

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 17 March 2021

Time 6.00 pm

Venue <https://www.oldham.gov.uk/livemeetings>. The meeting will be streamed live as a virtual meeting.

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services email constitutional.services@oldham.gov.uk

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Friday, 15 January 2021.

4. PUBLIC SPEAKING – Any applicant or objector wishing to speak at this meeting must register to do so by email to constitutional.services@oldham.gov.uk by no later than 12.00 noon on Wednesday, 20 January 2021. Full joining instructions will be provided.

5. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE PLANNING COMMITTEE IS AS FOLLOWS:

Councillors Akhtar, Davis (Vice-Chair), H. Gloster, Harkness, Hewitt, Hudson, Phythian, Garry, Ibrahim, Iqbal, Jacques, Malik, Surjan and Dean (Chair)

Item No

1 Apologies For Absence

2 Urgent Business

Urgent business, if any, introduced by the Chair

3 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

A public question has been received for this meeting from Ms Frankland in relation to Denbigh Drive, Shaw.

**“Can you confirm that a Habitats Regulation Assessment for this site has been completed?
What the Committee’s imperative reasons are for overriding the public interest in the protection of this and other green sites in the Shaw area and what are the proposed conservation objectives detailed in the assessment that covers this site?”**

5 Minutes of Previous Meeting (Pages 1 - 2)

The Minutes of the meeting of the Planning Committee held on 20th January 2021 are attached for Members' approval.

6 PA/344654/20 - Dr Kershaws Hospice, Turf Lane, Royton, Oldham OL2 6EU (Pages 3 - 18)

Change of use of wooded area to land for the sole use of an extended garden area for Dr. Kershaws Hospice, and construction of fencing within the site.

7 FUL/345308/20 - Plot 01, Woodfield Centre, Netherfield Close, Oldham OL8 4ET (Pages 19 - 34)

Proposed erection of detached two storey dwelling with associated landscape and external works

8 Appeals (Pages 35 - 52)

Appeals



PLANNING COMMITTEE
20/01/2021 at 6.00 pm

Present: Councillor Dean (Chair)
Councillors Akhtar, Davis (Vice-Chair), H. Gloster, Harkness, Hewitt,
Phythian, Garry, Ibrahim, Iqbal (from Item 7), Jacques, Malik, Surjan
and Sheldon (Substitute)

Also in Attendance:

Simon Rowberry	Interim Head of Planning
Alan Evans	Group Solicitor
Wendy Moorhouse	Principal Transport Officer
Graham Dickman	Development Management Team Leader
Sian Walter-Browne	Principal Constitutional Services Officer

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee meeting held on 9th December 2020 be approved as a correct record, subject to recording Councillor Garry as being in attendance.

6 **PA/344948/20 - OLDHAM COUNTY COURT, 122A
ROCHDALE ROAD, OLDHAM OL1 1NT**

APPLICATION NUMBER: PA/344948?20

APPLICANT: Mr Jason Upton

PROPOSAL: Change of use from the former County Court building (D1 use) to a residential building (C3(a) Use) of 43 no. apartments and alterations to external elevations including insertion of new windows.

LOCATION: Oldham County Court, 122A Rochdale Road, Oldham OL1 1NT

It was **MOVED** by Councillor Dean and **SECONDED** by Councillor Malik that the application be **APPROVED**, subject to Condition 3 being amended to read:

“Prior to first occupation of any part of the development hereby approved, the proposed refuse storage shown on the approved

drawings shall be fully installed, including the provision of external timber screen fencing, and shall be retained at all times thereafter.

REASON - In order to ensure waste bins are stored in a screened location in order to protect the appearance of the street scene having regard to Policies 9 and 20 of the Oldham Local Plan.”

On being put to the vote 10 VOTES were cast IN FAVOUR OF the application and 0 VOTES were cast AGAINST, with 3 ABSTENTIONS.

DECISION: That the application be GRANTED subject to the conditions as outlined in the report including the amended Condition 3.

7 **APPEALS**

RESOLVED that the content of the Planning Appeals update report be noted.

The meeting started at 6.00 pm and ended at Time Not Specified

APPLICATION REPORT - PA/344654/20 Planning Committee

Registration Date: 20th March 2020
Ward: Royton South

Application Reference: PA/344654/20
Type of Application: Full Application

Proposal: Change of use of wooded area to land for the sole use of an extended garden area for Dr. Kershaws Hospice, and construction of fencing within the site.

Location: Dr Kershaws Hospice, Turf Lane, Royton, Oldham, OL2 6EU,

Case Officer: Sophie Leech

Applicant: Dr Paul Cook

Agent: Mr Steven Winterbottom

This application is being presented to Planning Committee as it concerns an area of land on which the Council has an ownership interest.

THE SITE

The site relates to a parcel of land adjoining and to the south of Dr Kershaw's Hospice which is sited on Turf Lane in Royton. The area towards the rear of the site has dense tree cover. The land slopes away from the site and emerges at road level on Salmon Fields. The trees are not protected but are on land owned by the Council. The main site is occupied by Dr Kershaw's Hospice which is a local charity providing hospice care for sick people. The hospice building has recently benefitted from permission to extend the building and work has commenced on site.

THE PROPOSAL

This application seeks consent for the change of use of part of the wooded area to the rear of Dr Kershaw's Hospice (on Council owned land) for the use of an extended garden area for Dr Kershaw's, and construction of fencing within the site.

Planning application ref: PA/342384/18 granted consent for the construction of a replacement new single storey extension with associated car parking within the hospice site. The application also included the construction of a temporary medical ward for the duration of the construction.

Construction activity resulting from this development spilled over into the adjacent woodland without adherence to tree protection measures. A number of trees within the woodland have been removed and a significant amount of mixed sub-soil has been deposited around the base of trees both within the grounds of the hospice, and woodland trees.

This sub-soil requires removal and replacement with imported top soil to facilitate replacement landscaping. Remedial works are to take place to remove excess soil/material deposits, remove dead trees, ameliorate the soil of the woodland area affected by works, as well as the root zones of existing trees that have been subject to damage from unregulated construction works.

At present there are no proposals to carry out any further work in the woodland area other than remediation outlined above and the construction of a security fence.

Once the area is re-established, should any further excavation or amendments to this area be required, this would be subject to a further planning application. The original proposal also included the provision of a woodland path for residents of the hospice, and should this be required in the future, it will similarly be subject to a further application. This design and layout will need to take account of the replacement planting which has been undertaken.

RELEVANT PLANNING HISTORY

PA/342384/18 - 1) Demolition of existing single storey extensions and construction of a new single storey extension, with associated car parking and installation of solar panels to the existing retained roofscape. 2) Construction of temporary medical ward premises for the duration of the construction works of the replacement ward. Approved 27 November 2018

RELEVANT PLANNING POLICIES

The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is allocated within a Green Corridor and Link on the plan.

The following Local Plan policies are relevant to the determination of this application.

Policy 9 - Local Environment

Policy 20 - Design

Policy 21 - Protecting Natural Environmental Assets

REPRESENTATIONS

No representations have been received.

CONSULTATIONS:

Trees Officer - No objections, subject to strict compliance with all submitted information.

Ramblers Association - No objections

PLANNING CONSIDERATIONS

Principle of development

The application site forms part of a wooded frontage to Salmon Fields which separates the road from the built development off Turf Lane to the north. It also forms part of a Green Corridor and Link as allocated within the Local Plan.

The proposal will see the introduction of activity into this wooded area. However, physical development will be limited to the proposed new boundary fencing which will be of a green metal design.

Consequently, subject to the matters addressed below, the proposed use would not undermine the objective of protecting the Green Corridor and ensure no conflict with Local Plan Policy 21.

Impact on trees

Policy D1.5 of the Saved UDP states that *“In determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:*

- a) the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and
- b) development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas”.

In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission. As a minimum, replacement will be at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site. In exceptional circumstances (e.g. certain small infill sites), where it is agreed that on-site replacement planting is not practicable, arrangements must be made for the planting of replacement trees on a suitable site in the wider locality through a section 106 planning obligation.

Following a number of amendments to the scheme, the Council’s Tree Officer has no objections to the proposals subject to strict compliance with the submitted drawings and the Tree Condition Report: Assessment of Tree Removals and Root Damage (Revision A). These comprehensive details will ensure that both the grounds of Dr Kershaw’s and the wooded area are remediated, developed and replanted to a high standard.

With regards to the future of the site, it is foreseeable that even after the remediation has been undertaken, further tree loss to pre-existing trees due to the damage/disturbance may occur over time and even with best intentions, newly planted trees do not have a 100% survival rate. The condition requires that any trees (pre-existing or newly planted) that die or otherwise require removal within a five-year period from completion should be replaced like for like and to the same standards as per the specifications submitted within this application. Following the submission of revised details, it is now considered that the proposals comply with Policy D1.5 of the Saved UDP.

Design & Appearance

The planting proposals will ensure that the tree coverage from Salmon Fields is not disrupted causing a loss of visual amenity to the area. In terms of the impact within the site, the woodland area has been designed to meet the needs of the residents whilst also ensuring that the development can take place without further harm to the trees. As such, it is considered that the design and overall impact on the area will be minimal and subsequently, the proposals comply with Local Plan Policy 20.

Residential Amenity

The immediate neighbours adjacent to the woodland area are the Salmon Fields Business Village units. As a result, there would be no impact on any residential amenity through development of the site. In addition, the proposals will not have a significant, adverse impact on the visual amenity of the surrounding area. The amended details submitted have been confirmed as acceptable by the Tree Officer, therefore it can be concluded that the proposals will not have an unacceptable impact on the environment, resulting in the proposals complying with Local Plan Policy 9.

CONCLUSION

Following amendments to the scheme, the proposed development is considered to meet relevant policies in the development plan and guidance contained within the NPPF and is recommended for approval.

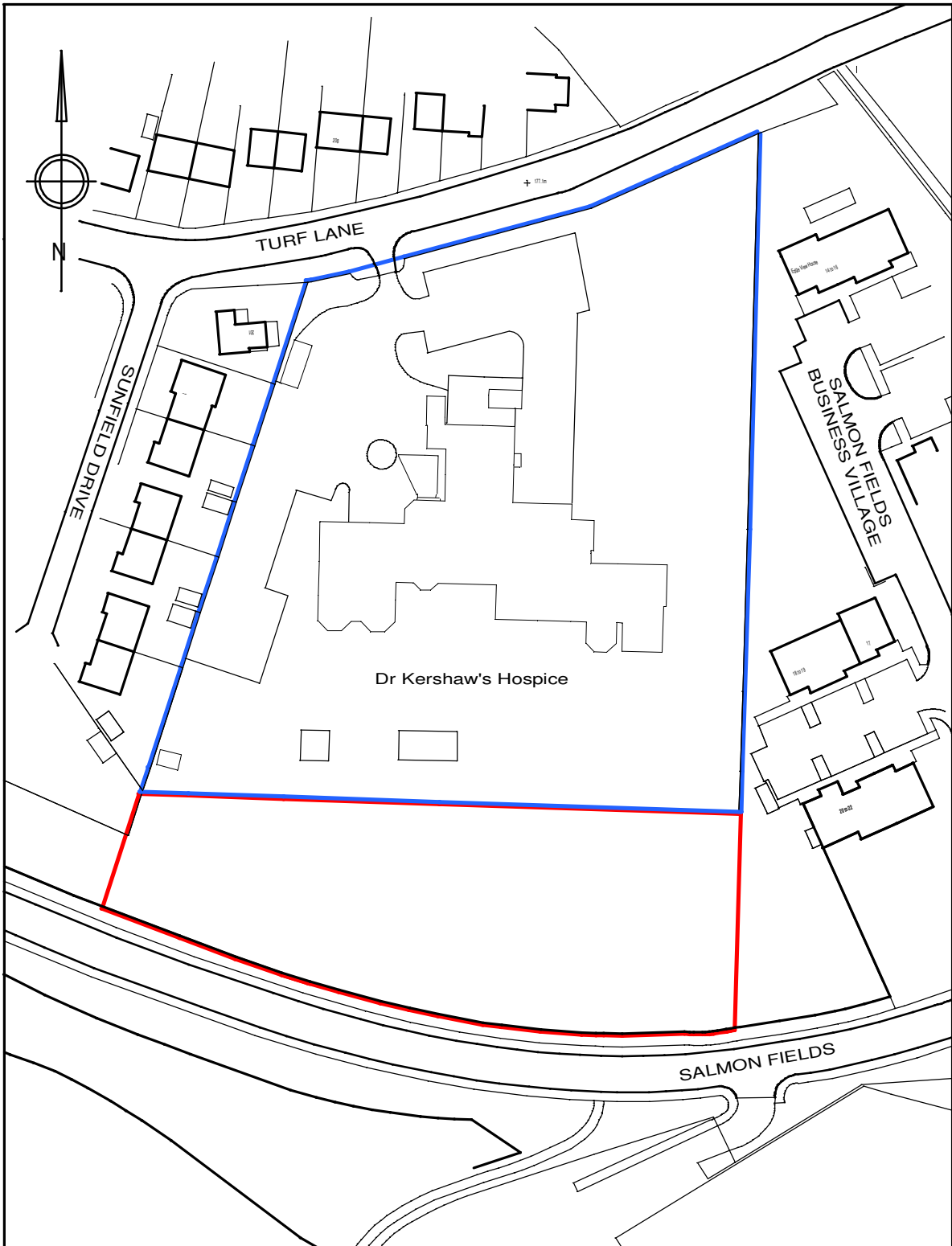
RECOMMENDATION:

Granted, subject to the following conditions:

1 The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3 Any trees (pre-existing or newly planted) that die or otherwise require removal within a five year period from completion of the approved development should be replaced like for like and to the same standards as per the specifications submitted within this application. REASON - To ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.



LOCATION PLAN

Scale 1:1250

SITE AREA - 0.48 Hectares

nicol thomas

Client:	Dr Kershaws Hospice		
Job:	Dr Kershaws Hospice		
Drawing title:	LOCATION PLAN		
Drawing Number: (Job number)	M3225.04.L1		Revision:
Scale:	1:1250 @ A4		
Date:	March 2020		
Drawn by/ checked by:	S		

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Planning Committee Meeting 17th March 2021

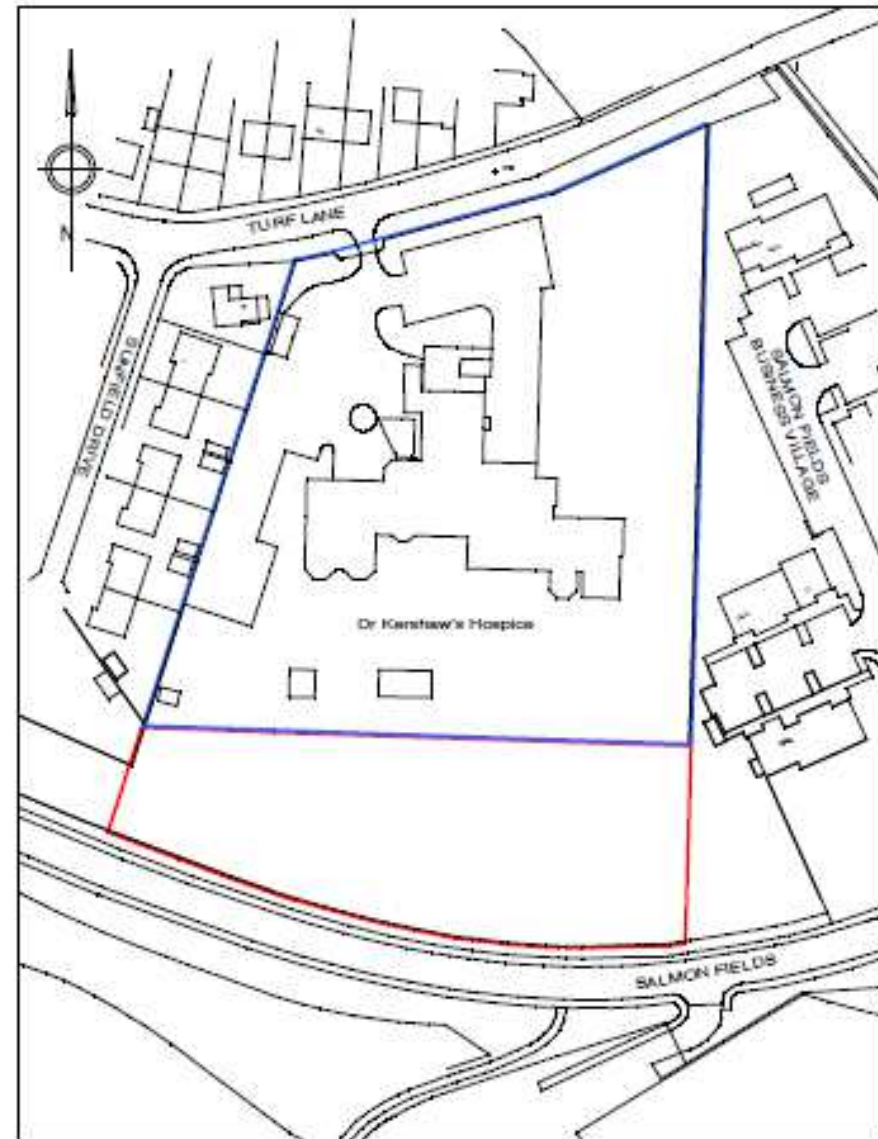
PA/344654/20 - Change of use of wooded area to land for the sole use of an extended garden area for Dr Kershaw's Hospice, including construction of fencing within the site.

Dr Kershaw's Hospice, Turf Lane, Royton.

Site Location Plan

The blue line indicates Dr Kershaw's Hospice and ownership.

The red line indicates the land subject to this application which is owned by Oldham Council.



Aerial View



Aerial view showing new extension



Proposed site to the rear of the hospice (April 2020)

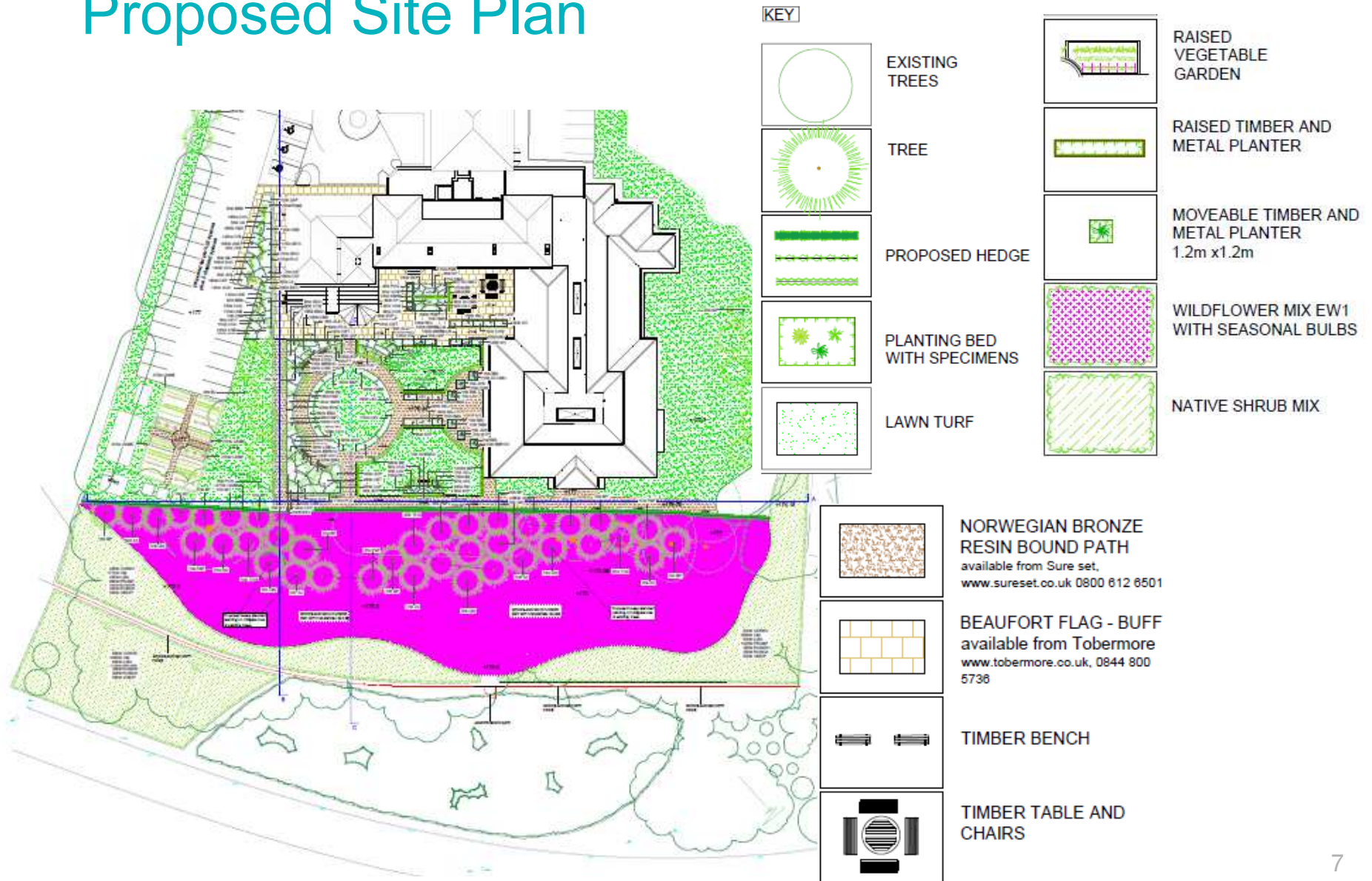


Location of proposed wooded area (April 2020) showing spoil deposited on the land

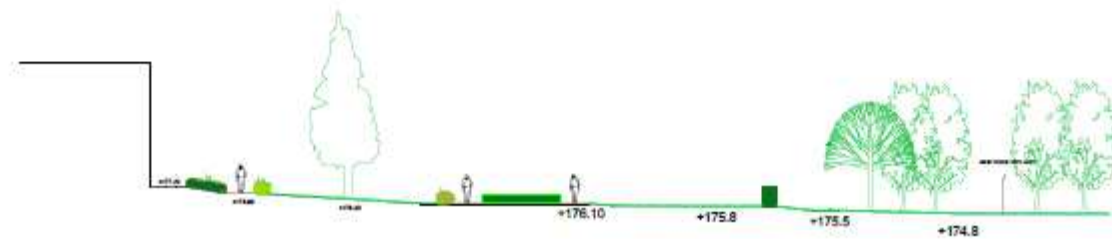
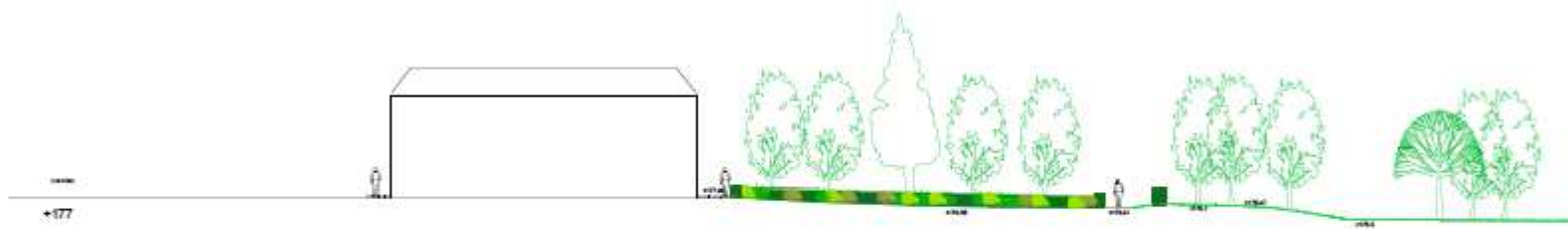


Proposed Site Plan

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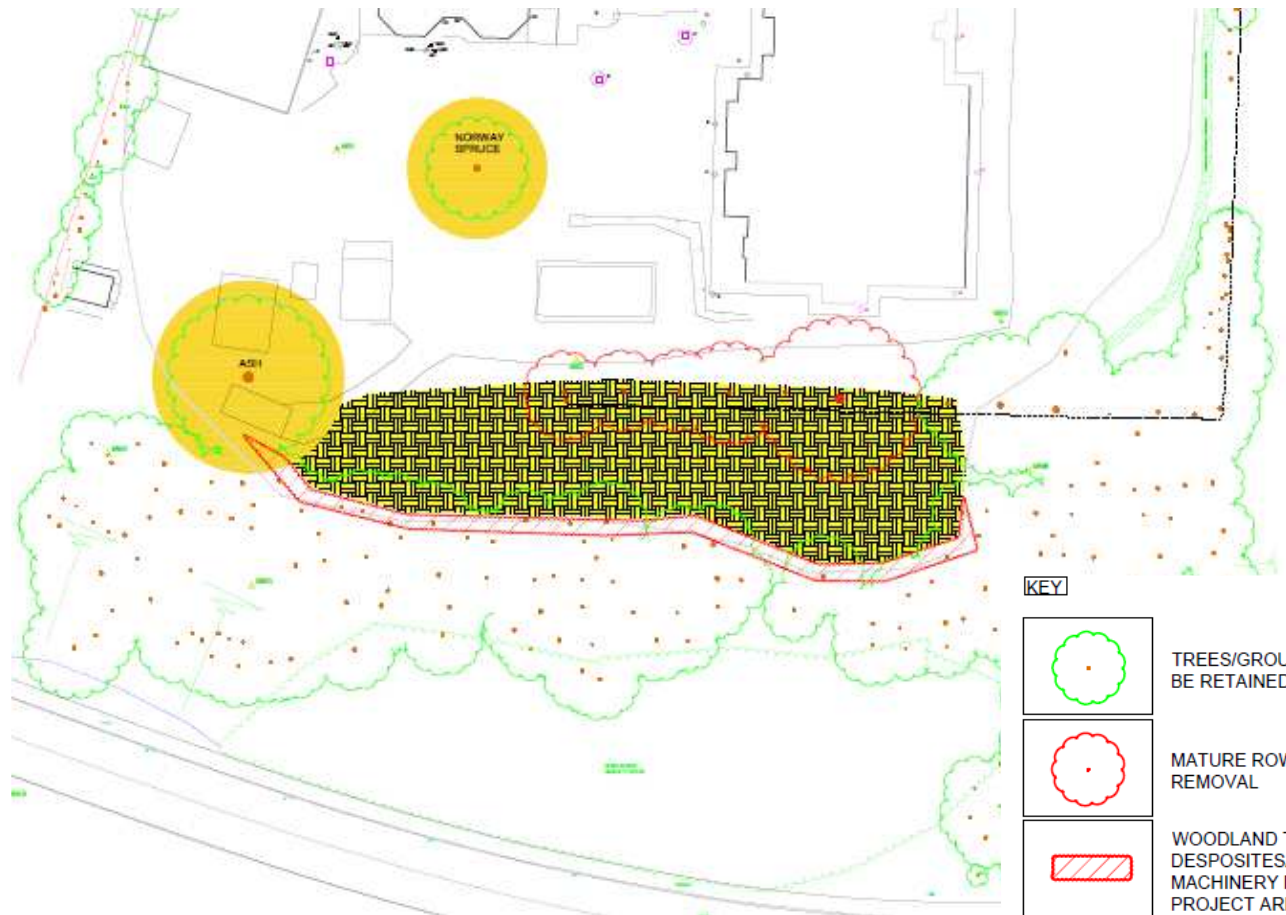


Site Sections




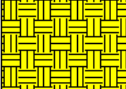



Remediation Plan

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KEY

-  TREES/GROUPS TO BE RETAINED
-  MATURE ROW OF TREES REQUIRING REMOVAL
-  WOODLAND TREES TO BE REMOVED DUE TO ROOT CANOPY DAMAGE FROM SOIL DEPOSITES/PLANT MACHINERY DAMAGE. TREES TO BE REMOVED TO BE SPRAY MARKED BY PROJECT ARBORICULTURALIST
-  ZONE REQUIRING REMOVAL OF SOIL DEPOSITS AND SOIL REMEDIATION VIA DE-COMPACTION BY USE OF AN AIR-SPADE AND INCORPORATION OF IMPROVED BIOCHAR SOIL IMPROVER
-  EXISTING TREES (NORWAY SPRUCE & ASH) WITHIN THE GROUNDS OF THE HOSPICE TO HAVE ROOT ZONE REMEDIATION VIA AIR-SPADE AND IMPROVED BIO-CHAR

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APPLICATION REPORT - FUL/345308/20 Planning Committee

Registration Date: 17th August 2020
Ward: Werneth

Application Reference: FUL/345308/20
Type of Application: Full Application

Proposal: Proposed erection of detached two storey dwelling with associated landscape and external works
Location: Plot 01, Woodfield Centre, Netherfield Close, Oldham, OL8 4ET,
Case Officer: Matthew Taylor
Applicant: Mr Z Chauhan
Agent : Mr Farhan Rama

This application is referred to Planning Committee for determination as the applicant is Councillor Chauhan.

RECOMMENDATION

It is recommended that the application is approved subject to the following conditions, and to the submission of a commuted sum payment of £6309.29 for the improvement of existing open space in the locality.

THE SITE

This application relates to an area of land that previously contained a large detached former NHS building that has been demolished. It is bounded by residential properties to the south and west, with Werneth Park and the Hollies Resource Centre to the north and east respectively.

THE PROPOSAL

Planning consent is sought for the erection of 1 no. five-bedroom dwelling with associated parking and gardens.

The proposed 'L' shaped design dwelling is two storeys in height (with rooms in the roof), has a two-story porch/atrium entrance and is set back from the access road. The proposed site layout will include ample rear and side garden areas, 2 off-street car parking spaces and a 2-metre-high front boundary treatment.

CONSULTATIONS

Tree Officer - No objection subject to a condition requiring the submission of a full and detailed Arboricultural Method Statement (AMS).

Highways Engineer – No objections subject to provision of the parking and access facility in accordance with the approved plan.

Environmental Health - No objection subject to a contaminated land investigation condition.

REPRESENTATIONS

Two representations have been received. The adjacent householder raises issues related to boundary treatment and the existing overgrown state of the site, whilst the second

representation notes that the development will be an improvement on the site's present condition.

These matters will be dealt with by means of a recommended planning condition.

PLANNING CONSIDERATIONS

Principle of development

The principle of a housing development on the former Woodfield Centre site was established by the approval of the outline planning permission for 12 no. dwellings (Ref: PA/333239/12). Given this proposed dwelling is to be erected on Plot no. 8 of this previously approved outline consent, consideration of the development is limited to the details of appearance, landscaping, layout and scale that were reserved at outline stage.

Design

The proposed dwelling is of an appropriate design, scale and massing in comparison to the existing approved reserved matters applications for dwellings on the site. As such, it is considered that the development accords with the design principles set out in Local Plan Policies 9 and 20.

Residential Amenity

The most likely affected neighbouring properties would be the surrounding plots; including Plot No's. 2, 7 and 8, in addition to the existing neighbouring properties at 3 Fernholme Court, 11 Anselms Court, and 32 and 34 Netherfield Close.

Impact on 3 Fernholme Court and 11 Anselms Court

These existing properties are separated from the site by an existing tree screen. Having regard to this feature and the degree of separation the development should not result in any significant overlooking of these properties.

Impact on the Plot No's. 7 and 8:

From the submitted plans it is clear that an approximately 14 metre separation distance would exist between the proposed front elevation of plot No. 1 and the front garden boundary of Plot No's. 7 and 8 opposite. As such, it is considered that the proposed dwellings would not result in significant overlooking over garden areas or habitable room windows of these future adjacent properties.

Impact on the Plot No. 2 and neighbouring properties No's 32 and 34 Netherfield Close:

The proposed dwelling includes both ground and first floor side elevation windows that could have an outlook towards these adjoining plots. However, it is noted that the ground floor openings are all secondary habitable room windows, whilst the first floor windows also both serve non-habitable room windows. As such, it is considered expedient to attach a condition removing Permitted Development right for the insertion of any additional windows, doors or other openings in the side elevations of the proposed dwelling and a condition that requires that all the side elevation windows proposed be installed with obscure glazing.

Subject to this restriction, the relationship is considered to be acceptable.

Open Space

Local Plan Policy 23 states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer

that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

A financial contribution of £78,711.48 was agreed on the Outline approval for twelve dwellings, on the Woodfield Centre site (Ref: PA/333239/12). However, 'reserved matters' and 'full' applications on a plot by plot basis have been submitted subsequently. This has resulted in the original application site being split into 12 different plots and ownerships.

To this end, it is the Council's view that regardless of the present or future ownership, this is overall one development site, as it follows the layout approved by the outline application site (Ref: PA/333239/12). Therefore, the individual plots should be subject to a pro rata contribution. The planning obligation was towards improvement works to the existing open space in the locality, hence a pro rata contribution of £6309.29 per plot. Payment would be requiring on execution of the agreement.

In response to this the applicant has now sent an email confirming that they are happy to accept this figure, and as such the Council is satisfied that the proposal complies with Local Plan Policy 23.

Trees

The site is subject to a Tree Preservation Order and therefore the Council's saved UDP Policy D1.5 'Protection of Trees on Development Sites'.

In support of the application an Arboricultural Impact Assessment (AIA) has been submitted.

It is noted the proposal will result in the loss of no existing trees on site and the AIA provides a draft Arboricultural Method Statement & Tree Protection Plan. As such, subject to a condition requiring the submission of a full and detailed AMS (as stated within the submitted AIA) the Council's Tree Officer has no objection.

In this context saved UDP policy D1.5 would be satisfied.

Highway Safety

In terms of highway safety, the Council's Highway Engineer has raised no objection to the proposal, subject to the inclusion of conditions requiring that the access road and parking provision for the future occupiers of the property is completed prior to its occupation. A condition is attached to the recommendation.

CONCLUSION

The proposed dwelling is acceptable in land use terms and would not have a harmful effect on neighbour amenity, nor have a detrimental impact on the character of the existing street scene.

RECOMMENDATION:

Granted, subject to legal agreement and the following conditions:

1 The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and

specifications.

3 Notwithstanding any details shown on the approved plans, no development shall take place until a specification of the materials to be used in the construction of the external surfaces, and detailed specification and colour scheme for all external doors, windows and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. REASON - In the interests of the visual amenity of the area having regard to Policies 9 and 20 of the Oldham Local Plan.

4 The dwelling hereby approved shall not be brought into use until the access road and car parking spaces for the dwelling has been provided in accordance with the approved plan received on 14/08/2020 (Ref: Dwg No. PL01). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure that adequate off-street parking facilities are provided and remain available so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.

5 No development other than site clearance shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - In order to protect public safety having regard to Policy 9 of the Oldham Local Plan.

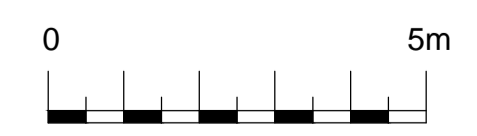
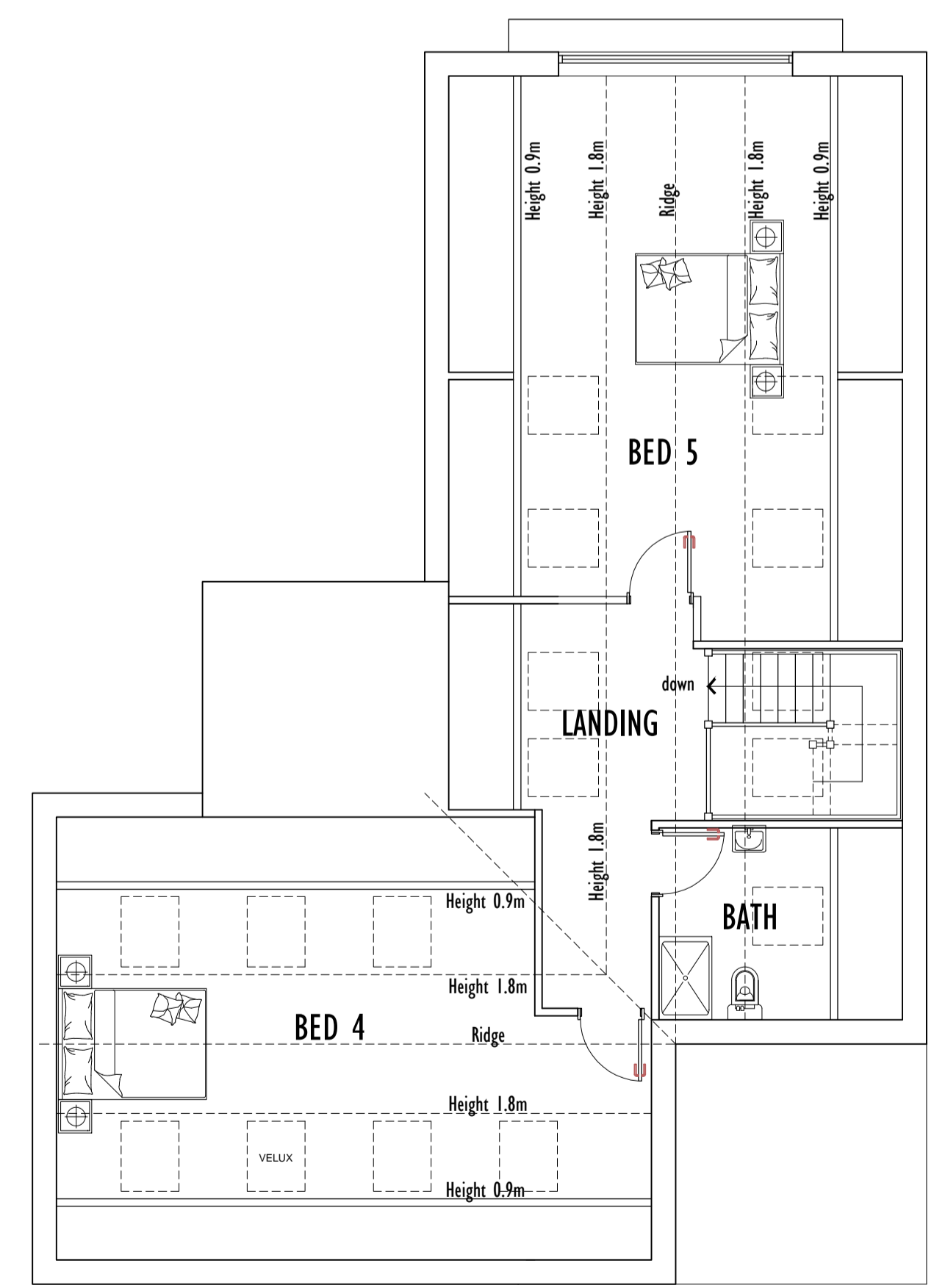
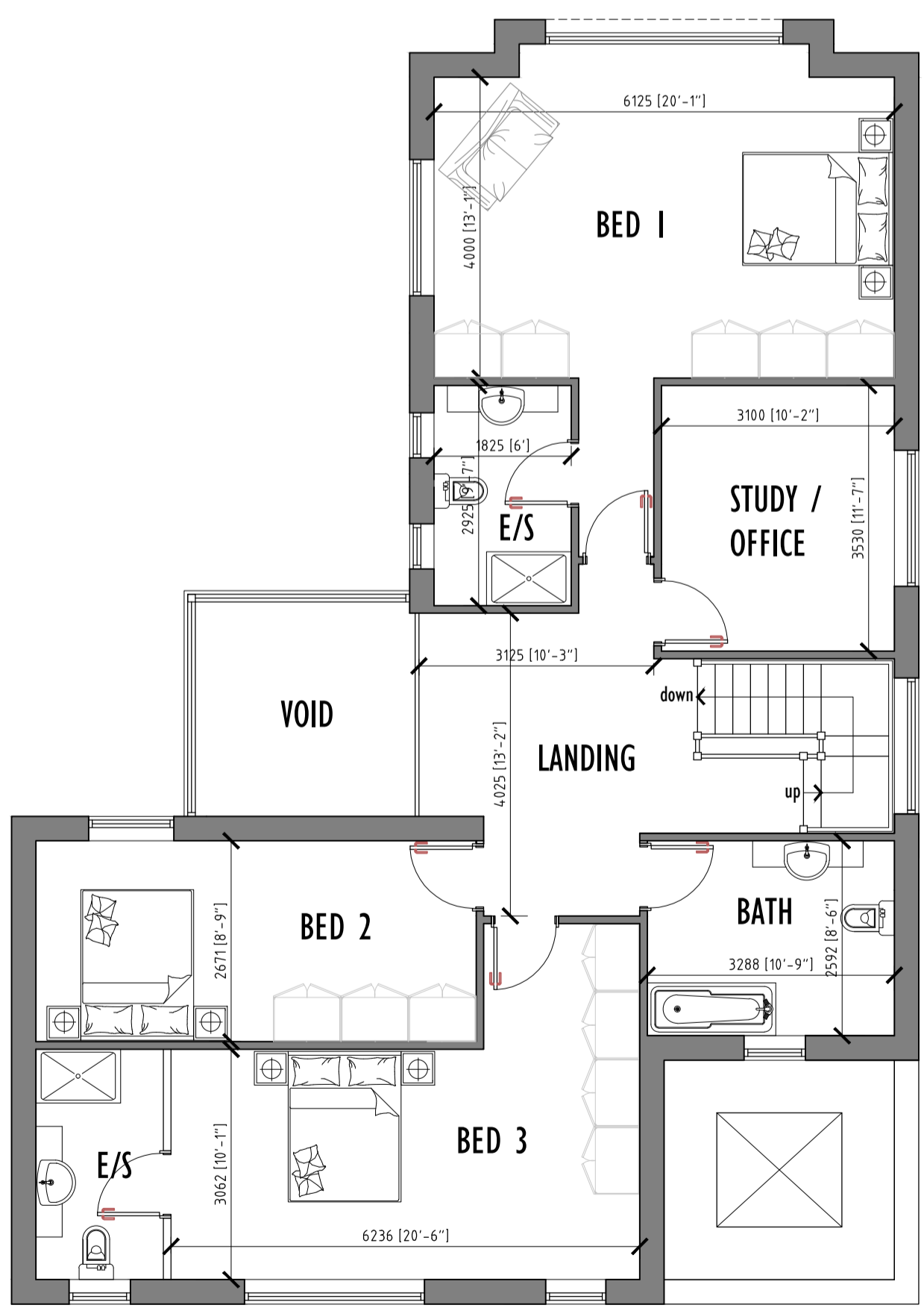
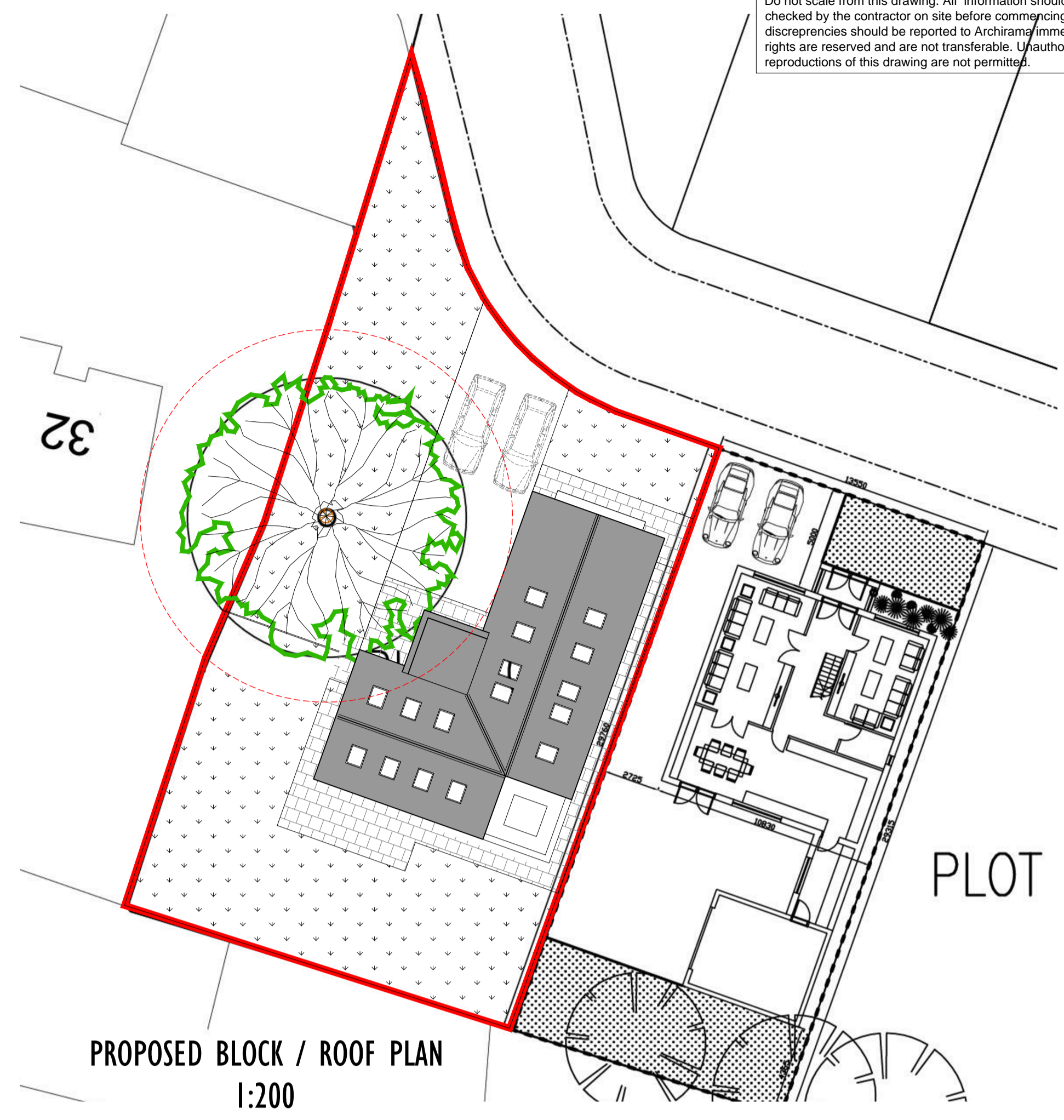
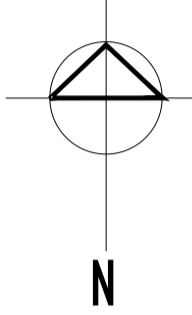
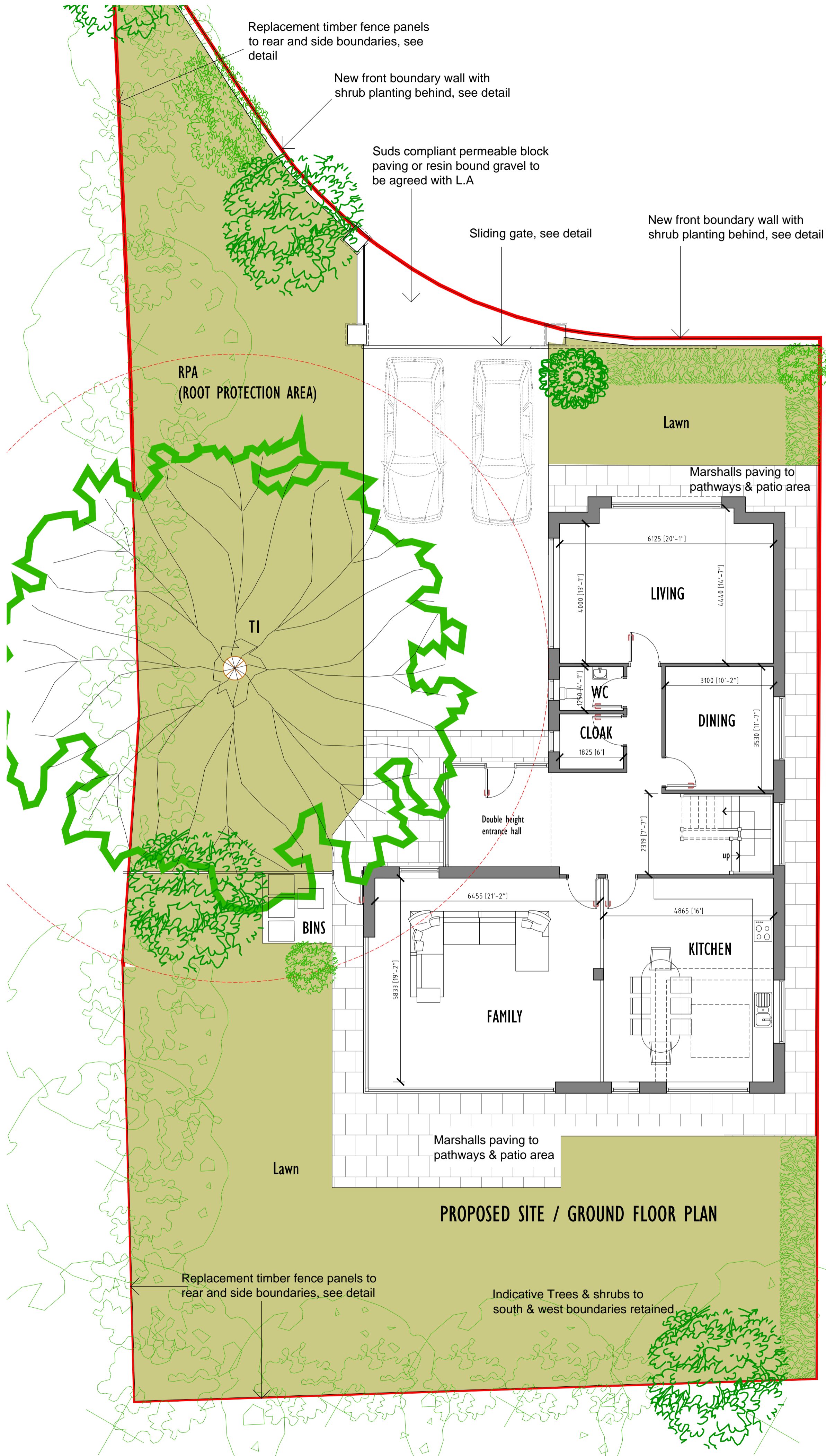
6 The dwelling hereby approved shall not be occupied until a scheme of boundary treatment and landscaping has been implemented in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size. REASON - To ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.

7 The development shall be implemented in accordance with a detailed Arboricultural Method Statement which shall have previously been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the approved plan (Drawing no. PL02, received 14/08/2020) have been fenced off in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority (such scheme to include any subsequent amendments as required by the Authority). Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence and tree during the construction period. REASON - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area having regard to Policy 21 of the Oldham Local Plan.

8 The proposed windows shown on the approved plan in the side elevation of the building shall be constructed as a fixed light and provided with and permanently glazed in

obscure glazing to a minimum of level 3 on the Pilkington scale. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows or other openings shall be formed in the side elevations without the prior written approval of the Local Planning Authority. REASON - To protect the amenity of occupiers of nearby property having regard to Policy 9 of the Oldham Local Plan.

Do not scale from this drawing. All information should be checked by the contractor on site before commencing work. Any discrepancies should be reported to Archirama immediately. All rights are reserved and are not transferable. Unauthorised reproductions of this drawing are not permitted.



Rev	Date	Description
1	18/11/15	Revisions to front elevation + entrance to suit comments by planner
2		
3		
4		
5		

archirama Architecture & project management	
3 Park Gate Ave, Withington, Manchester M20 3BZ Tel: 07576 771 006 email: mail@archirama.co.uk	
Client:	DR Z Chauhan
Project / Site:	Plot 1, Woodfield centre Oldham
Client's Title:	Erection of a single two and half storey detached dwelling on vacant plot 1 of former Woodfield centre
Drawn by:	JR
Checked by:	DR
Date:	01/07/20
Discipline:	Planning
Scale:	1:100&A1
Drawn by:	PL01

PLANNING COMMITTEE - BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE

PLANNING AND ADVERTISEMENT APPLICATIONS

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information defined by that Act.

THE BACKGROUND PAPERS

1. **The appropriate planning application file:** This is a file with the same reference number as that shown on the Agenda for the application. It may contain the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - A list of consultees and replies to and from statutory and other consultees and bodies
 - Letters and documents from interested parties
 - A list of OMBC Departments consulted and their replies.
2. **Any planning or advertisement applications:** this will include the following documents:
 - The application forms
 - Plans of the proposed development
 - Certificates relating to site ownership
 - The Executive Director, Environmental Services' report to the Planning Committee
 - The decision notice
3. Background papers additional to those specified in 1 or 2 above or set out below.

ADDITIONAL BACKGROUND PAPERS

1. The Adopted Oldham Unitary Development Plan.
2. Development Control Policy Guidelines approved by the Environmental Services (Plans) Sub-Committee.
3. Saddleworth Parish Council Planning Committee Minutes.
4. Shaw and Crompton Parish Council Planning Committee Minutes.

These documents may be inspected at the Access Oldham, Planning Reception, Level 4 (Ground Floor), Civic Centre, West Street, Oldham by making an appointment with the allocated officer during normal office hours, i.e. 8.40 am to 5.00 pm.

Any person wishing to inspect copies of background papers should contact Development Management telephone no. 0161 770 4105.

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Planning Committee Meeting 17th March 2021

PA/345308/20 - Proposed erection of detached two storey dwelling with associated landscape and external works

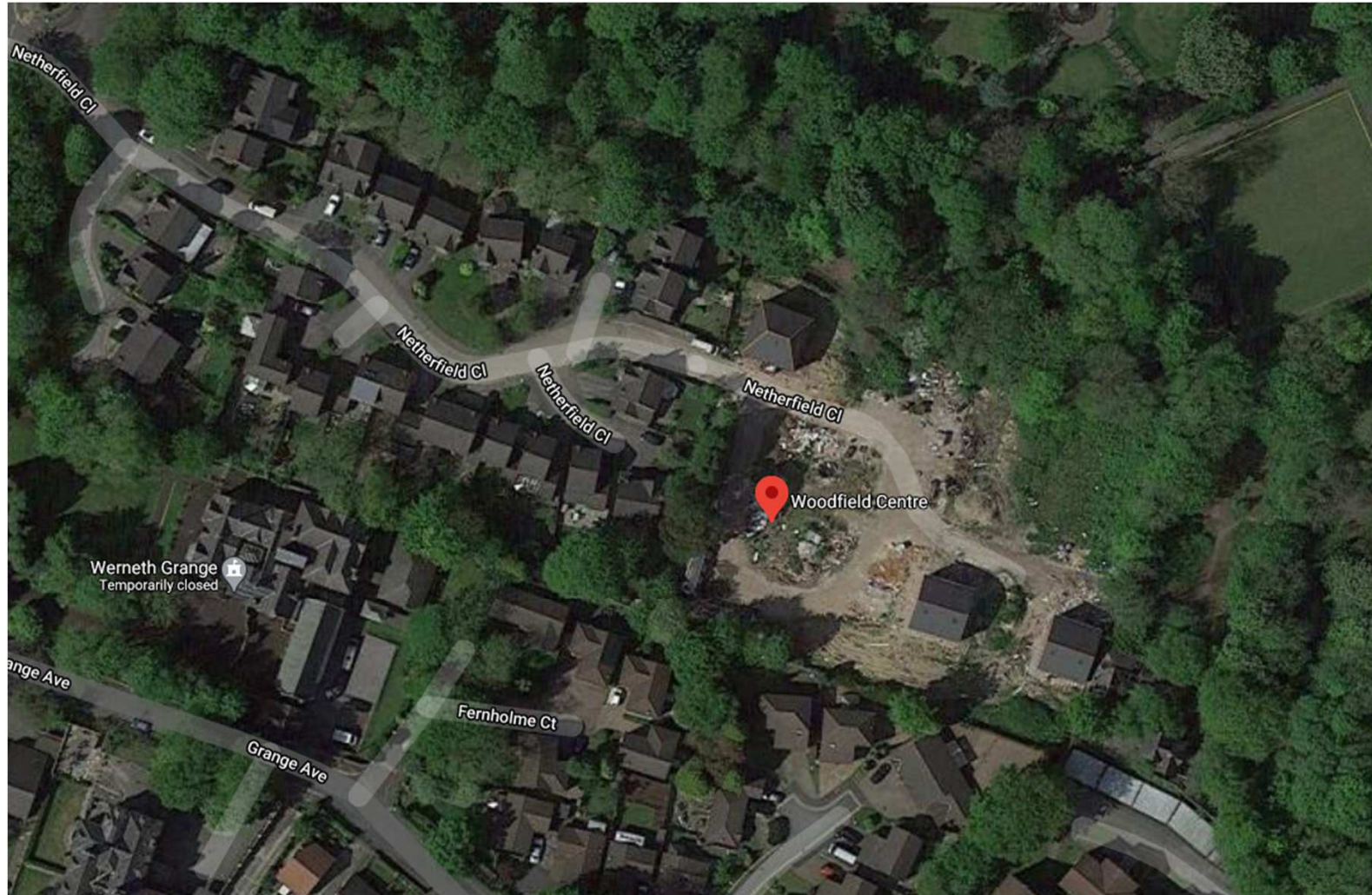
Woodfield Centre, Netherfield Close, Oldham.

Site Location Plan

Page 28



Aerial View

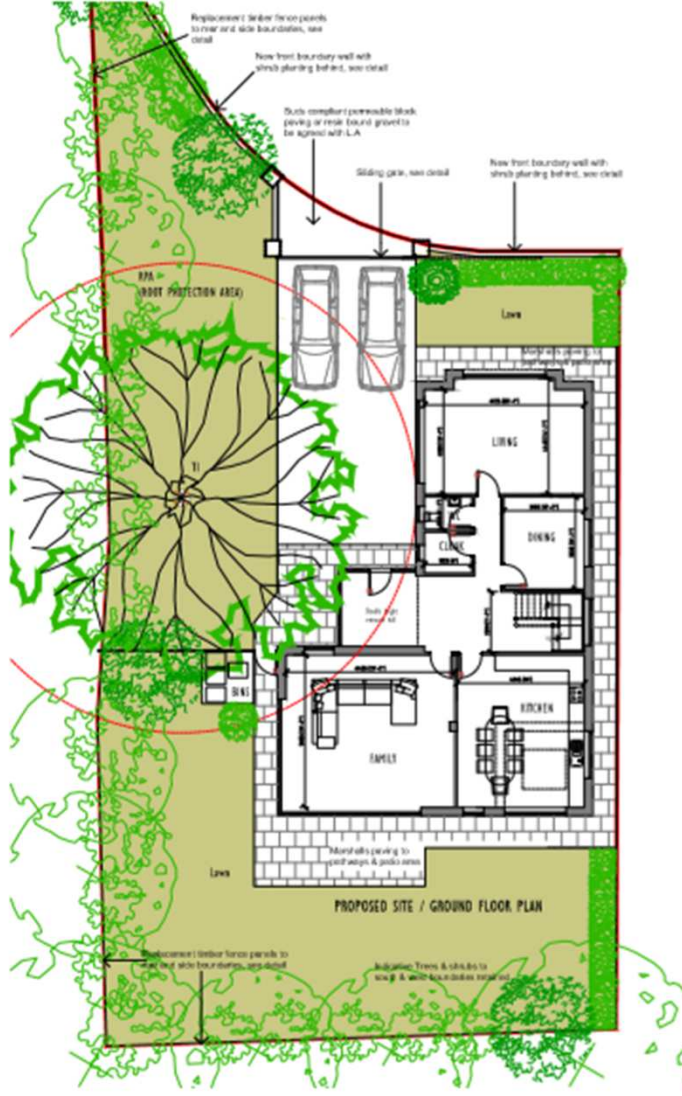
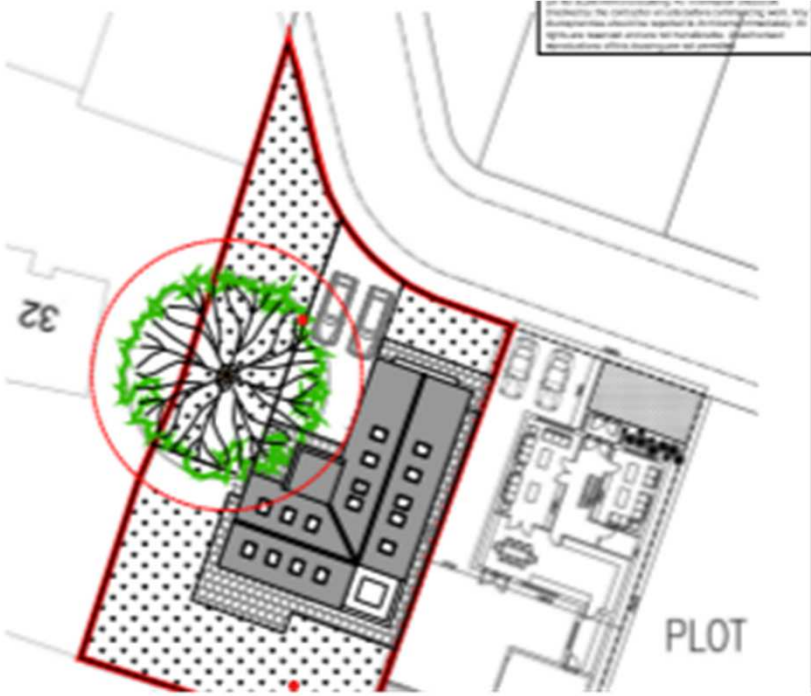


Aerial view of Plot 1

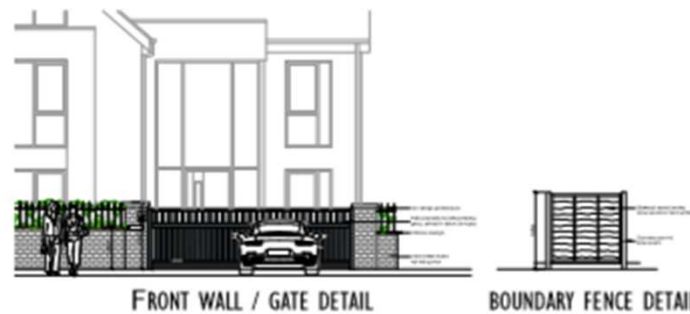


Proposed Site Plan

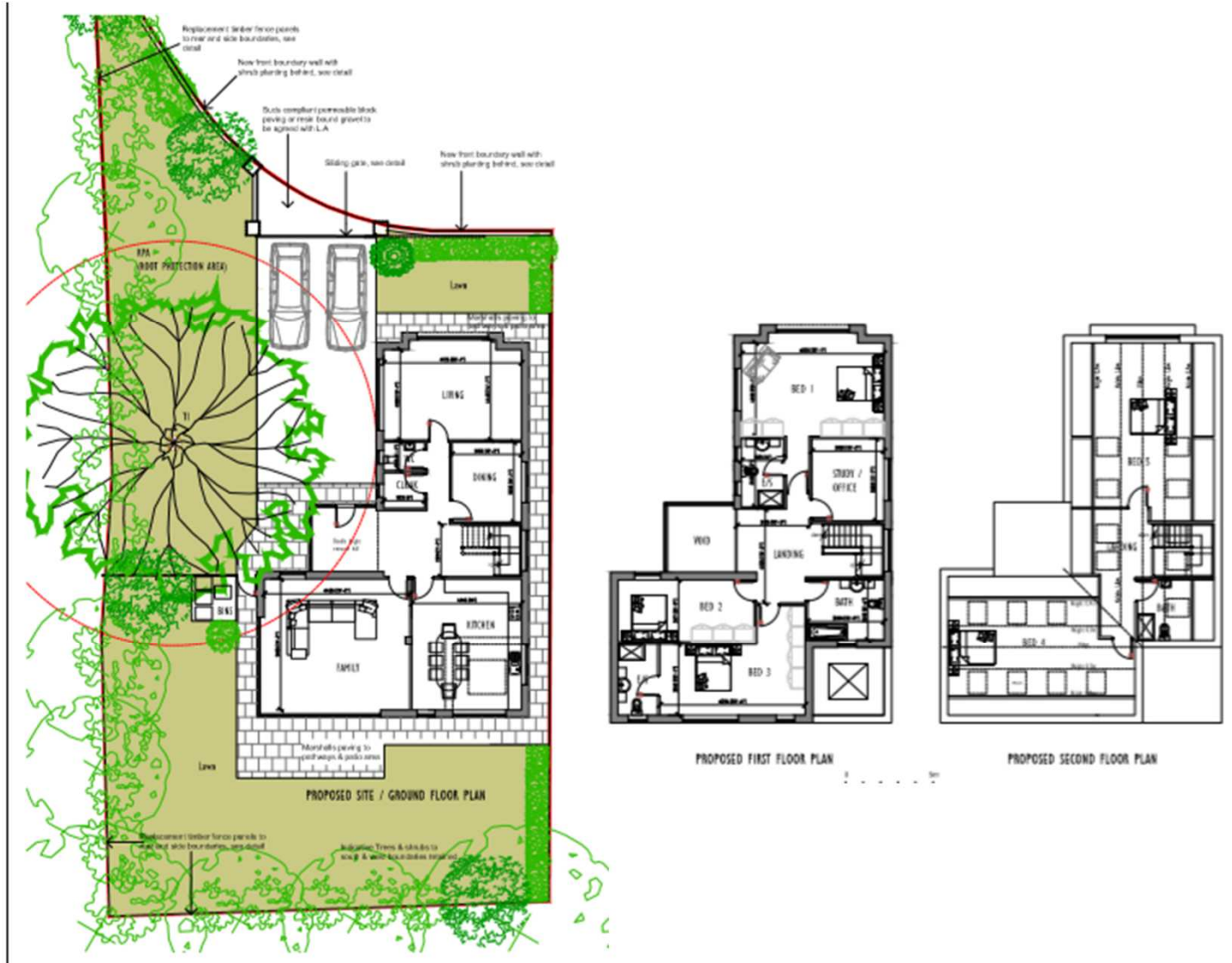
Page 31



Proposed Elevations



Proposed Floor Plans



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Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

March 2021

PLANNING APPEALS

WRITTEN REPRESENTATION

HEARINGS

HOUSE HOLDER

HOU/345684/20 – 1 Glen Road, Oldham, OL4 1LP

ADVERTISEMENTS

ADV/345501/20 – 143 Shaw Road, Oldham, OL1 3HZ

APPEAL DECISIONS

PA/344826/20 Land to the north side of access road leading to Laureates Place, off Woodbrook Road, Springhead

Appeal decision Dismissed

PA/343659/19 K S Oils Ltd, Green Lane, Failsworth, Manchester, M35 0PP

Appeal Decision Allowed

HOU/345446/20 1 Delph New Road, Dobcross, OL3 5AZ

Appeal decision Dismissed

HH/345313/2 60 Brook Street, Chadderton, Oldham, OL9 0HW

Appeal Decision Dismissed

RECOMMENDATION - That the report be noted.



Appeal Decision

Site visit made on 22 February 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2021

Appeal Ref: APP/W4223/W/20/3263446

K S Oils Ltd, Green Lane, Failsworth, Manchester M35 0PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 for a revised site layout including reopening of existing access to form additional site entrance and including new off site parking for which a previous planning permission was granted for a limited period.
 - The appeal is made Mr Kevin Smith (K S Oils Ltd) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/343659/19 is dated 10 July 2019.
 - The application sought planning permission for a revised site layout including reopening of existing access to form additional site entrance and including new off site parking granted planning permission for a limited period Ref PA/340564/17, dated 22 December 2017.
 - The permission is subject to a condition requiring that the layout must be discontinued and the land returned to its authorised condition on or before 12 months after the implementation of the access and parking layout shown on the case drawings.
 - The reason given for the condition is: "There is not enough evidence available at this stage to assess the impact of the development in terms of highways safety and this permission for a limited period will allow the Council to reassess the development in light of experience of the access and parking layout".
-

Decision

1. The appeal is allowed and planning permission is granted for a revised site layout including reopening of existing access to form additional site entrance and including new off site parking at K S Oils Ltd, Green Lane, Failsworth, M35 0PP in accordance with the terms of the application Ref PA/343659/19 dated 10 July 2019 without compliance with condition number 2 previously imposed on planning permission Ref PA/340564/17, dated 22 December 2017, and subject to the following conditions:
 - 1) The approved scheme shall be carried out in accordance with the following plans and specifications:
Drawing Number: M3689.PL.10, Revision: A
Drawing Number: M3689.PL.11
Drawing Number: J320 Access Fig 1
Drawing Number: J320 Access Fig 2
 - 2) No vehicles shall at any time access or leave the site in reverse gear. The western access shall be used as an access only and the eastern access should be used as an egress only, as shown on the approved drawing number: M3689.PL.10, Revision A.

- 3) No storage of tanks or other equipment, or the parking of vehicles other than tankers or other delivery vehicles, shall take place within the vehicle manoeuvring area indicated on the approved drawing number: M3689.PL.10, Revision: A, at any time.

Applications for costs

2. An application for costs was made by Mr Kevin Smith (K S Oils Ltd) against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

3. Permission was granted in January 2014 for the erection of storage tanks and associated works to provide a waste oil recycling facility¹ at the appeal site. This had a single access/egress point in the north eastern corner of the site with vehicles turning within the site before leaving. In December 2017 permission was granted for a revised site layout that included reopening an access at the north-western corner of the site. The new access was to be used for vehicles to enter the site with the original access being used solely for vehicles exiting it. This was subject to a condition limiting the time the new layout and access could be used so that its impact on highway safety could be assessed. The appeal seeks to remove this condition to enable the continued use of the revised layout and additional access.
4. Therefore, the main issue in the appeal is whether the condition is reasonable and necessary in the interests of highway safety.

Reasons

5. The appeal site is located in an established small industrial area. Green Lane provides for 2-way traffic, but in the immediate vicinity of the industrial area only has an intermittent footpath. Although a through road, a width restriction to the east means that it is not a through road for HGVs. Therefore, all HGVs accessing the site or any of the other commercial uses nearby must access and leave the area to the west.
6. When permission was granted for the site to be used for its current use it had a single point of access and egress, with vehicles having to turn within the site so that they could enter and exit in forward gear. This original permission had no restrictions on the size of vehicles that could access the site. The agreed access drawings show that on exiting, to turn left, a rigid HGV would have to overrun the centre line of the road. Such a manoeuvre was therefore considered acceptable and safe by the Council.
7. The revised layout provides a new access which is used solely as an entrance to the site with the original access being used for vehicles to exit the site. The new access is on a bend in the road but vehicles turning right into the site have good visibility of traffic approaching in the other direction. Whilst this access is gated, the appellant has stated that all vehicles stop first at another site belonging to the appellant, which is a short distance to the south, to be checked in. This process means that the gate can be opened before they arrive at the appeal site, so they do not have to wait on the highway for this to be

¹ Planning Application Ref PA/334588/13

- done. As such, I am satisfied that the new access provides a safe access point to the site.
8. The original access is used for vehicles exiting the site. In order to turn left the tankers and rigid HGVs that serve the site have to overrun the centre line of the road. However, as highlighted above, such a manoeuvre was previously considered acceptable and safe by the Council.
 9. At my site visit I was able to witness both a tanker and a rigid HGV complete this move. This confirmed that such vehicles are able to complete this in one manoeuvre and that it can be achieved without overhanging the carriageway. However, even if they did overhang the carriageway there is no pavement on that side of the road, just vegetation, and so it would not give rise to conflict with pedestrians.
 10. Occasionally other vehicles that approach the site whilst a vehicle is turning out of the site may have to wait whilst the manoeuvre is completed. However, any such wait would be momentary and the volume of traffic on the road is such that it would not cause any significant congestion.
 11. Moreover, should this condition not be removed this access point would revert to being used by HGVs for both entering and exiting the site. Consequently, these left turn manoeuvres would continue to take place. As the use of tankers reduces the number of movements to and from the site, the loss of the additional access would actually result in this manoeuvre taking place much more frequently.
 12. The appellant indicates that the new layout and access has been operational since June 2018 and so has been in use for over 2.5 years. Whilst I accept that accident data does not record every incident or near misses, the data shows no accidents in the vicinity in the last 5 years. This indicates that whether the site is operating using one access or two, it is not causing any significant highway safety issues.
 13. The Council's evidence shows an example where a tanker turned right rather than left out of the site and they suggest this shows that tankers are unable to turn left. However, from the appellant's evidence and what I saw on site, it is clear that this is not the case. Whilst Banksmen may be used when the vehicles leave the site, this is an additional safety measure and is not essential in order to assist drivers to complete the manoeuvre.
 14. Furthermore, whilst HGVs cannot leave the area by turning right due to the width restriction further along the road there is nothing to prevent vehicles turning right from the site if they wish. Vehicles could then turn into Banbury Road, which serves a number of other commercial premises, and where there is sufficient space for them to turn so that they can leave the area in the correct direction.
 15. In the light of the fact that tankers and other HGVs can turn left out of the site within a single manoeuvre, I see no reason why they should utilise the new access to reverse out of the site as suggested by the Council.
 16. Given this, I consider that the condition is not necessary in the interests of highway safety and so its imposition is not reasonable. As a result, there would be no conflict with Policies 5 and 9 of the *Joint Core Strategy and Development Management Policies Development Plan Document (adopted November 2011)*

which seek to ensure that developments do not compromise pedestrian and highway safety. Nor would it conflict with paragraph 109 of the *National Planning Policy Framework* which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impact on the road network would be severe.

Other Matters

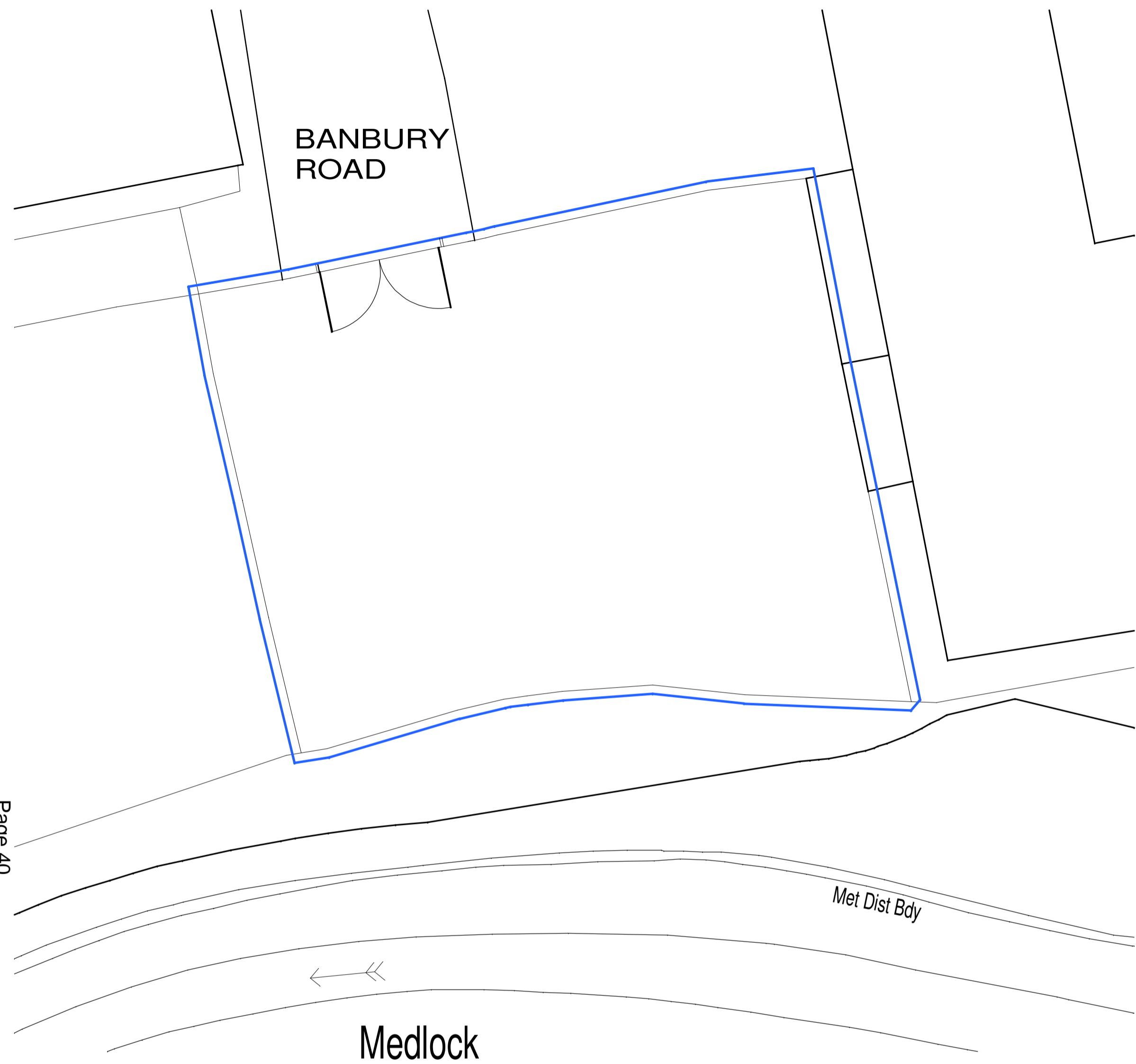
17. A number of concerns have been raised regarding the actual operation of the firm on the site. However, the use of the site for this purpose, which was granted permission in 2014, is not a matter before me in this appeal which is only related to whether the condition is necessary or not. The fact that the area gets used for fly tipping is also not a matter before me in the appeal.
18. Whilst I note the comments regarding the suitability of the local road network for HGVs, and the fact that lorries often miss the turning to Millstream Lane that leads to the site, vehicles would still be accessing this and the other commercial uses in the area irrespective of the outcome of this appeal. In addition, as highlighted above, the use of tankers, reduces the number of vehicle movements to and from the site and so using the local highway network.
19. It is suggested that tankers protrude from the site whilst unloading and that this blocks the road for other users. However, I observed that tankers can be fully accommodated within the site and so there is no need for them to protrude onto the highway.
20. The application also made provision for off-site parking so that the site had sufficient space for the manoeuvring of HGVs. Whilst the appellant no longer owns the site where this was provided, I understand that he still has the agreement of the landowner to be able to park there. In addition, parking can be provided at the other site in his ownership a short distance to the south.

Conclusion and Conditions

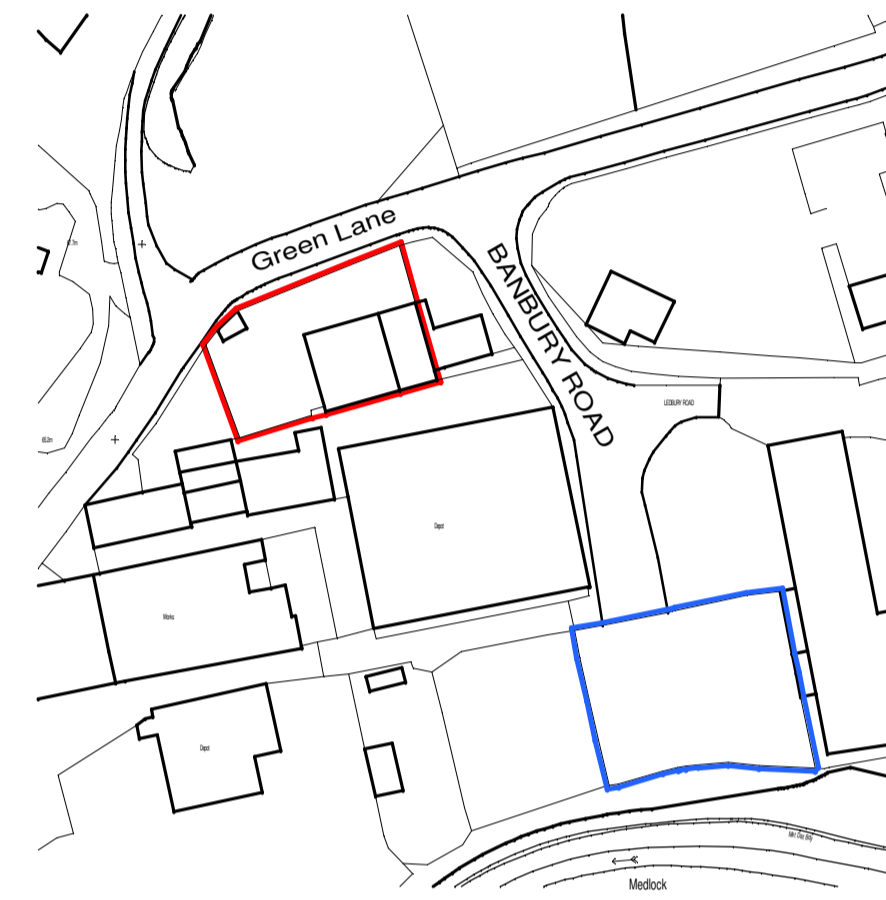
21. For the reasons set out above, I conclude the appeal should be allowed. I have therefore granted a new permission for the revised layout and new access which removes the disputed condition.
22. The *Planning Practice Guidance* (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. The only other condition on the original permission related to the plans with which the permission should accord which I have reimposed to provide certainty, although I have updated the wording as suggested by the Council to reflect the fact that the development has already taken place. To provide certainty and in the interest of highway safety I have also imposed conditions to ensure the space for manoeuvring vehicles is kept free for this purpose, and confirming how the accesses are to be used.

Alison Partington

INSPECTOR



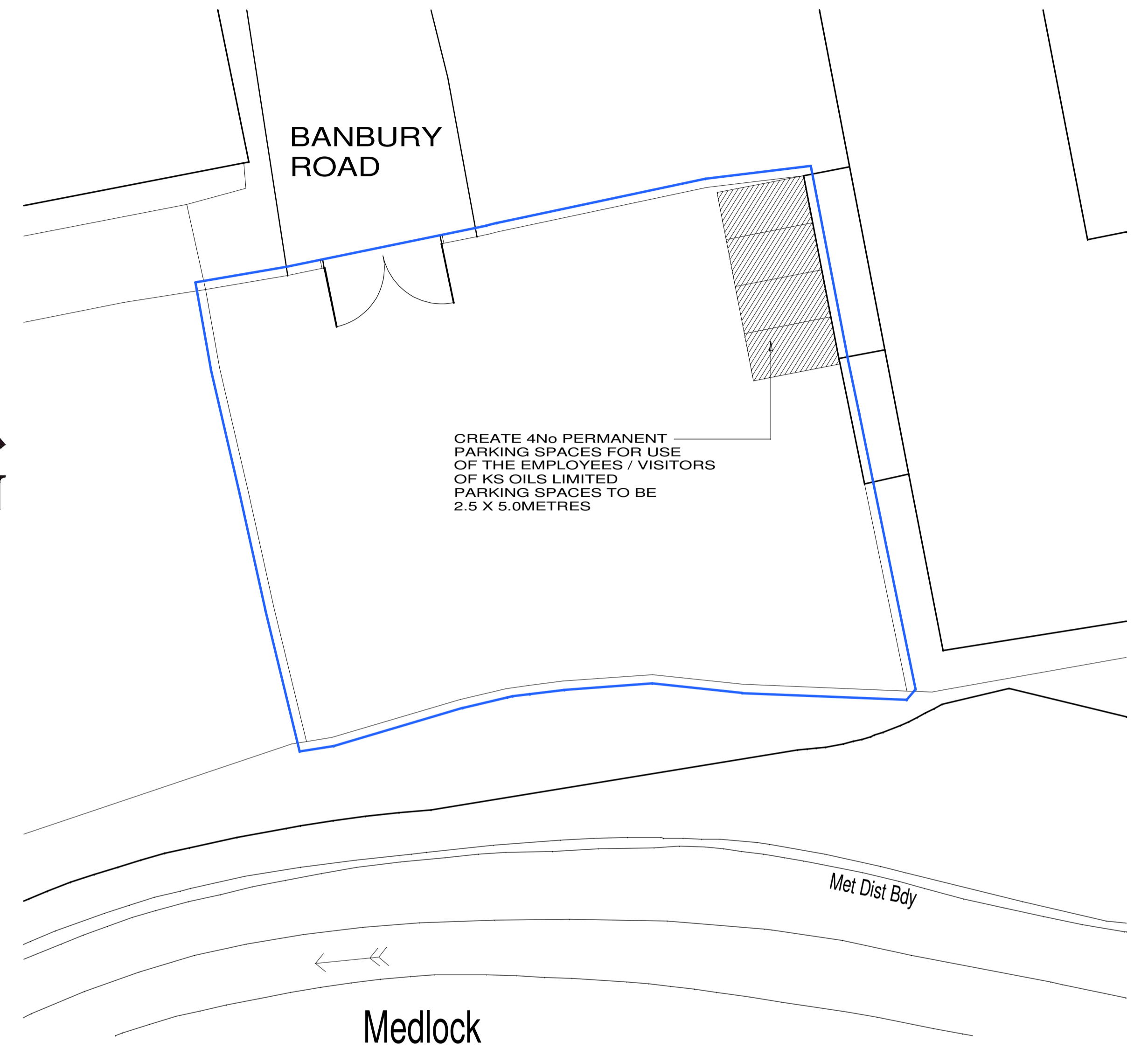
EXISTING SITE PLAN
LAND WITHIN APPLICANTS OWNERSHIP
 Scale 1:200



LOCATION PLAN
 Scale 1:1250 @ A4

LEGEND

— INDICATIVE OF BOUNDARY OF LAND WITHIN APPLICANTS OWNERSHIP



PROPOSED SITE PLAN
LAND WITHIN APPLICANTS OWNERSHIP
 Scale 1:200

nicol thomas

Revision	Date	Details

nicol thomas architects project managers construction cost consultants CDM co-ordinators
 Registered in England and Wales. Reg No. 2140639
 Quality Assured to BS EN ISO 9001:1994 Certificate Number GB 4723
 Heyside House Blackshaw Lane Heyside Royton Oldham OL2 6NS
 t:01706 290088 f:01706 290099 e:oldham@nicolthomas.com
 Also at Birmingham (Registered office)
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Client:		KS Oils Limited	
Job:		Green Lane, Failsworth, Oldham	
Drawing title:		Proposed Site Plan (2)	
Drawing Number: (Job number)	M3689.PL.11	Revision:	
Scale:	1:1250 / 1:200 @A1		
Date:	26.07.17		
Drawn by/ checked by:	S		



Appeal Decision

Site visit made on 12 January 2021

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/W4223/W/20/3260050

Land to the north side of access road leading to Laureates Place, off Woodbrook Road, Springhead.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Paragon Housing Developments Ltd against the decision of Oldham Council.
 - The application Ref PA/344826/20, dated 1 May 2020, was refused by notice dated 14 August 2020.
 - The development proposed is residential development of 3 No. detached dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with access, appearance, layout and scale to be considered and landscaping reserved for future consideration. I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the development on the amenity value of protected trees; and
 - if the proposal is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 145). Inappropriate development

- according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is limited infilling in villages (Paragraph 145e).
5. Policy 1 of the Oldham Council Joint Core Strategy and Development Management Policies (DMP) states that the Green Belt will be maintained. Policy 22 of the DMP is broadly consistent with the Framework where it supports development in the Green Belt that is in accordance with national policy.
 6. There is no definition of 'village' or 'limited infilling' within the Framework and my attention has not been drawn to any definition within the development plan.
 7. The appeal site is located on the eastern edge of Springhead with access via an unmade single-track lane from Woodbrook Road. There is a public house and Knowsley Junior school within a comfortable walking distance. Although on the extremity of the main area of development, I am satisfied that the appeal site is within the village.
 8. The appeal site has a wide frontage to the lane. It is relatively flat east to west with the land rising abruptly towards the back. A public footpath follows the appeal site's western boundary providing access to the open countryside to the rear.
 9. The entrance to the lane is characterised by a wide range of dwelling types. The properties to the south side largely face Woodbrook Road with their rear elevations facing the lane. Some of the properties have extended gardens, garages, or outbuildings to the lane's north side. These spaces are separated from the appeal site by the public footpath. Land beyond the appeal site to the east is being used for open storage.
 10. The generally accepted definition of infilling is the infilling of a small gap in an otherwise built up frontage. I have had regard to the storage to the east which the appellant indicates is long-term, but I do not consider that such use constitutes a built-up frontage. Nor do I consider that the recent development on the lane's south side influences whether the appeal site is infilling. The land either side of the appeal site is not built up and the length of the frontage to the lane is not a small gap. Therefore, the proposal would not be limited infilling.
 11. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Policies 1 and 22 of the DMP and Paragraph 145e of the Framework.
 12. In coming to this conclusion, I note the appeal decision¹ and planning² application referred to by the appellant. I have taken account of these and whilst the site circumstances are not the same, my approach to development at the appeal site is not inconsistent with these decisions.

¹ APP/W4223/W/19/3227776

² PA/336468/15

Effect on openness and Green Belt purposes

13. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
14. The proposal would result in the development of three dwellings and associated hardstanding and parking on land which is presently open and largely free of any built form. This would lead to an inevitable and demonstrable loss of openness, in both visual and spatial terms.
15. With respect to the purposes of the Green Belt, given my findings above that the proposal would not amount to infilling within a village, the proposal would lead to encroachment of development into the countryside and would impact on the related Green Belt purpose.

Trees

16. The appeal site is covered by a woodland Tree Preservation Order (TPO). The application is supported by an Arboricultural Report³ which indicates that a number of trees would be removed to facilitate the development.
17. I saw during my site visit that even when not in leaf the trees are visible from the lane and from the public footpath. From these vantage points the trees contribute positively to the character and appearance of the area. The loss of tree cover would detract from the group of trees as a whole. I consider even limited tree works would be detrimental to the amenity value of the group and would not be reflective of the protection afforded by the TPO.
18. Further, with the proposed layout of the dwellings, and the amount of land taken up by them, I am not satisfied that a suitably worded condition could secure adequate replacement tree cover. The appellant suggests that a commuted sum to secure compensatory replacement planting in an alternative location could be sought. However, I have not been provided with a scheme for compensatory planting or a mechanism to secure it. Nor am I satisfied that providing planting elsewhere would overcome the harm caused by the loss of tree cover at the appeal site.
19. In addition, although I note the conclusions of the Arboricultural report, the trees are mostly on the higher part of the land and their canopy spread would dominate and overhang the development area. I am not satisfied that the rear gardens and rear elevations of the proposed dwellings would be sufficiently separated from the trees so as not to be overshadowed and dominated by them. Therefore, it is likely that there would be future pressures from the occupiers of dwellings for the trees to be lopped, topped or felled. This would further reduce their amenity value.
20. Overall, I conclude that the proposals would harm the amenity value of protected trees in conflict with Policies 9 and 20 of the DMP which seek to protect local character and distinctiveness. It would also conflict with saved Policy D1.5 of the Unitary Development Plan (2006) which only supports development on sites containing trees where it is designed to maximise tree retention and positioned to avoid unacceptable overshadowing.

³ Arboricultural Impact Assessment – JCA Limited 2020

Other Considerations

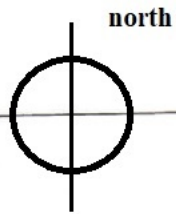
21. The Council has confirmed that it cannot demonstrate a five-year supply of deliverable housing land. However, I have not been provided with any evidence about the extent of the shortfall in supply. Nevertheless, the provision of three dwellings would contribute to the overall housing land supply and I attach moderate positive weight to this provision.
22. Three extra households would support local services and facilities providing a small benefit to the local economy and community. Given the number of dwellings proposed these are benefits to which I attach limited weight.
23. I accept that the Council are satisfied with the design of the development, its effects on the living conditions of existing residents and the access arrangements. However, the satisfactory resolution of these matters is a requirement of the development plan and does not weigh in favour of the scheme.

Green Belt Balance and Conclusion

24. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would also result in a harmful loss of openness of the Green Belt. Furthermore, there would be harm associated with the adverse effects of the proposal on trees covered by a TPO. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
25. I attach moderate positive weight to the contribution the appeal site would make to boosting the supply of housing and providing housing where a 5-year housing land supply cannot be demonstrated. I also attach limited positive weight to the economic and social benefits of the scheme. However, these other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
26. Overall, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the proposed development in accordance with paragraph 11d)(i) and footnote 6 of the Framework. Therefore, for the reasons given above, the appeal is dismissed.

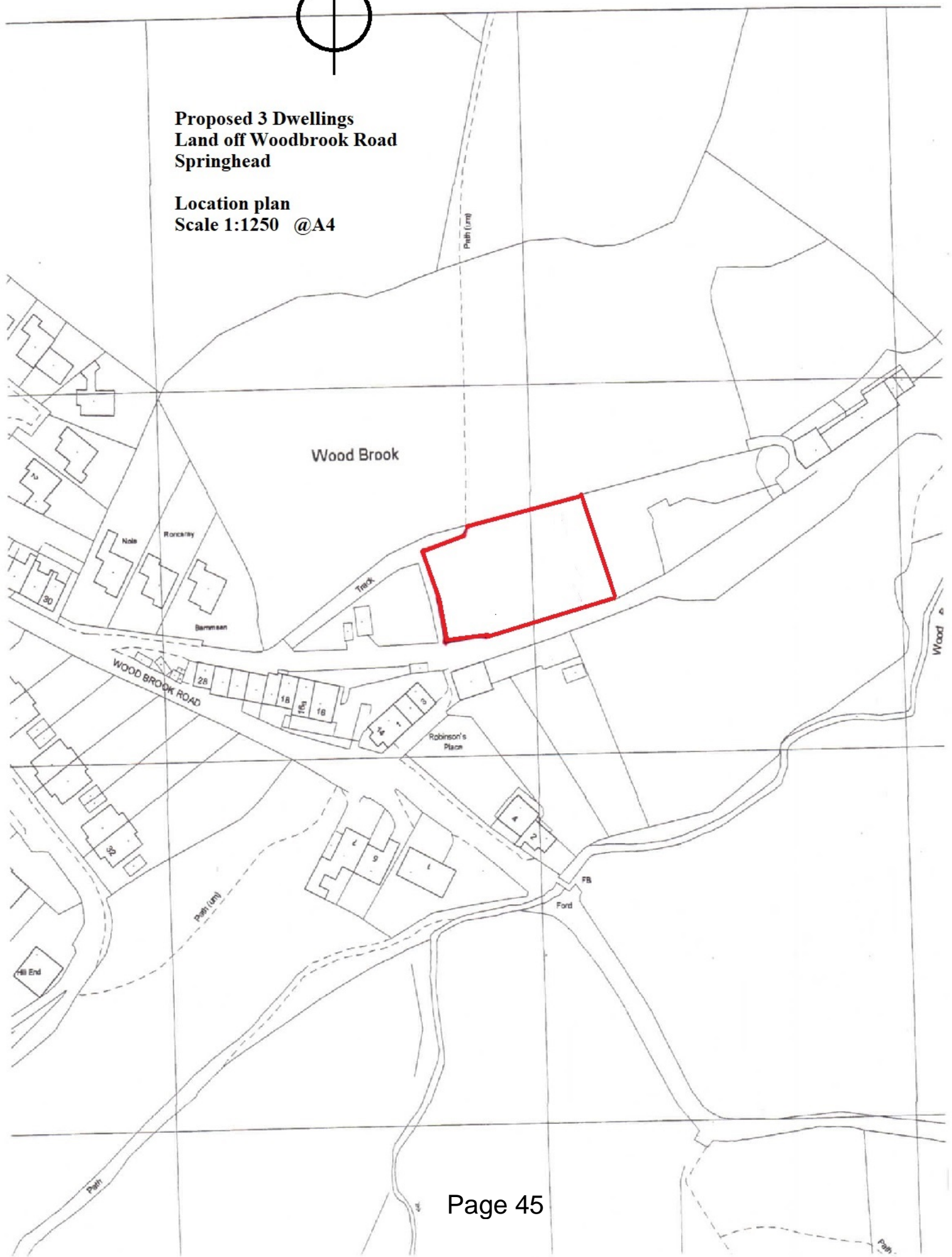
Diane Cragg

INSPECTOR



**Proposed 3 Dwellings
Land off Woodbrook Road
Springhead**

**Location plan
Scale 1:1250 @A4**





Appeal Decision

Site visit made on 15 February 2021

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th March 2021

Appeal Ref: APP/W4223/D/20/3263606

60 Brook Street, Chadderton OL9 0HW

- 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 Ahmed Hussain against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/345313/20, dated 13 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is double storey side with single storey rear extensions.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon:
 - i. The character and appearance of the surrounding area; and
 - ii. The living conditions of the occupiers of 54 Brook Street, having regard to privacy.

Reasons

Character and appearance

3. The appeal site relates to a two-storey dwelling located on a corner plot, at the end of a short terrace. The area to the side of the dwelling is enclosed and has a neutral impact upon the character of the area due to the presence of the single storey, detached garage.
4. The proposed extension would be similar to that recently built at 56 Brook Street (No 56), at the opposite end of the terrace, in terms of its scale, design and siting to the boundary. I observed on my site visit that there are numerous examples of dwellings which are adjacent to the carriageway and footway.
5. The side elevation of the proposed extension would be directly alongside the back lane. Although the scheme would to a small degree reduce the spaciousness of the area, the open space to the west of the site would help to maintain the sense of spaciousness and openness of this part of Brook Street. Furthermore, given the extension at No 56, other dwellings within the local area adjoin the carriageway, there is not a clear building line to the side highway and the presence of the existing garage, the scheme would not have an unacceptable impact upon the character and appearance of the area. The

extension would also appear broadly symmetrical with the extension at No 56 and thus its height and depth would not appear at odds with the character of the area.

6. For these reasons, the proposal would not have a significant adverse visual affect upon the character and appearance of the surrounding area. Accordingly, in this regard, the scheme would comply with Policies 9 and 20 of the Oldham Local Development Framework: Development Plan Document – Joint Core Strategy and Development Management Policies (2011) (LP) which seek, amongst other matters, to ensure new development does not have a significant, adverse impact on the visual amenity of the surrounding area. It would also comply with the National Planning Policy Framework (the 'Framework') which requires new development to be sympathetic to local character.

Living conditions

7. The two-storey element of the scheme includes a window to the rear elevation which would serve a bedroom which would face towards No 54's private outdoor space. I observed on my site visit that No 54 currently has a shed to the rear of the modest garden. However, there is no guarantee that the shed would remain in perpetuity and the shed only occupies part of the rear section of the garden.
8. At present there is a level of overlooking from the existing rear windows of the appeal property. Similarly, given the urban location, within the local area there is a degree of mutual overlooking between properties. Nonetheless, the scheme would result in a significant and materially greater degree of overlooking of No 54's private outdoor space because the proposed bedroom window would be in close proximity to the common boundary and would directly face the garden. Accordingly, the scheme would result in less privacy for the whole garden given the modest size of the garden and the development would result in a material loss of privacy for the occupiers of No 54.
9. The appellant has suggested that the bedroom window could be fitted with obscure glazing which could be conditioned. Based on the evidence presented, I do not consider that this would be a practical solution because it would result in low quality accommodation for the occupiers of No 60 as there would be no other windows serving this bedroom and in any event there would still be a perception of overlooking from users of No 54's garden.
10. The first-floor window of the built extension at No 56 overlooks No 54's front garden rather than the main private amenity space. Thus, the proposed bedroom window cannot be directly compared to No 56's extension.
11. For the reasons given above, the development would result in the living conditions of the occupiers of No 54 being adversely affected, having regard to privacy. Consequently, the scheme would conflict with Policy 9 of the LP which seeks, amongst other matters, to ensure new development does not cause significant harm to the amenity of neighbouring occupants. It would also not comply with the Framework which requires new development to provide a high standard of amenity for existing users.

Other considerations

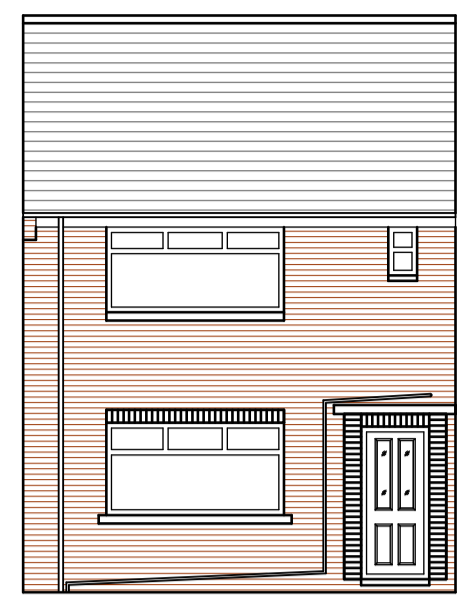
12. It has been brought to my attention that the Council has recently approved an amended scheme at the appeal site. The approved application would not have a harmful effect upon No 54 as it does not include the two-storey rear extension element which is proposed in the appeal scheme. Therefore, the approved scheme does not alter my findings set out above.
13. I acknowledge that the development would provide additional living accommodation for the appellant and their family, however this does not outweigh the harm identified.

Conclusion

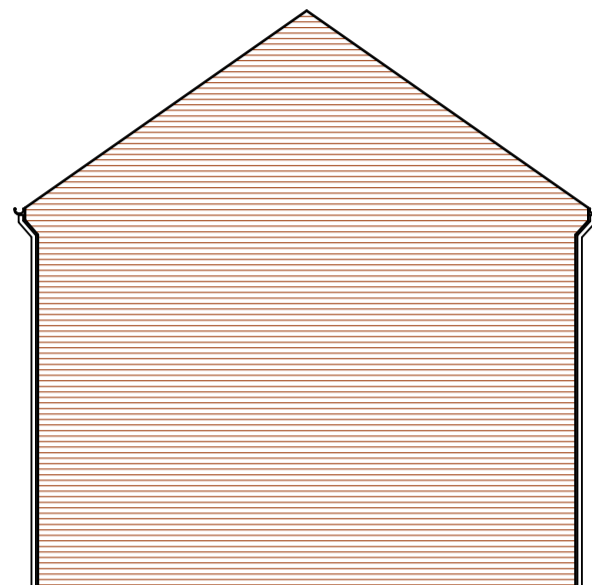
14. Although I have found that the development would not have a harmful affect upon the character and appearance of the surrounding area, the scheme would have an unacceptable effect upon the living conditions of the occupiers of No 54. For those reasons, the appeal should be dismissed.

L M Wilson

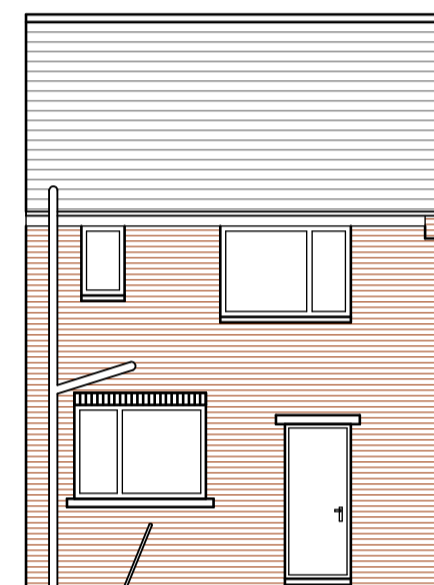
INSPECTOR



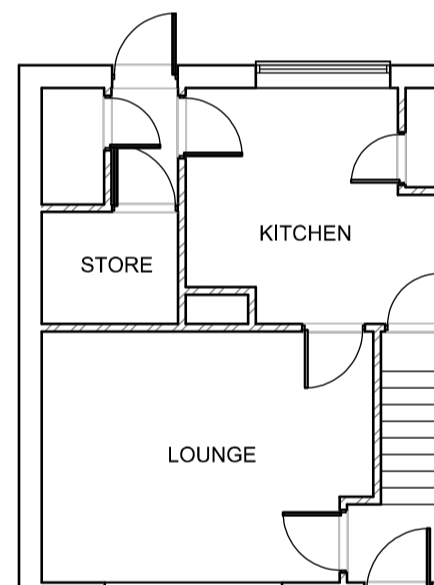
EXISTING FRONT ELEVATION



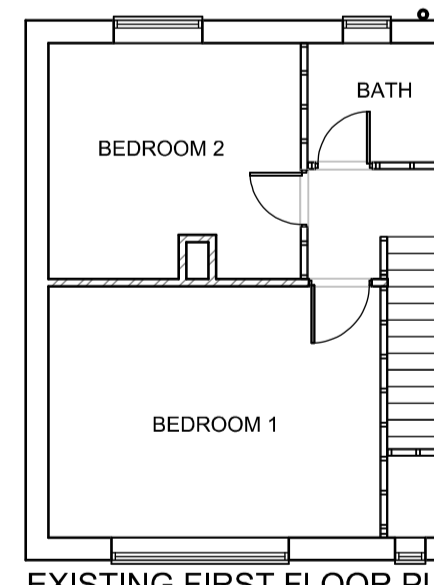
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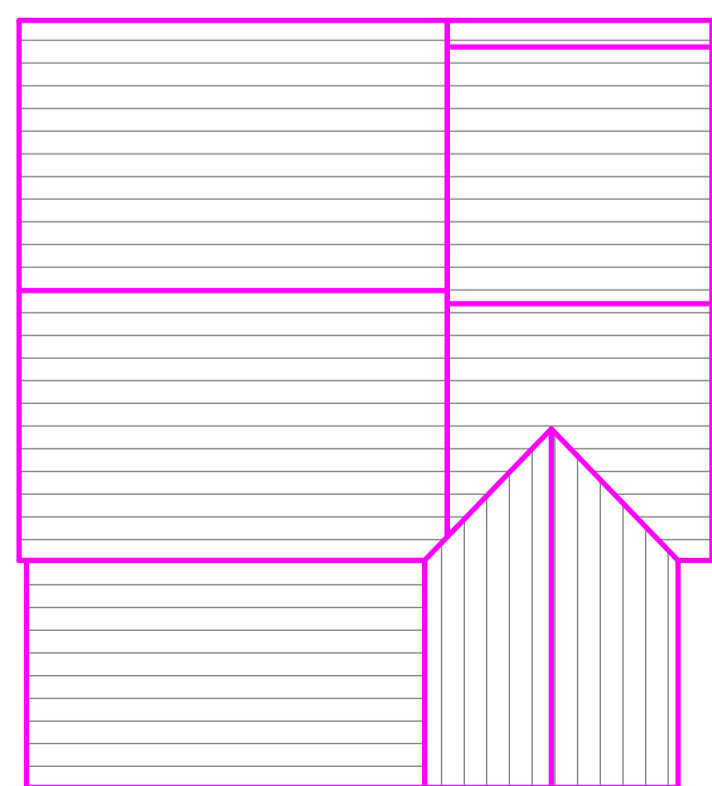
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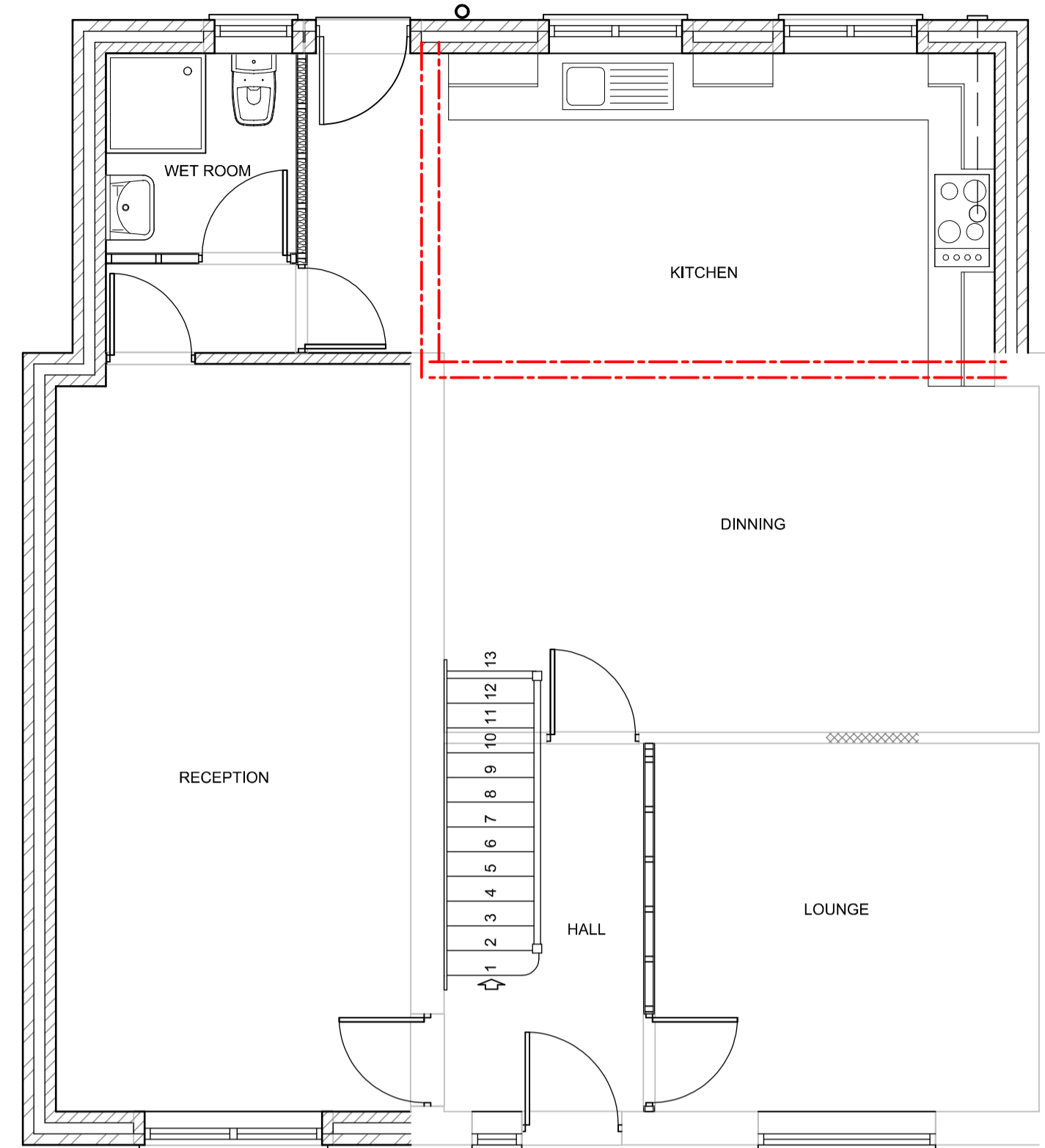
EXISTING GROUND FLOOR PLAN



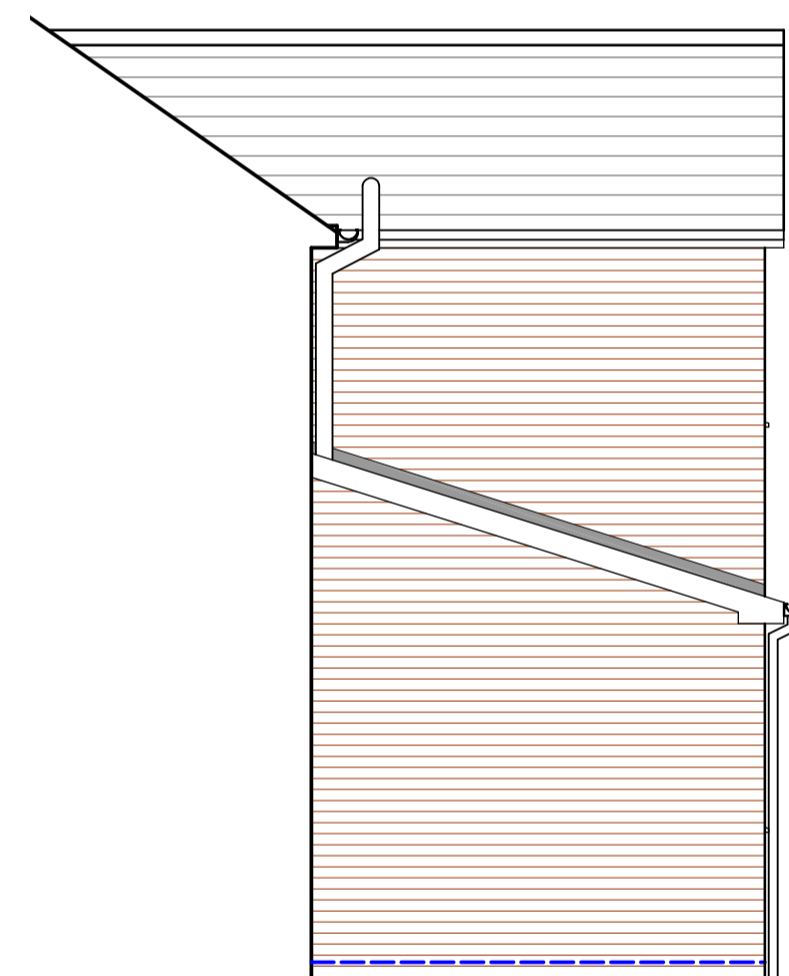
EXISTING FIRST FLOOR PLAN



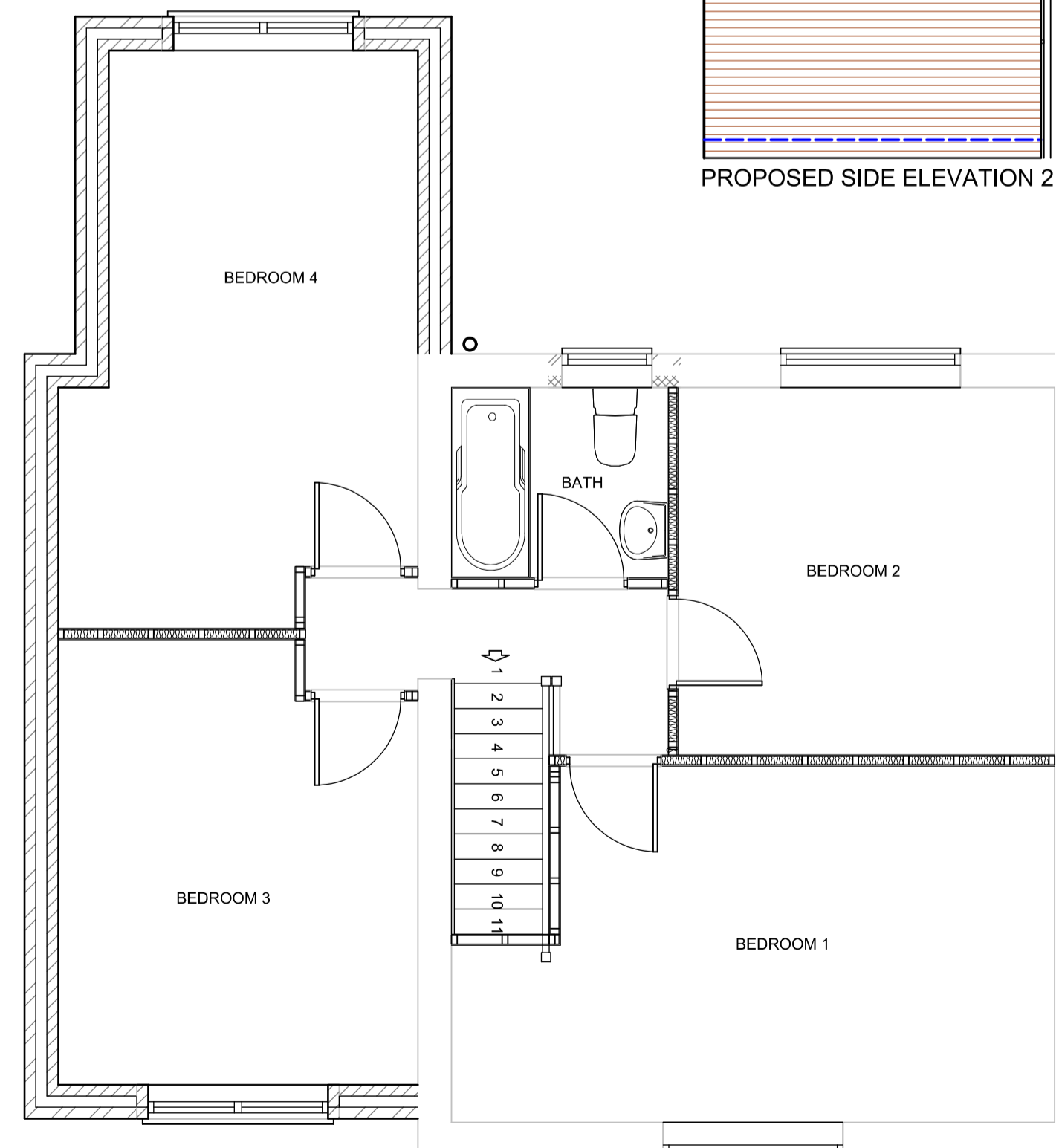
PROPOSED ROOF PLAN



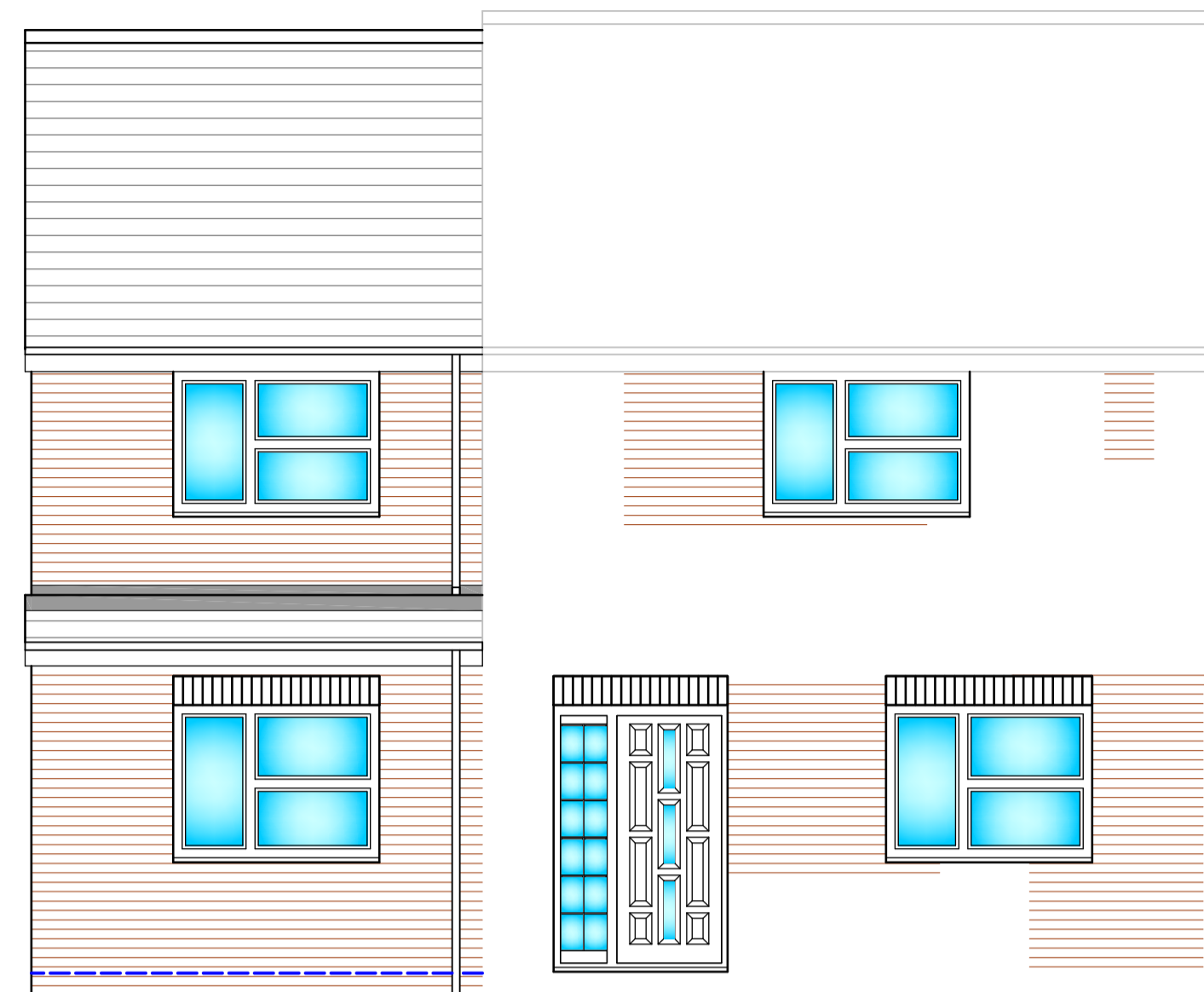
PROPOSED GROUND FLOOR PLAN



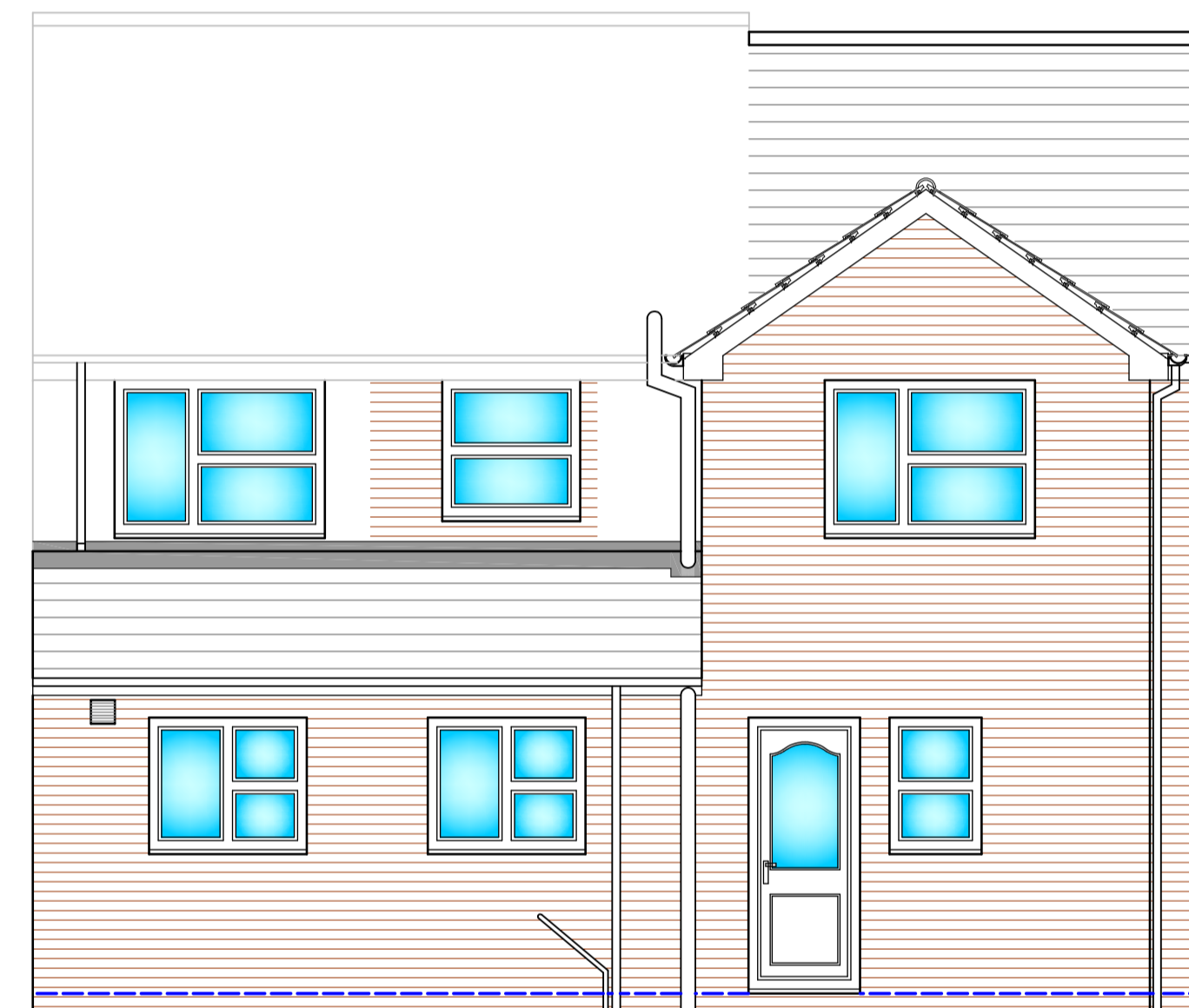
PROPOSED SIDE ELEVATION 2



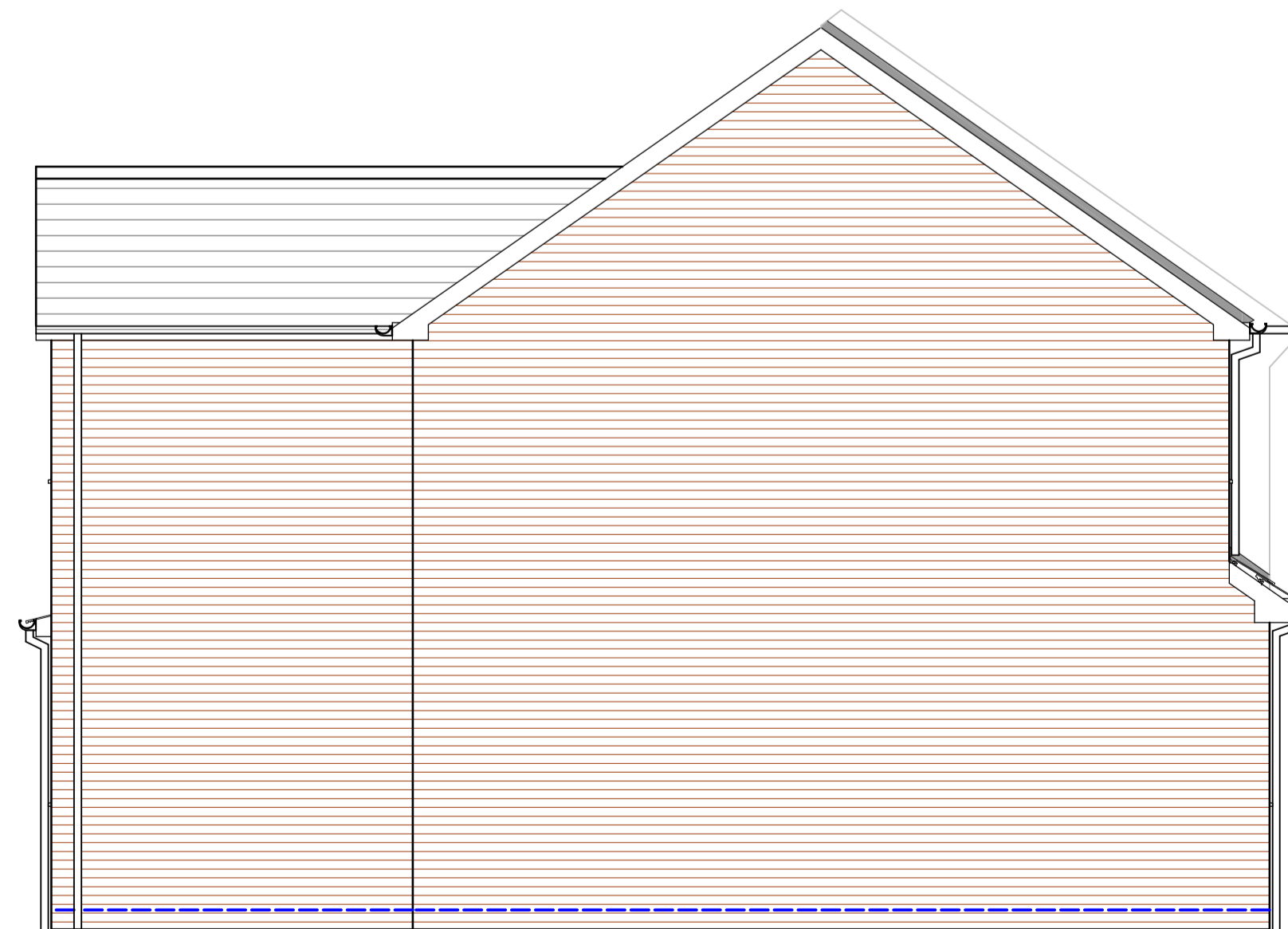
PROPOSED FIRST FLOOR PLAN



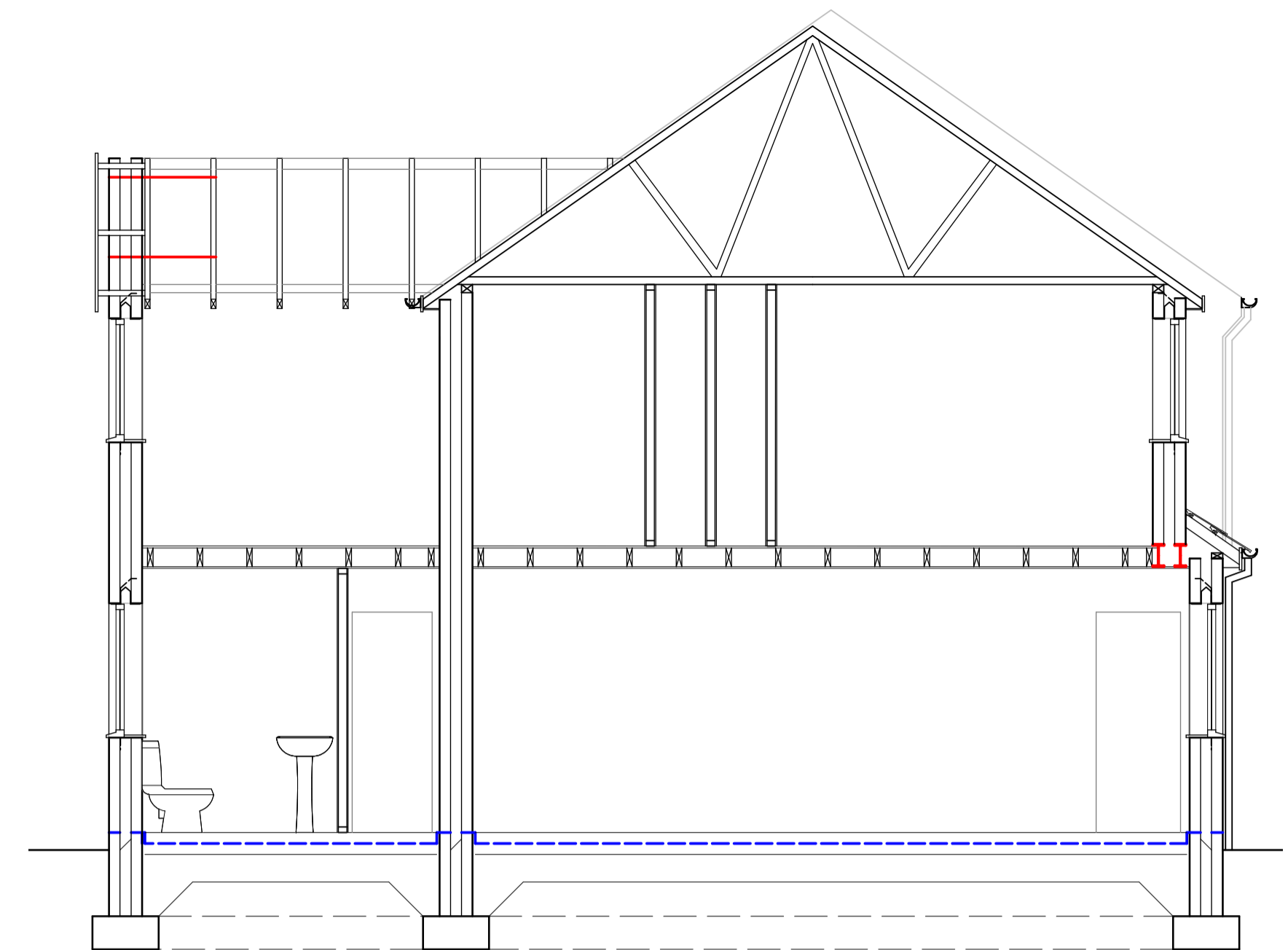
PROPOSED FRONT ELEVATION



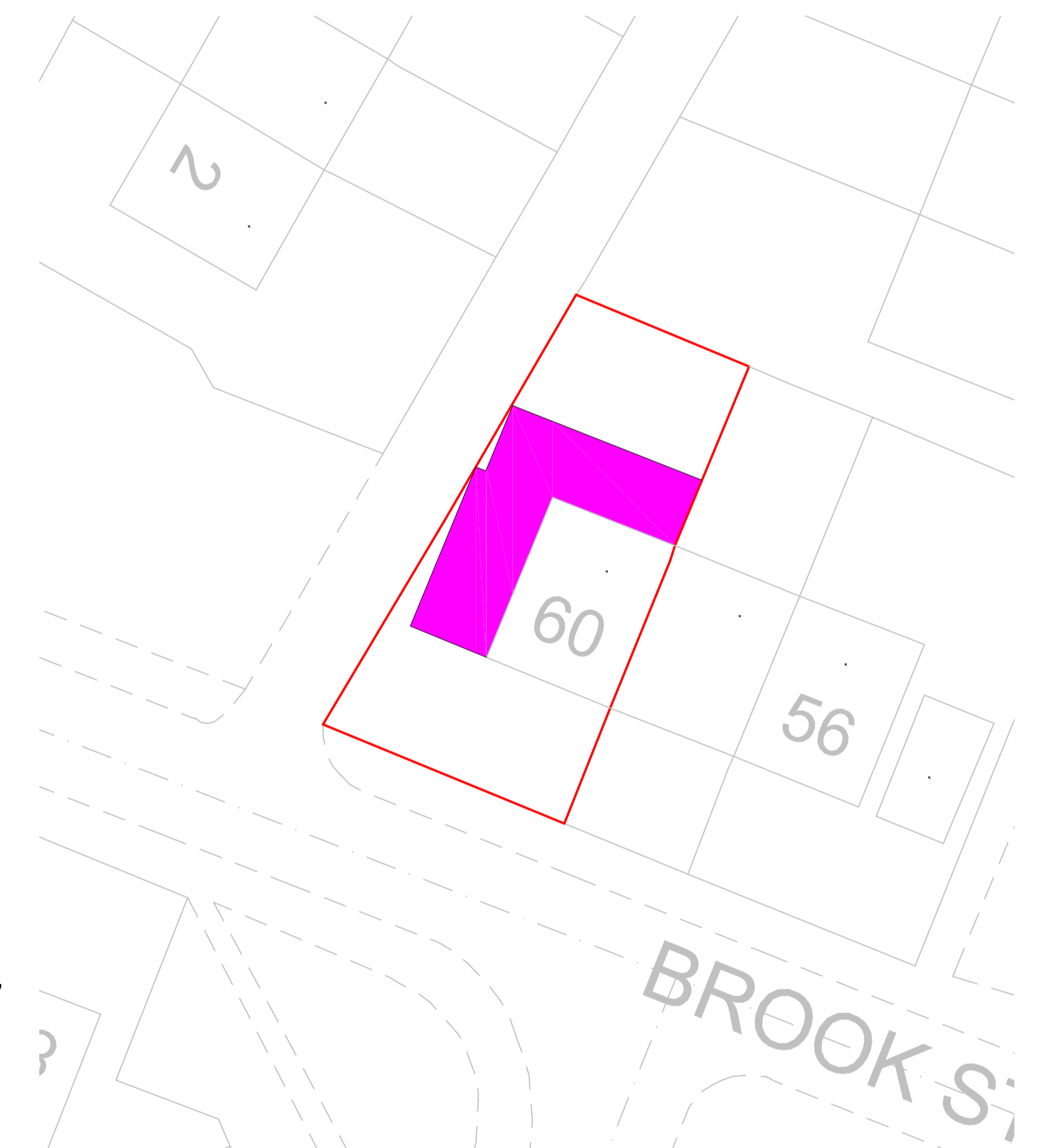
PROPOSED REAR ELEVATION



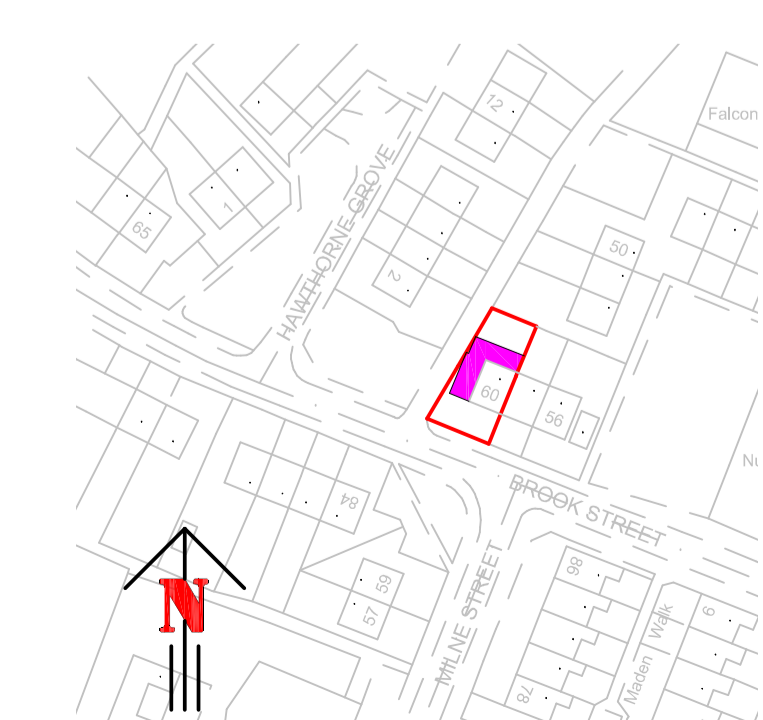
PROPOSED SIDE ELEVATION



SECTION THROUGH OF PROPOSAL



PROPOSED SITE PLAN @ 1:200



Project **DOUBLE STOREY SIDE AND SINGLE STOREY TO THE REAR EXTENSIONS**
 Client **MR AHMED HUSSAIN 07866501222**
60 BROOK STREET
OLDHAM
OL9 0HW
 Drawing **ELEVATIONS & FLOOR PLANS**
 Scale **1:100, 50** Revision _____ Date **13.08.2020**
 Drawing No. **13820**

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Scale **1:1250**



Appeal Decision

Site visit made on 15 February 2021

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/W4223/D/20/3263451

1 Delph New Road, Dobcross OL3 5AZ

- 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 Roger Bentley against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/345446/20, dated 9 September 2020, was refused by notice dated 3 November 2020.
 - The development proposed is first floor bedroom extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal relates to a property which forms part of a short terrace of three dwellings. The property is situated in a prominent location, adjacent to a busy highway and roundabout. The traditional appearance and simple design of the appeal property itself, and terrace in which it is situated, positively contribute to the character of the surrounding area.
4. The first-floor extension would be supported by steel posts and beams to allow for parking underneath. It would be staggered along the frontage of the site and external materials at first floor level would match the existing property.
5. The extension would not respect the proportions and massing of the dwelling because the width of the extension would be similar to the width of the host property. Furthermore, the extension would be conspicuous from the surrounding area and appear confined within the plot because it would fill the gap to the side of the property and due to the extension's proximity to the site boundary and pavement.
6. The design and built form of the extension would be inconsistent with the simple architectural style of the host building and terrace because of the use of supporting posts, which would result in a conspicuous void beneath, as well as the extension's form, design, width and siting. The scheme would result in an incongruous and prominent form of development which would appear at odds

with, and harm, the character and appearance of the host property and wider terrace.

7. Consequently, the scheme would conflict with Policies 9 and 20 of the Oldham Local Development Framework: Development Plan Document – Joint Core Strategy and Development Management Policies (2011) which collectively seek, amongst other matters, to ensure development does not have a significant, adverse impact on the visual amenity of the surrounding area. It would also not comply with the National Planning Policy Framework in relation to the principles of good design, with particular reference to ensuring that developments are sympathetic to local character.
8. The appellant states that the proposed development would potentially slow down passing traffic. I am not convinced that this would occur, and in any event this potential benefit would not outweigh the harm identified above.

Conclusion

9. For the reasons given above the appeal should be dismissed.

L M Wilson

INSPECTOR

Land Registry

Office of the Registrar
General

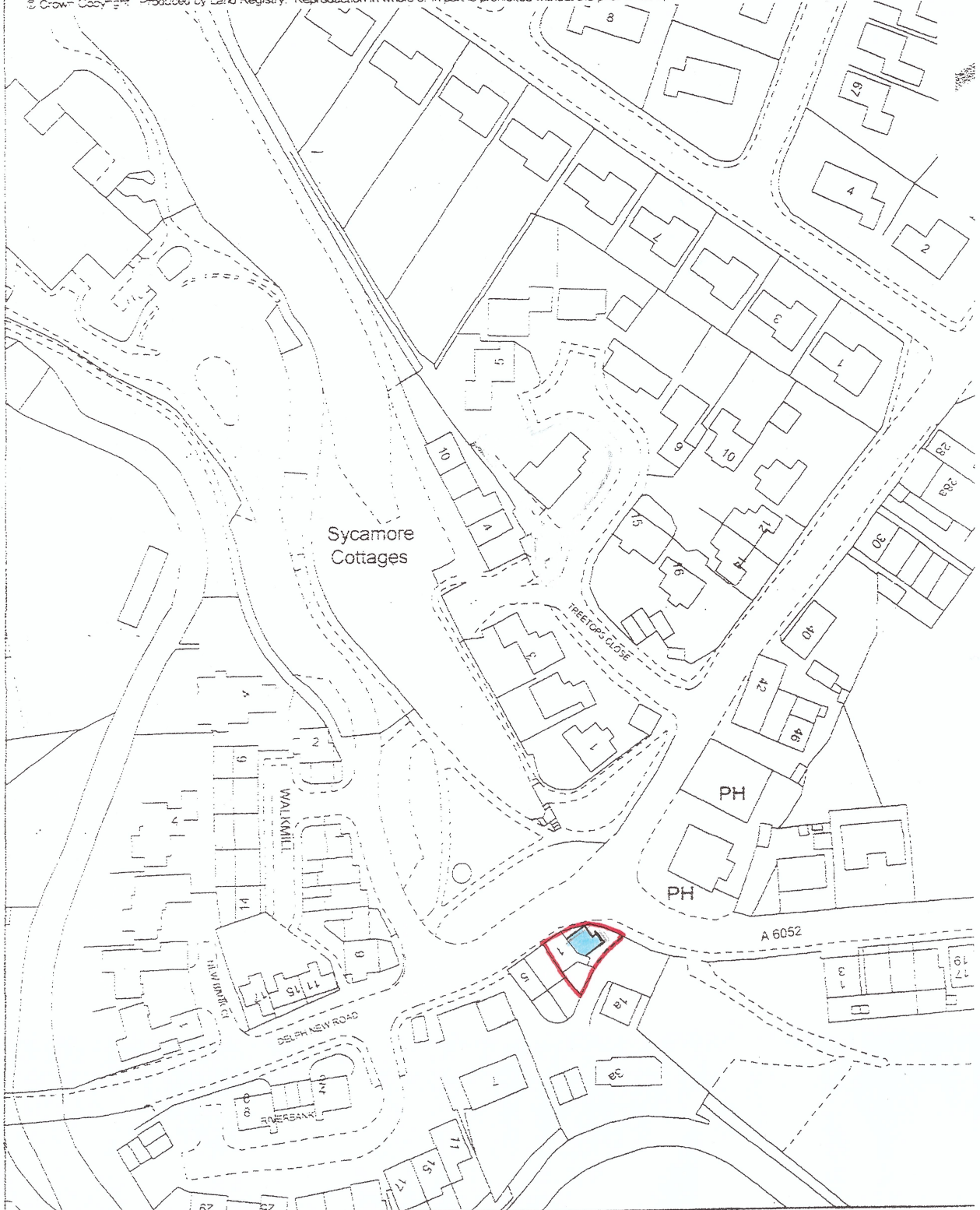
Title number **MAN169630**

Ordnance Survey map reference **SD9806SE**

Scale **1:1250** enlarged from 1:2500

Administrative area **Greater Manchester: Oldham**

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This title is dealt with by Land Registry, Fylde Office.