



Appeal Decision

Site visit made on 14 November 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/V4250/W/23/3322773

Oak Tree Inn, 150 Belle Green Lane, Ince, Wigan WN2 2ET

- 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 Rai of Axios Building Consultants Limited against Wigan Metropolitan Borough Council.
 - The application Ref A/22/94558/FULL, is dated 14 October 2022.
 - The development proposed is described as demolition of existing ground floor extension to the rear of the building, change of use of the ground floor only from A4 (Pub) to A1 (Shops) and the erection of a new single storey flat roof rear extension to provide new modern shop/ retail sales area accessed to the side via Russell Street via a ramp/ step access. Retention of the existing 1st floor residential flat accommodation accessed via Bell Green Lane.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for an award of costs was made by Mr Rai of Axios Building Consultants Limited against Wigan Metropolitan Borough Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The appeal is submitted against the failure of the Council to determine the planning application within the statutory timescale. The Council have advised in the submitted Statement of Case that they consider the proposal would not be appropriate in terms of its scale, mass, and design. I have had regard to this in so far as it provides clarity on what grounds the Council would have refused planning permission on, had it been able to do so.
4. The description of development in the banner heading above includes reference to A4 Pub and A1 shop. However, A1 and A4 uses of the Town and Country Planning (Use Classes) Order 1987 have been superseded by the changes brought about by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Retail shops are now within Class E uses and public houses are within Sui Generis uses. The appeal before me proposes a change of use from public house to retail shop. I have, therefore, considered the proposed use as a Class E use.
5. The Council has referenced Places for Everyone (PfE) which is a joint Development Plan Document being produced by nine Greater Manchester districts. However, although PfE has been submitted to the Secretary of State for examination I cannot be certain when the document is likely to be adopted

or if any policies are to be modified. Moreover, the Council has advised that there are unresolved objections to the policies in PfE and neither main party have relied on it in evidence. I have therefore not given any weight to PfE in the consideration of this appeal and have determined the appeal in accordance with the current development plan.

Main Issue

6. Given the evidence in the Council's Statement of Case, the main issue is the effect of the proposed development on the character and appearance of the existing building and the surrounding area.

Reasons

7. Policy CP10 of the Wigan Local Plan Core Strategy Development Plan Document, 2013 (CS) aims to improve the built environment of the borough through, amongst other matters, design that respects and acknowledges the character and identity of the locality in terms of materials, siting, size, scale, and details. Policy CP10 also seeks to ensure that new development is integrated effectively with its surroundings and creates attractive places.
8. The Wigan Local Development Framework Shop Front Design Guide Supplementary Planning Document, 2005 (the SPD) advises that the role of shop fronts is to both attract attention to ensure economic success and to improve the appearance and attractiveness of streets. The SPD provides general and detailed design advice.
9. The appeal site comprises a vacant public house. The existing building is two-storey with a small single-storey lean-to extension to the side and single-storey flat roof extensions to the rear. The two-storey element is of a traditional design, has a pitched roof, rendered walls and tall, narrow, windows. The later additions at the rear, albeit flat roofed, do not detract from the character and appearance of the two-storey building and are clearly subservient additions.
10. The existing building fronts Belle Green Lane with an enclosed garden to the side and car park to the rear, accessed off Russell Street. Either side of the existing building are small green spaces. The wider area is residential with other occasional commercial uses and areas of green space. The existing building is visible from the surrounding area, including the green spaces either side, Russell Street and Nelson Drive at the rear.
11. The proposed extension would replace the existing flat roofed single-storey extensions at the rear with a new flat roofed addition. However, the proposed addition would extend further back than the existing buildings and would have a substantially larger footprint than the parts of the building to be demolished. Furthermore, the proposed extension would be flush with the side elevation of the lean-to extension and, therefore, project out from the side elevation of the main part of the building.
12. Although it would be single storey, and wholly within the application site, the extension would not be read as a subordinate addition to the existing building, unlike the existing single storey additions. The proposal would be a prominent addition visible from the surrounding area. Due to its scale and footprint, it would not respect the proportions or scale of the existing building and would dominate the existing building as an incongruous and elongated addition to the rear.

13. Furthermore, the proposal would be part rendered and part brick, with a prominent band along the top edge of the walls and large, wide, windows. The new shop front would face Russell Street and the car parking area and has been designed to reduce crime and anti-social behaviour. However, the proposed materials and detailing would not respect or reflect the design of the existing building. The positioning of the entrance, off-set from the centre of the shop frontage, would draw attention to the extension and away from the existing building and the proposed advertising signage would also not respect the existing building or the extension. However, I acknowledge that the advertisements would need to be considered under separate consenting regime.
14. Overall, the proposed extension, albeit single storey and on brownfield land, would not improve the locality or be sympathetic to the character and surrounding built environment or add to the quality of the area, as asserted by the appellant. Moreover, the proposal would not respect the materials, scale, massing, design, layout, and details of the existing building, and would not integrate effectively with the existing building, its surroundings or create an attractive place.
15. For the above reasons, the proposal would, therefore, be harmful to the character and appearance of the existing building and the surrounding area and conflict with Policy CP10 of the CS.
16. The proposal would also not comply with the guidance in the SPD which seeks to ensure that, amongst other matters, the scale and height of the shop front would be in proportion with the rest of the building, that the size and style of the windows reflect the whole of the building and that, where modern and contemporary designs are used these give careful consideration to the age, style, scale, proportions and materials of the building.
17. For the same reasons, the proposal would also conflict with the National Planning Policy Framework (the Framework), which seeks to ensure that development is of high quality and visually attractive.

Other Matters

18. The proposal would have economic benefits in providing employment, both during the construction and once completed, and social benefits in providing an additional local shop to the area. However, due to the scale of the development these benefits are limited. I have not given any weight to the appellant's contention that there would be social benefit from additional housing as the proposal retains the existing residential unit and, therefore, would not provide any additional housing. Moreover, I have no compelling evidence before me to support the appellant's assertion that the retail floorspace would be the minimum necessary to make the development economically viable and, in any event, this would not outweigh the harm.
19. I acknowledge that the existing building is in a poor state of repair and the site constitutes brownfield land, in accordance with the definition in the glossary of the Framework. I also acknowledge that the extension would bring the site back into use and would be built with energy efficiencies and sustainable materials. However, the existing condition of the building and these other environmental benefits would not outweigh the environmental harm identified above.

20. That the main parties have not raised any issues with regard to highway safety, parking, accessibility, flood risk and drainage, heritage matters, ecological matters, or the living conditions of the occupants of neighbouring properties, subject to conditions, are neutral matters and weigh neither for nor against the proposal.
21. The appellant has referred to support from the Council during pre-application discussions, the length of time the application was with the Council and that the case officer initially recommended approval. However, the Council did not determine the planning application and the evidence before me shows that the case officer communicated concerns regarding the design and scale of the extension with the appellant. The Council's Statement of Case clearly sets out their concerns which I have dealt with in the main issues above. That the case officer informally supported the proposal is not binding on the Council and is not determinative in my decision.

Conclusion

22. For the reasons given above, I have found that the proposal is contrary to the development plan as a whole, including the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townend BSc MA MRTPI

INSPECTOR