bowland Avenue, have Dutch barn style roof designs.
6. These roof forms allow for visual gaps in between properties, at first-floor level, which provide relief to the built-up character of the locality. The first-floor gaps, in combination with the predominantly grassed front garden spaces,

modestly sized back garden areas, landscaped highway strips and mature trees, provide a pleasant, spacious and relatively green suburban character to this part of the street.

7. The Council has raised no objection to the principle of a replacement dwelling in this location, in accordance with Policy CP 6 of the Wigan Local Plan Core Strategy Development Plan Document 2013 (Core Strategy), and I have no substantive reason to disagree with this. I also appreciate that the site is not located in a conservation area and that it has been designed to respect the established building line.
8. Nonetheless, by introducing a 3 storey detached dwelling, the proposal would increase the built form and scale of development across the site. It would span the majority of the width of the plot and be in proximity to both of the shared side boundaries and the side elevations of the neighbouring properties at Nos 13 and 17. Due to its size and set back, the proposed dwelling would also have a significantly smaller back garden area than is typical for the locality.
9. Furthermore, the proposed dwelling includes a rear dormer that would be of considerable size and scale, occupying a vast proportion of its rear roof plane. This element of the proposal, along with the uncharacteristic steep pitched hipped roof, would provide significant additional visual bulk and dominance to the proposed building. As a consequence, the first-floor space between the proposal and the neighbouring properties would be appreciably reduced, leaving uncharacteristically narrow gaps.
10. It is undisputed between the main parties that the length of the proposed rear garden would fall short of that advised in the Council's 'House Extensions Design Guide' Supplementary Planning Document (SPD1). Whilst the submitted plans show a generous space to the front of the property, this is proposed to be paved over in stone and would be of a size that would be able to accommodate the parking of a number of cars. This would not only result in a large, exposed, hard surfaced area that would be out of keeping with the softly landscaped front garden areas of neighbouring properties, but when in use by parked cars, would provide little usability for recreational purposes. As such, it would not provide sufficient compensation for the deficiency in the proposed private rear garden space.
11. The discordant effect of the proposal would be readily apparent from along Bowland Avenue, Penrith Crescent and from a number of neighbouring properties. In light of all of the factors above, the proposed development would therefore appear oversized, top heavy and cramped in its context, significantly eroding the first-floor gaps between neighbouring properties and interrupting the rhythm and sense of spaciousness along this part of the street.
12. As such, I find that the proposed development would unacceptably harm the character and appearance of the area. Conflict would therefore arise with Core Strategy Policy CP 10 which seeks, amongst other things, for new development to respect and acknowledge the character and identity of the borough and its locality, including in terms of its siting, scale and design. It would also conflict with advice contained in SPD1 and the Council's 'Design Guide for Residential Development' Supplementary Planning Document 2006 in respect of infill development and one to one house replacement. Similarly, it would not accord with guidance within the National Planning Policy Framework (the Framework), particularly Section 12.

13. The Council's reason for refusal also refers to Core Strategy Policy CP 17, which relates to environmental protection. However, given the Council's lack of objection in respect of the living conditions of future and existing residents, I find no conflict with this policy.

Other Matters

14. The Government attaches importance to the supply of self-build and custom build housing and the appellant has described the dwelling as being for self-build purposes. 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.
15. Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
16. Nonetheless, there is no requirement within paragraph 62 for specific policies to address each of these needs. It only requires that the needs of these different groups must inform the development plan policies. Whilst I recognise the age of the Core Strategy, there is no evidence before me to suggest that the Council did not take into account the needs of these groups when they drafted the development plan policies. As such, I am unable to find the development plan policies that are the most important for determining the application to be out of date. Moreover, there is little evidence that the appellant is on the register or that the Council is failing to meet the identified demand. There are also no details as to how it would be secured were the appeal to be allowed. As a result, this is not a factor that counts in the proposal's favour.
17. The appeal proposal would provide some economic, environmental and social benefits. It would generate economic activity during the construction of the house and provide a home to occupiers who would spend and contribute to the local economy. It has also been put forward that the site constitutes previously developed land, would be located in an accessible location that is well served by infrastructure and services, and would utilise environmentally friendly features, and provide a high energy-efficiency standard. However, as the proposal is for a single replacement dwelling, and would result in no net gain in housing supply, any benefits in these respects are somewhat limited.
18. I have been made aware that the Environment Agency, United Utilities, and the Council's Lead Local Flood Authority, Highways Engineer and Trees and Woodlands Officer have not raised any objections to the scheme. Nevertheless, these matters did not appear to be contentious in the appeal and would be neutral factors which accordingly cannot, by definition, be used to weigh against harm. Furthermore, the appellant's pre-application discussions with the Council and subsequent amendments to the scheme have had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

19. My attention has also been drawn to the planning permission for a 2 storey house (Ref: A/22/93516/FULL) at this site, which was granted after the refusal of the scheme that is the subject of this appeal. However, the plans before me show the approved dwelling to be set further away from the boundary with No 13 and to be of a smaller size and scale, omitting the rear dormer, with a larger rear garden space and grassed front garden area. It would therefore not have a materially more harmful effect than the proposal. As such I can only afford the extant permission limited weight as a fallback position.
20. In reaching my findings I have also taken into account the appellant's reference to other sections of the Framework and their willingness to accept planning conditions in respect of noise and traffic during construction work. However, neither these, or any of the other factors above would overcome or outweigh the harm that I have found would result.
21. The appellant's family's functional need for additional space and desire to provide an improved standard of accommodation given the presence of damp and mould at the previous bungalow are acknowledged. Nonetheless, planning permission runs with the land rather than with the applicant or appellant. I have had regard to the provisions of the Children Act, which, it is contended, sets out that child welfare is the paramount consideration when determining any question with respect to the upbringing of a child. However, I have no evidence before me to indicate that the development of the appeal site would be the sole means of the appellant being able to access suitable accommodation. There is also little firm evidence before me to demonstrate that the approved 5 bedroom property (Ref: A/22/93516/FULL) at this site would not meet the needs of the appellant's children and family. Dismissing the appeal would therefore be a proportionate response in the public interest, given the identified harm.

Conclusion

22. 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 be dismissed.

Mark Caine

INSPECTOR