



Appeal Decision

Site visit made on 15 April 2025

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2025

Appeal Ref: APP/V4250/W/24/3356277

1 Hartley Avenue, Wigan WN1 3BW

- 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 Mr Garyth Booth against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/24/97000/CU.
 - The development proposed is Change of use of first floor from office to a one bedroomed apartment (Class C3) together with associated external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of first floor from office to a one bedroomed apartment (Class C3) together with associated external alterations at 1 Hartley Avenue, Wigan WN1 3BW in accordance with the terms of the application, Ref A/24/97000/CU, and the plans submitted with it, subject to the conditions below:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: Proposed Ground and First Floor Plans Rev A; Location Plan and Site Plan.
 - 3) Prior to the occupation of the development hereby approved, obscure glazed panels shall be fitted in the first-floor bedroom window opening on the North elevation facing Darlington Street East to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity). The approved panels shall not be replaced unless with glazing of an equivalent or greater degree of obscurity.
 - 4) The development hereby permitted shall not be occupied until refuse storage facilities have been provided within the site, in accordance with details previously submitted to and approved in writing by the local planning authority. The refuse storage facilities shall be retained thereafter.
 - 5) The development hereby permitted shall not be occupied until space has been laid out within the site for bicycles to be stored in accordance with

drawing: Propose Ground and First Floor Plans Rev A and that space shall thereafter be kept available for the storage of bicycles.

Preliminary Matters

2. I have taken the description of development from the appeal form and the decision notice, as this more accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of future occupiers and neighbouring occupiers with regards to privacy; and
 - the living conditions of future occupiers with regards to outdoor amenity space and bin storage.

Reasons

Privacy

4. The proposed first-floor flat would have a bedroom window which would face the rear elevation of No 152 Darlington Street East (No 152). Guidance contained within the Council's Design Guide for Residential Development Supplementary Planning Document (2006) (SPD) advises that the required separation distance for a habitable window to a main elevation with no habitable room window is 12.2m, and the minimum separation distance for main elevations containing habitable room windows is 21.5m. The distance between the bedroom window of the proposed flat and the rear elevation of No 152 would fall short of these requirements.
5. However, the proposed flat would be located in a tightknit urban area, where intervisibility between properties is not unusual. Notwithstanding the above, the bedroom of the proposed flat would have two windows. A larger window would be on a different elevation, not overlooking Darlington Street East. I have therefore attached a condition requiring that the smaller window facing No 152 is obscurely glazed. This would prevent views in and out of the window, maintaining privacy for occupiers of the flat and neighbouring occupiers. The bedroom would receive a sufficient amount of natural light, and the other non-obscurely glazed bedroom window would allow for an adequate outlook from the room.
6. The proposal would therefore not harm the living conditions of future or neighbouring occupiers with regards to privacy. As such the proposal would accord with Policy CP17 of the Wigan Local Plan Core Strategy (2013) (CS) which seeks to ensure that new development is planned and designed so that it does not have an unacceptable adverse impact on amenity and quality of life. There would be no conflict with the SPD which allows for a reduction in minimum separation distances where the privacy of the neighbouring property is not compromised. Furthermore, it would comply with the National Planning Policy Framework (the Framework) which states that development should provide a high standard of amenity for existing and future users.

Outdoor amenity space and bin storage

7. The site-specific circumstances of the proposed development would not allow for the provision of any outdoor amenity space. Whilst the SPD does not specifically indicate a required figure for outdoor amenity space for a single first-floor flat, an element of outdoor space is generally welcomed.
8. The location of the appeal site offers a number of opportunities for informal recreation nearby. There is a rugby club located in proximity to the appeal property, and the site is within a short walk of William Foster Playing Fields which has a number of recreational facilities. The Leeds and Liverpool Canal and towpath is also within a short walking distance and provides opportunities for recreational activities. Good public transport links provide access to recreation opportunities further afield.
9. Given the difficulties of achieving any outdoor amenity space on site, I therefore find that the proposed development's accessible location and proximity to local amenities would, in this instance, mitigate the need for private amenity outdoor space.
10. The proposal does not allow for any on-site external bin storage. Bin storage is proposed off the street in the shared alley to the side of the garage unit, where bins are already stored. As this area is not in the ownership of the appellant, I do not consider that it would be possible to impose a condition securing the provision of waste storage at that location. However, I note that no objection to the proposal regarding refuse storage and collection was raised by the Council's Transport and Highways Team. Moreover, the levels of waste and recycling generated by one occupant would be likely to be less than that generated by a larger household and I have seen no evidence that it could not be accommodated within the flat pending final disposal for collection. I am satisfied that the appropriate internal bin storage facilities could be secured by condition, to ensure that appropriate arrangements are in place prior to occupation of the flat.
11. The proposal would therefore not harm the living conditions of future occupiers with regard to outdoor amenity space and bin storage. As such, the proposal would comply with Policies CP10 and CP17 of the CS which seek to ensure that new development makes provision for waste storage and does not have an unacceptable adverse impact on amenity. The proposal would also comply with Policy JP-P1 of the Places for Everyone Joint Development Plan Document (2024) which seeks to ensure that developments are functional and convenient and respond to needs relating to refuse collection and storage. The proposal would accord with the SPD which seeks to protect amenities. It would also conform with the Framework which seeks to ensure that developments provide a high standard of amenity for future occupiers.

Other Matters

12. The appeal site does not offer any private parking facilities. However, it is well-served by existing public transport infrastructure, which may minimise the need for future occupiers to have access to a private vehicle. Should the occupiers require vehicular parking, there is sufficient on-street parking available in the vicinity. There is also a nearby public car park. There is no substantive evidence that an additional car parked on the street would hinder the access of emergency vehicles.

13. There is no substantive evidence before me to indicate that the provision of an additional one bed-roomed property in the street would harm the living conditions of neighbouring occupiers with regard to unacceptable noise, disturbance or pollution.
14. Concerns relating to the working practices of the garage and the operation of the beauty parlour fall outside the scope of this appeal process and are therefore not for me to consider.

Conditions

15. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have amended a number of conditions in the interest of clarity.
16. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interest of certainty (conditions 1 and 2). Condition 3 requires obscure glazing in the bedroom window facing Darlington Street East, and is necessary to protect the living conditions of future and neighbouring occupiers. Condition 4 requires details of the provision of refuse storage facilities and is necessary in the interests of character and appearance and amenity. Condition 5, relating to bicycle storage, is necessary to encourage the use of sustainable modes of transport.
17. The Council suggested a condition limiting the occupancy of the property to one person. However, I do not consider that such a condition would be enforceable. In addition, the Council's reasoning for the condition is partly based on the Wigan Houses in Multiple Occupation SPD which is not relevant to the appeal proposal. I have therefore not attached this condition.

Conclusion

18. For the reasons given above, the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. As a result, the appeal should be allowed.

L C Hughes

INSPECTOR