



Appeal Decision

Site visit made on 14 February 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/V4250/W/23/3329418

17 South Lane, Tyldesley, Manchester M29 7GQ

- 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 Lisa Croker against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/21/92464/RET, dated 21 September 2021, was refused by notice dated 28 June 2023.
 - The development proposed is to retain the change of use from alley way to residential garden, together with the erection of 1.8m high boundary fencing (Resubmission of refused planning application A/20/89937/RET).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is retrospective and the change of use had occurred and the fence had been erected at the time of my site visit. I also noted that a development of a similar nature had been carried out at 15 South Lane. From the evidence before me, and the information detailed in the Officer Report, I note that an application to retain this structure at 15 South Lane had also been submitted.

Main Issues

3. The main issues are:
 - The effect of the siting of the development on the character and appearance of the street scene; and,
 - The effect of the proposal on the amenity and convenience of residents.

Reasons

Character and appearance

4. 17 South Lane is a terraced dwelling situated in a row of four terraces, located adjacent to the junction of High Street. On the opposing side of the junction of High Street are three terraced dwellings which make a small row. The rear alleyways which service of each of these two terraced rows face each other and are similar in their location, width and cobbled road appearance. The side and original rear boundaries to the appeal property are made of brick, similar to the adjacent row of terraces which mirror this row. These features contribute to the character of the immediate locality.
5. Sited in this position, the boundary fence removes a large area of the alleyway which in turn creates a narrow walkway between the rear boundary treatment

and 1 High Street. Whilst wide enough to allow passage and movement of refuse bins and to the benefit of the rear area of a residential property, the length of the structure creates a cramped appearance, incongruous to its surroundings. In addition, constructed from timber, the fencing does not create a harmonious relationship with the brick walls found within this row of terraced properties. As such, the development fails to compliment the character of the area, which results in a cramped, low quality boundary treatment which detracts from its residential layout and service function.

6. I note that the appellant has suggested that the material of the boundary treatment could be amended to brick. I have not been provided with the appropriate information to assess this against the character and appearance of the street scene.
7. The proposal works are contrary to Policy CP10 of the Wigan Local Plan Core Strategy 2013 (CS) and the guidance found within the Design Guide for Residential Development Supplementary Planning Document (SPD), which states that new development must respect the character of the borough and its locality with particular regard to materials, is integrated effectively with its surroundings and is accessible for all in terms of movement, amongst other things.

Impact on amenity and convenience of residents

8. During my site visit, I noted that several bins were left at the entrance to this alleyway, or to the rear of 19 South Lane. A larger space which has not been extended to the rear of 19 South Lane still exists and has resulted in a proliferation of bins to the rear of this property. This is because there is no longer an appropriate space in the alleyway behind each property to store bins.
9. As such, the extension of the boundary at the appeal site has resulted in the movement of bins which service these properties, several of which were closer to and therefore visible from the highway. This has a negative and untidy appearance when viewed from High Street. A larger collection of bins were located to the rear of 19 South Lane. As such, this creates a difficulty in accessing the rear of this property from the alleyway due to the cumulation of bin storage behind its rear boundary fence, at the detriment to the amenity of 19 South Lane. Whilst not a thoroughfare, with a limited number of potential users, this has an unacceptable effect to the general access to the alleyway due to the small space available to users due to the length of the development.
10. Consequently, the development has reduced the service function it was intended to serve. The proposal results in a poor and unacceptable arrangement for residents to store the bins which service each property, at the detriment of appropriate access to this space. The proposal conflicts with Policy CP17 of the CS and the guidance found within the SPD, which states that the Council will help maintain, enhance and protect the environment for the benefit of the people and wildlife. Amongst other things, Policy CP17 states that the Council will ensure that new development is planned and designed so that it does not have an unacceptable adverse impact on amenity and quality of life.

Other Matters

11. Letters of support have been received by several interested parties. The content of these letters focus on support for the scheme in reducing fly tipping

and improving security. Whilst these benefits are noted, they do not outweigh the harm I have found to the character and appearance of the street scene, and the impact of the development on amenity and convenience of residents.

Conclusion

12. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR