



Appeal Decision

Site visit made on 15 February 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/V4250/W/23/3334140

77 Moss Road, Billinge, Wigan, WN5 7BS

- 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 and Mrs Thomas and Joanne Webster against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/23/95588/FULL, dated 23 May 2023, was refused by notice dated 19 October 2023.
 - The development proposed is described as the erection of a new replacement dwellinghouse following partial demolition of an existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new replacement dwellinghouse following partial demolition of an existing bungalow at 77 Moss Road, Billinge, Wigan, WN5 7BS, in accordance with the terms of the application, Ref A/23/95588/FULL, dated 23 May 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DDS1788/01, DDS1788/02.
 - 3) The materials to be used in the construction of the external walls of the structure hereby permitted shall match those used in the remaining part of the existing building.
 - 4) The dwelling shall not be occupied until a means of access for vehicles shall have been constructed with pedestrian visibility splays that are 2 metres by 2 metres on each side of the access. The depth shall be measured from the back of the adopted highway, and the width measured outward from the edges of the access. The splays shall be created clear of obstructions to visibility at or above a height of 0.6 metres above carriageway level.

Procedural Matters

2. It would appear that the proposal was originally submitted as a householder application for extensions to the bungalow following demolition of the garage and utility room at the sides of the dwelling. In view of the significant nature of the demolition and scale of the proposed dwelling, the Council required that the application be re-submitted as a full planning application and the appellants complied with this requirement. I have taken the description of the proposed

development from the Council's decision notice, which is based upon the re-submission of the full planning application.

3. Side elevations of the proposed dwelling on the submitted plans do not appear to show dormer windows in the rear roof slope, although the dormers are shown on the rear elevation plan and the floor plans. It seems clear from all of the other information available to me that the rear dormers are an integral feature of the proposals, and I have dealt with this appeal on that basis.

Main Issues

4. The main issues in this case are the effects of the proposal on:
 - The character and appearance of the area along Moss Road, and
 - The living conditions of the occupiers of No 2 The Croft and No 75 Moss Road by way of privacy and outlook.

Reasons

5. No 77 is a detached bungalow situated on the northern side of Moss Road. It has a low profile with a pitched roof, the ridge of which runs perpendicular to the road. It has a garage with rear extension to the eastern side and a small utility room extension to the western side. The proposal would involve the demolition of the two side extensions, and the re-modelling of what remained of the bungalow to create a four-bedroomed house in a chalet-bungalow style, having a garage to the western side with en-suite room above. It would have a roof ridge running parallel to the road, two small dormer windows in each of the roof slopes, and a central, two-storey gable feature in the front elevation.
6. Policy CP10 of the Council's Local Plan Core Strategy (CS) indicates that new development should respect and acknowledge the character and identity of the locality, in terms of the materials, siting, size, scale and details used, and should be integrated effectively with its surroundings. Policy CP17 indicates that new development should be planned and designed so that it does not have an unacceptable adverse impact on amenity and quality of life.
7. The Council's Design Guide for Residential Development (SPD) indicates that the planning and design of residential developments should retain the privacy and amenity of adjoining properties. It states that there should be no less than 12.2 metres between main elevations and those that do not contain primary windows of habitable rooms. However, in certain circumstances, this distance could be reduced. The SPD also indicates that a replacement dwelling should make reference to the surrounding buildings in the streetscene, examples of which could be the established building line and frontage widths.
8. The Council contends that the proposed replacement dwelling, by virtue of its siting, scale and design, represents overdevelopment of the land, creating a poor relationship with surrounding properties, and fails to respect the prevailing pattern and spatial characteristics of the immediate street scene. In addition, the proposed dwelling by virtue of its siting, height and rear dormer features, would create overlooking issues and a loss of privacy to the rear amenity space of 2 The Croft, and by virtue of its height, overall mass and proximity to the western boundary, would result in an overbearing addition, to the detriment of the outlook and living conditions experienced by the occupiers of 75 Moss Road.

9. The appellant contends that the design has been influenced by its neighbouring properties. It would complement the scale and massing of other houses on Moss Road and would be sympathetic to the character of the area. With regard to its impact on No 2 The Croft, it would accord with guidance found within the Council's Adopted SPD on House Extensions (SPDHE), and with regard to the adjacent No 75, the nature of the proposal should allow for a relaxation of the guidance separation distances in the SPD.

Character and appearance

10. Moss Lane is a residential road characterised by a wide mix of house types and design. No 79, to the east of the appeal property is a bungalow on a corner plot and has a main roof ridge running parallel to the road. No 75 to the west of the appeal property is a tall, two-storey house with a large front gable element. There is a driveway running between Nos 75 and 77 which provides access to two detached dwellings sited to the rear of No 75. Opposite No 77 is a two-storey stone-built dwelling – Hawthorn Place – which is flanked on each side by detached bungalows. There is a wide mix of bungalow and house types along this part of Moss Road, including a large chalet bungalow at No 86.
11. One key characteristic of the properties along this part of the road is that they are generally wide-fronted within their plots, with roof ridges running parallel to the road. The appeal property currently appears as out of character in this regard. The neighbouring No 75 also appears somewhat out of character, having a large, prominent front gable element that is set well in front of the approximate building line formed by the other dwellings on the north side of the road.
12. The proposed development would result in the replacement of a small, narrow-fronted bungalow having an uncharacteristic alignment, with what would effectively be a wide-fronted chalet bungalow of a height between that of the tall house at No 75 and the bungalow at No 79. The general building line would be retained, and there would remain a visual gap between Nos 77 and 75 due to the presence of the access driveway to the houses behind. By virtue of the varied character of the area, I do not consider that the proposal would have any harmful effect on the character or appearance of the area, and could perhaps be said to reflect the character whilst also improving the street scene. On this basis, it would not conflict with Policy CP10 of the CS.

Living conditions

13. The proposed dwelling would have two small dormer windows set within the rear roof slope. With regard to its impact on No 2 The Croft, to the rear of the appeal property, I note that the Council consider the distance between the rear elevation of the proposed dwelling and the boundary with No 2 to be between around 6.8 metres and 8.4 metres, and I accept these figures. The first-floor dormer windows in the proposed dwelling would additionally be set in around a metre from that rear elevation. I note, therefore, that the dormer windows would be a minimum of 7.8 metres from the boundary.
14. Since the planning application now refers to the proposal as a replacement dwelling, I consider the Council's SPD on House Extensions (SPDHE) of limited relevance in this case. Nevertheless, it does indicate that the planning and design of house extensions should retain adequate levels of privacy and amenity and, to achieve this, a minimum separation distance of 7 metres must

be retained between an extension containing new windows of a habitable room at first floor level or above and any facing boundary. In this case, therefore, the set-in nature of the dormer windows would ensure that they clearly met the general requirements of the SPDHE relating to adequate levels of privacy and amenity. The dwelling itself at No 2 is not immediately behind the appeal site and any overlooking would be chiefly to the rear portion of its garden. I consider that the proposal would not result in unacceptable harm to the living conditions of occupiers at No 2 The Croft with regard to privacy.

15. No 75 is a large, two-storey detached house situated to the west/south west of the appeal property, and separated from it by the access road to two modern houses at the rear. No 75 has windows in the eastern side elevation at ground-floor and first-floor levels. From the information available to me, the only window referred to as a primary window is the first floor bedroom window.
16. The proposed dwelling at No 77 would extend across much of the width of the plot, although at the western end, it would be in the form of a subordinate element containing a garage on the ground floor and an en-suite serving a first-floor bedroom above. The western elevation formed by the side element would be between 7 and 8 metres from the side elevation of No 75, and the main side elevation of the dwelling would be around 11 metres away.
17. By virtue of the topography of the area, No 75 would be set at slightly higher level than the appeal property. It would appear to have a height of around 6 metres to the eaves. The proposed dwelling would have a maximum roof ridge level of around 7.5 metres, while the subordinate side element containing the garage would have a maximum height of around 6.5 metres. The proposed dwelling would have the first floor constructed within a sloping roof that rises from the original eaves level of the bungalow, such that the side walls of the main house and the side element would decrease in width from eaves level to the apex. The subordinate element of the dwelling would be around 6 metres in depth, decreasing above eaves level up to the apex. The main dwelling would have a depth of around 12 metres, again decreasing from eaves to apex.
18. In the light of the limited depth of the subordinate element at the proposed house, its narrowing from eaves to apex, and the height of the first-floor window at No 75, I consider that the proposal would not represent an overbearing outlook, since there would be very little blank wall opposite the primary bedroom window. Similarly, the side elevation of the main house would be over 11 metres away and also would taper above eaves level.
19. The SPD indicates that the separation between properties should not be less than 12.2 metres between main elevations and those that do not contain primary windows of habitable rooms. In this case, neither elevation would be the main elevation, and the side elevation at No 77 would taper towards the apex. Furthermore, the SPD acknowledges that the distance could be reduced if the proposal is designed or orientated in such a way avoid the development appearing over-dominant from the neighbouring properties. I consider that, in this case, the proposed dwelling would not appear over-dominant, and would not be significantly detrimental to the outlook of the occupiers of No 75.
20. In the light of the above, I find that the proposal would not be harmful to the living conditions of the occupiers of No 2 The Croft or No 75 Moss Road by way of privacy or outlook. On this basis, it would not conflict with Policy CP17 of the CS, or with the general thrust of guidance on design in the SPD.

Conditions

21. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I note that the submitted plans indicate that the new and extended walls to be constructed would use materials to match those of what would remain of the existing dwelling. I have attached a further condition relating to such materials in the interests of the visual appearance of the host property and the wider visual amenities of the area. Finally, given the narrowness of the road and the lack of pavements, the Highway Authority has expressed concerns regarding visibility splays. I concur with this perspective and have attached a condition accordingly.

J D Westbrook

INSPECTOR