



Appeal Decision

Site visit made on 20 November 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/V4250/W/23/3323941

Back Leigh Road, Atherton M46 0PW

- 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 Paul Johnson of Signature Projects Ltd against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/22/94096/FULL, dated 22 July 2022, was refused by notice dated 10 May 2023.
 - The development proposed is replacement storage units following demolition of existing garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Before they were demolished, the appeal site contained three garages that extended into the site from its western boundary and adjoined a two-storey brick building in the south-west corner of the site. The latter remains, and a new foundation slab, of the same size and location as that shown on the submitted plans, has been erected. No work above slab level has taken place. I have considered the appeal on this basis.
3. According to the appellant's Statement of Case "the site is a residential garage site to the south of Johnson Steet." They also explain that the replacement units would be for their own private use as storage and not for commercial venture. It is not for me as part of an appeal dealing with an application for planning permission to determine whether a use or operation is lawful. This can only be formally determined by a lawful certificate application. I have considered the appeal based on what has been applied for and in light of the Council's suggested planning condition which seeks to limit the use for the storage of domestic items and equipment.

Main Issues

4. The main issues are: (a) whether the proposal would provide adequate parking provision and space to allow for vehicles to access and egress the site safely; and (b) the effect of the proposal on the living conditions of neighbouring residents, with regards to noise and disturbance.

Reasons

Parking provision and space

5. Despite the intended use of the storage units, and the planning condition that could be imposed to control that use, vehicular access would be needed to the storage units to enable the transfer of items or goods between the units and vehicle(s). The only means by which this can be achieved is by Back Leigh

Road. The initial section of the Back Leigh Road off Johnson Street is narrow and constrained by neighbouring boundaries or properties.

6. Back Leigh Road widens beyond the rear boundary of 2 and 4 Johnson Street. However, due to the narrowness of the access, and sightlines in either direction at the junction of Back Leigh Road and Johnson Street, reversing out of the appeal site is not a suitable or safe means of egress, whether that be for vehicles or other road users such as pedestrians. Parked vehicles on Johnson Street would also inhibit these manoeuvres were they to occur. Therefore, any vehicle using the site would need to be able enter and leave in forward gear, and as such, the appeal site needs to be able to facilitate this.
7. By locating units 1 and 2 off the site's western boundary, the distance between the front elevations of these units and the rear boundaries of 275 to 369 Leigh Road would be around five metres, which would be a reduced gap compared to the previous garages. There may still be space for vehicles to be on the land, but the amount of space within the site in which a vehicle or vehicles could manoeuvre would be less, and within an already constrained site. A single vehicle (typical car) carrying out multiple manoeuvres within the site with no other vehicles present would not cause adverse highway safety effects. This is because those manoeuvres would be off the busier Leigh Road and Johnson Street and mean that vehicles leaving the site would be in forward gear.
8. However, it is not inconceivable that multiple vehicles may access the site at the same time given the number of units. For someone entering the site, it would be difficult to know if a vehicle is already within the site until most of the way down the access. Planning conditions to control how the access is used and operated would not satisfy the tests of precision and enforceability. This is because it would be difficult to precisely define, in the absence of any technical analysis, what vehicles maybe able to safely manoeuvre within the site to enter and leave in forward gear, but also because it would be difficult to practically enforce such a condition given the units could be accessed at any time of day.
9. Without restricting the number of vehicles on the site at any one time, there could be multiple vehicles on the site. Multiple vehicles would affect the ability of another to manoeuvre safely and leave the site in forward gear without requiring a vehicle to reverse back along Back Leigh Road with limited visibility and onto Johnson Street, after crossing a pedestrian footway with limited sightlines. Thus, potential highway safety conflicts could arise. Also, if Back Leigh Road was used as an access by residential properties at Nos 363 to 375, the available space for vehicular manoeuvres would be further compromised.
10. In conclusion, the proposed access arrangements and the siting and layout of the proposal mean that, despite the reduced number of garages and potentially lower number of vehicle trips, the proposal does not provide adequate parking provision and space to allow for vehicles to access and egress the site safely. Therefore, the proposal conflicts with Policy CP7 of the Wigan Local Plan Core Strategy (Core Strategy) and saved Policy EM1C of the Wigan Replacement Unitary Development Plan Remaining Policies (UDP) which seek proposals to provide satisfactory or safe vehicular access, maximise the safety of the road network, and provide appropriate or well-designed on-site parking provision.

Noise and disturbance

11. If the storage units are used as applied for there would not be any commercial use at the site. By extension, that would mean any vehicle movements would

be solely in conjunction with the private storage use applied for.

12. The units would have a larger footprint than the previous garages, but their number would be one fewer. There is no evidence of how the previous garages were used or how many vehicle movements were made in connection with them. There is also no indication of any limitation on their use. Hence, it is difficult to establish a benchmark to assess the proposal against.
13. The storage units would result in vehicle movements to and from the site near to residential properties. Hence, given the use and tight urban character of the area, noise and disturbance could potentially occur. However, given the former garages and the use of a planning condition to control the use of the new units, the proposal would not intensify the use of the site or cause unacceptable adverse impacts to nearby residents through noise and disturbance.
14. I conclude, on this issue, that the proposal would accord with Core Strategy Policies CP10 and CP17 and saved UDP Policy EM1C as the proposal would not harm the living conditions of neighbouring residents, with regards to noise and disturbance. Together, these policies seek to ensure development does not give rise to unacceptable adverse impact on amenity and quality of life.

Conclusion

15. Although I found no harm on the second main issue, this does not outweigh the highway safety harm that I have identified. Therefore, the proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
16. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR