



Appeal Decision

Site visit made on 21 June 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/V4250/W/23/3317312

8 Oakengates, Standish, Wigan WN6 0XL

- 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 M Tonks against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/22/93267/FULL, dated 23 February 2022, was refused by notice dated 6 October 2022.
 - The development proposed is new retaining wall (with fence on top) to level up the remaining part of the rear garden space with associative works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers on Bentham Road with particular regard to overshadowing, massing and outlook.

Reasons

3. The appeal property is a detached two storey dwelling at the head of a cul de sac. To the rear of the property is a watercourse which is at a lower level than the property and garden. Beyond this are the rear gardens of single storey dwellings on Bentham Road.
4. The height of the existing wall and conifer hedge may be higher than the proposed wall and fence, however it is further away from the dwellings on Bentham Road than the proposed retaining wall would be. This distance varies across the site, but it is agreed that this would typically be about 3 to 4 metres closer, extending to 9 metres in some parts.
5. Whilst there are differences in levels between the neighbouring properties and the lower level of the watercourse, the wall and fence would be closer to the rear elevations of the neighbouring properties which would result in increased massing when viewed from them. The overall height of the proposal may be similar to that of a two-storey dwelling, however, due to its length, it would not only be visible in direct views but also oblique side views too, reducing the outlook from the neighbouring properties. The resultant wall would be close to the boundary of the neighbouring properties and the stone gabion baskets would be overbearing due to their massing. I accept that the height of the proposal would be lower than that currently experienced by the neighbouring occupiers due to the proposal removal of the existing conifer hedge. Even

though it would be closer to the neighbouring dwellings there would not be a significant increase in overshadowing of the garden areas.

6. I acknowledge that the proposal would reduce the opportunities for overlooking the neighbouring gardens from the appeal site which can be overlooked due to the spaces in the conifer hedge. This is a benefit of the scheme but does not outweigh the harm I have found due to the additional massing and reduction of the distance to the retaining wall from the neighbouring properties.
7. I have had regard to the comments from the neighbours on the possible effect of the proposal on their outlook. However, I have based my findings on the submitted plans and on my observations at the site visit.
8. I conclude that the new retaining wall (with fence on top) would harm the living conditions of neighbouring occupiers with particular regard to massing and outlook. It would conflict with Policies CP10 and CP17 of the Wigan Local Plan Core Strategy (2013) which together, amongst other matters seek to ensure that development respects local character and does not have an unacceptable adverse impact on amenity and quality of life. It would also conflict with the guidance in the Wigan House Extensions Design Guide (2019) which seeks to ensure that boundary treatments are of an appropriate scale, and with the National Planning Policy Framework.

Other Matters

9. I note the condition of the retaining wall and that work would be necessary to ensure its safety. However, I am unconvinced that this could not be achieved in a manner that would not harm the living conditions of neighbouring occupiers that I have identified.

Conclusion

10. The proposed development conflicts with the development plan as a whole and there are no other considerations that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR