



Appeal Decision

Site visit made on 5 November 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/V4250/D/24/3343320

3 Broadoak Avenue, Worsley, Wigan M28 1DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Jean Christy against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/23/96101/HH.
 - The development proposed is a rear single-storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 1 Broadoak Avenue, with particular regard to light and outlook.

Reasons

3. The appeal property is a linked detached two storey dwelling. The adjoining dwelling, 1 Broadoak Avenue (No 1), directly abuts the shared side boundary.
4. The proposed extension would be positioned to the south of No 1 where the sun would be at its highest. In such a position the proposal would not result in any significant shadowing effects or loss of light, as demonstrated by the submitted Daylighting Building Research Establishment report.
5. At a height of around 3 metres (m), the proposed extension would be noticeably higher, and would therefore have a greater impact on living conditions than the existing, approximately 2.2m high, boundary fence. Furthermore, the extension would project about 6.8m from the rear elevation of No 1, along a significant proportion of the shared side boundary which it would directly adjoin.
6. The proposal would be contrary to the guidance of the House Extensions Design Guide Supplementary Planning Document (SPD), which states that a single storey extension should not project along a common boundary by more than 3m unless it is set off the boundary by a proportionate distance. The SPD indicates that longer than 3m extensions may be acceptable subject to other considerations. Nonetheless, in this case, the height of the proposal, combined with the extent of the projection from the rear of No 1, would result in it having a significant enclosing and dominating effect on the outlook from the ground floor rear windows of that dwelling. It would also create a visual intrusion that would unacceptably diminish the enjoyment of its rear garden.

7. The height of the proposal would fall within permitted development (PD) rights for rear extensions. However, an extension projecting from the rear elevation to the same extent as the proposal could not be constructed utilising PD rights. Accordingly, an extension which has a comparable impact on the living conditions of the occupiers of No 1 could not be constructed without planning permission. The existence of PD rights does not, therefore, weigh in favour of the proposal.
8. I acknowledge the levels difference between the appeal site and No 1, and that the extension does not exceed 50% of the total plot area, nonetheless these factors do not mitigate its impact on the living conditions of the neighbours.
9. Consequently, whilst the proposal would not result in an unacceptable loss of light, the living conditions of the occupiers of that property would, nevertheless, be harmed and, as such, it would not be a longer extension that is supported by the SPD.
10. The occupiers of No 1 have not objected to the proposal. Nevertheless, it is a function of the planning system to secure good living conditions for existing and future occupiers. The absence of objection therefore carries little weight in my decision.
11. In conclusion, the development would have an unacceptable effect on the living conditions of the occupiers of 1 Broadoak Avenue. Consequently, it would be contrary to Policy CP17 of the Wigan Local Plan Core Strategy (CS) and the SPD, which seek to ensure that development does not have an unacceptable impact on amenity and quality of life. It would also be contrary to the National Planning Policy Framework, specifically paragraph 135(f) which has similar aims.
12. I note that the Council has also referred to CS Policy CP10. However, as it does not address living conditions and, as such, it is not relevant to this main issue.

Other Matters

13. The appellant outlines that the proposal would provide accommodation to meet the needs of modern family living to which I attribute modest weight in the overall planning balance. Even so, such a benefit does not outweigh the harm to the living conditions of the adjoining occupants that I have identified above.
14. The acceptability of the materials and design of the proposal is a neutral factor, that does not weigh in its favour.

Conclusion

15. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR