



Appeal Decision

Site visit made on 22 April 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/V4250/D/24/3337401

24 Desmond Street, Atherton, Manchester, M46 0GH

- 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 Lewis Stubbs against the decision of Wigan Council.
 - The application Ref A/23/96213/HHRET, dated 27 September, was refused by notice dated 24 November 2023.
 - The development proposed is described as 'rear dormer'.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on:-
 - the character and appearance of the dwelling and the area;
 - the living conditions of the neighbouring occupiers.

Character and appearance

3. The appeal dwelling was originally built as a modestly sized semi-detached bungalow within a street of similar dwellings. The proposed dormer, which was substantially complete at the time of my visit but was not safely accessible, is sited on the rear elevation of the dwelling. The appellant says that the dormer was built in good faith that it was permitted development. I also noted that the pair at nos 14 and 16, together with the dwelling at no 32, have rear dormers. However, the Council says that those were incorrectly deemed lawful/granted planning permission in the late 1970's and triggered an investigation from the Ombudsman, which clarified that the properties along Desmond Street do not have permitted development rights. I have, therefore, given little weight to the presence of those dormers.
4. The flat roofed dormer sits only very slightly below the height of the main ridge and occupies most of the width of the roof. As such it is clearly contrary to the Council's House Extensions Design Guide SPD. However, this is a bungalow that appears to have been built in the 1960's or 70's and this size and style of dormer is characteristic of many dwellings built in that era.
5. Moreover, in this case, the dwelling is within the row which is built on a consistent building line and the gap between the dwelling and its neighbour at no 26 is small. Some of the dwellings in the street have been extended with front dormers. A front dormer granted planning permission earlier this year for

the appeal dwelling was under construction at the time of my visit and I noted that the materials of both dormers match. The dark grey cladding, soffit, fascia and windows of the proposed rear dormer also blend well with the dark grey roofing materials of the dwelling. As such, the proposal sits comfortably within the street scene of Desmond Street and although it can be seen, is not unduly conspicuous or prominent from there. It can also be seen from public viewpoints in Cromer Drive but given the distance from there and the intervening roofscape of the bungalows on Cromer Drive, despite its elevated siting it is not overly prominent in that street scene either.

6. I find, therefore, that the proposal does not cause significant harm to the character and appearance of the dwelling or the area and accords with policy CP10 in the Wigan Local Plan Core Strategy Development Plan Document (LP) which seeks to ensure that new development respects and acknowledges the character and identity of the area.

Living conditions

7. The bungalows to the rear of the appeal site on Cromer Drive are sited on significantly lower ground and have very small rear gardens. The dormer has two windows in its rear elevation that directly face the rear gardens and rear windows of those bungalows, in particular those at nos 24 and 26. Given the small size of those gardens and that there is currently no overlooking from the appeal dwelling or from its immediate neighbours, this would significantly harm the privacy and living conditions of those occupiers.
8. The appellant has offered to include obscure glazing in those windows but as they serve two bedrooms that have no other means of light and ventilation, that would not be an acceptable solution because it would severely harm the living conditions of the occupiers of the appeal dwelling.
9. The proposal is therefore contrary to LP policy CP17 which seeks to ensure that new development does not have an unacceptable adverse impact on amenity and quality of life.

Conclusion

10. For the reasons given above, I conclude that although I have found that there would be no significant harm in terms of character and appearance, my findings in regard to living conditions are significant and overriding. The proposal is therefore contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector