

# Planning Appeals Update

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## **Planning Committee**

### **Report of Head of Planning and Infrastructure**

#### **DATE OF COMMITTEE**

**March 2019**

#### **PLANNING APPEALS**

#### **WRITTEN REPRESENTATION**

PA/341548/18	115-117 Yorkshire Street, Oldham, OL1 3SY
PA/341698/18	Nimble Nook Service Station, Chadderton, OL9 9QP

#### **HEARINGS**

#### **HOUSE HOLDER**

#### **ADVERTISEMENTS**

#### **APPEAL DECISIONS**

PA/341695/18	23-25 King Street, Oldham, OL8 1DP
Original Decision	Del
Appeal Decision	Allowed

PA/341390/18	Texaco Hollinwood Filling Station, 257 Manchester Road, Oldham Council
Original Decision	Del
Appeal decision	Allowed

**RECOMMENDATION -** That the report be noted.

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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 as defined by that Act.

Files held in the Development Control Section

The above papers and documents can be inspected from 08.40am to 4.30pm on level 12, Civic Centre, West Street, Oldham.



## Appeal Decision

Site visit made on 2 January 2019

by **K Winnard LL.B (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> March 2019

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**Appeal Ref: APP/W4223/D/18/3215972**

**48 Surrey Avenue Shaw Oldham Lancashire OL2 7DP**

- 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 David Dyer against the decision of Oldham Metropolitan Borough Council.
  - The application Ref. HH/341919/18, dated 30 May 2018, was refused by notice dated 24 August 2018.
  - The development proposed is ground floor front extension and erection of front and rear dormers following hip to gable roof extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have adopted the Council's description of the development as this more accurately describes the proposed development.

### Main Issues

3. The effect of the proposed development on the character and appearance of the host dwelling and the area.

### Reasons

4. The appeal property is located in a residential area, where the predominant design of dwellings is bungalows. Several of these bungalows have been altered in a variety of ways, from the addition of small-scale dormers on either or both roof slopes of the dwelling to larger scale dormers extending across the whole width of the dwelling, again on either or both roof slopes. There are a limited number of dwellings where these larger dormers extend either above or level with the ridge line, and where hip roofs have been removed. Notwithstanding these varying additions to bungalows on the estate, the area itself still retains a generally cohesive character of modest, single storey development.
5. The appeal property itself is one of a pair of semidetached bungalows, which are modest in design and scale, uniform with each other and set back behind a small front garden with a low boundary wall. The cumulative effect of the

proposed additions to the property, including the front extension, the scale and design of the front and rear dormers occupying most of the existing roof slopes, together with the proposed alteration of the hip roof to a gable end would be an incongruous addition, disproportionate to the size of the appeal property and out of keeping with its modest design.

6. In addition, the raising of the existing ridge height of the property by an additional 0.2 metres adds to the massing and bulk of the extension further dominating the property, and would draw the eye and be visually obtrusive, detracting from both the character and appearance of the host dwelling and the area. It would also detract from the appearance of balance with the neighbouring property and remove the symmetry between the two properties.
7. As such, the proposed development would be contrary to Policies 9 and 20 of the Oldham Local Development Framework: Development Plan Document - Joint Core Strategy and Development Management Policies which provide, amongst other matters, that development should not have a significant adverse impact on the visual amenity of an area and that it should reflect the character of the area reinforcing local identity. The proposal would also be contrary to the National Planning Policy Framework which encourages good design and seeks to promote development sympathetic to local character.
8. I appreciate the wish of the appellant to create additional living accommodation for his family. However, it is likely that the alterations would remain long after the current personal circumstances have ceased. I can also appreciate the frustration of the appellant given that other properties on the same residential estate have had large dormer extensions permitted. I do not have any details of the circumstances in which those large extensions, with alterations to the roof height and removal of hip roofs, have been accepted and so cannot make comparisons with the current appeal proposal. However, the existence of these extensions does not justify development which would otherwise be unacceptable. In any event, I have determined the appeal proposal on its own merits and for the reasons above have concluded that the proposed development would cause harm.
9. Accordingly, I dismiss the appeal.

*K Winnard*

INSPECTOR





## Appeal Decision

Site visit made on 5 February 2019

by **Kate Mansell BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2019

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**Appeal Ref: APP/W4223/D/18/3216580**

**146 Green Lane, Oldham, OL8 3BB**

- 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 and Mrs Abid and Raihana Hussain against the decision of Oldham Metropolitan Borough Council.
  - The application Ref HH/342033/18, dated 20 June 2018, was refused by notice dated 28 August 2018.
  - The development proposed is a first floor side extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development set out above, which is taken from the application form, does not make specific reference to the projection of the first floor extension to the rear. It is clear from the plans that the development comprises a first floor side and rear extension. The appellants have used this description within the appeal statement. Moreover, the Council dealt with the proposal on this basis and so shall I.

### Main Issue

3. The main issue is whether or not the proposal preserves or enhances the character and appearance of the Garden Suburbs Conservation Area (CA).

### Reasons

4. A conservation area appraisal for the Garden Suburbs CA has not been submitted to me. Nevertheless, from my site visit and the evidence before me, I consider that the significance of the CA is derived from the founding principles of a garden suburb. This is reflected in the low density development on tree lined streets. Within the CA, dwellings are generally spaciouly laid out in an orderly and consistent manner with generous gaps between them, particularly at first floor level.
5. The character of the CA is also derived, in my view, from the form and appearance of dwellings. The majority of houses on Green Lane within the CA are semi-detached; they are intentionally varied in their design and architectural style but importantly, they are characterised by the symmetry between them. Each pair of houses typically share specific design features including roof profile, fenestration treatment, bay detailing and building materials. In doing so, there is consistency of form along the street, which contributes to a cohesive street scene. Additionally, on my site visit I saw that

but in my view, such limited public benefit does not outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset.

13. I therefore conclude that the proposal would have a harmful impact on the character and appearance of the Garden Suburbs CA, which it follows, would not be preserved or enhanced. Accordingly, it would be contrary to Policies 9, 20 and 24 of the Local Development Framework Development Plan Document Joint Core Strategy and Development Management Policies (2011). These policies seek to secure high quality development that has no significant adverse impact on the visual amenity of the area as well as protecting, conserving and enhancing heritage assets and their settings. They are consistent with the objectives of the National Planning Policy Framework to consider the impact of development on designated heritage assets, which should be preserved or enhanced, with which the proposal would also conflict.

#### **Other Matters**

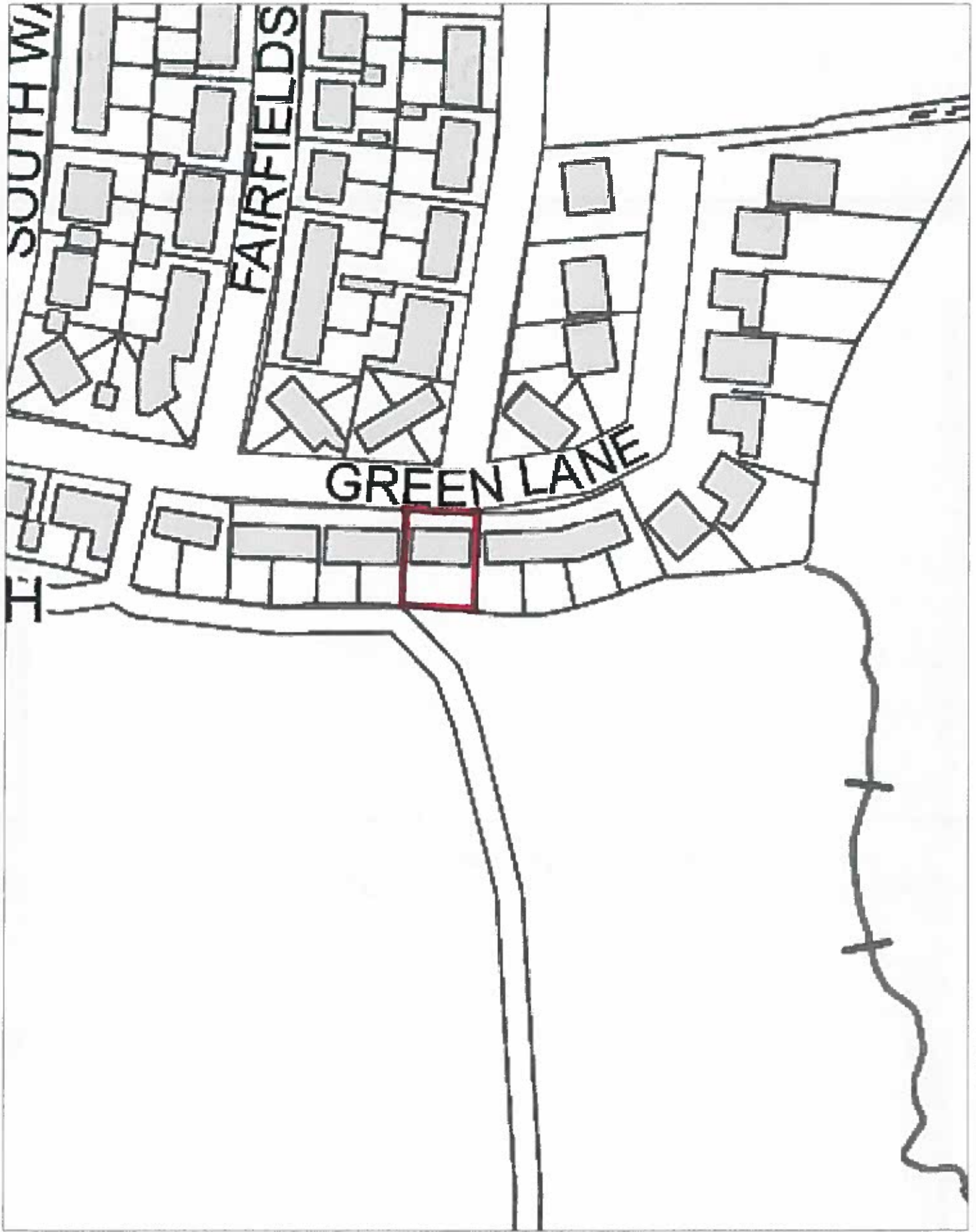
14. I appreciate that the Council has not raised any specific concerns about the effect of the scheme on the living conditions of neighbouring residents. I also appreciate how the provision of additional space may improve the living conditions of the appellants and future occupants of the appeal property. However, these are not matters that diminish the harm that I have identified in respect of the main issue.

#### **Conclusion**

15. For the reasons given above, I conclude that the appeal should be dismissed.

*Kate Mansell*

INSPECTOR







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## Appeal Decision

Site visit made on 11 February 2019

by **Alison Partington BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> March 2019

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**Appeal Ref: APP/W4223/W/18/3217215**

**47 Market Street, Shaw OL2 8NP**

- 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 and Mrs Schofield (RH Schofield Construction) against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/341651/18, dated 3 April 2018, was refused by notice dated 30 May 2018.
  - The development proposed is the extension of the rear dormer approved on PA/338114/16 and construction of a new dormer window to front elevation.
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### Decision

1. The appeal is allowed and planning permission is granted for the extension of the rear dormer approved on PA/338114/16 and construction of a new dormer window to front elevation at 47 Market Street, Shaw OL2 8NP in accordance with the terms of the application, Ref PA/341651/18, dated 3 April 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Plan Layout as Existing Drwg No 20; Elevations as Existing Drwg No 21; Plan Layout as Proposed Drwg No 22; Elevations as Proposed Drwg No 23; and Section Details Drwg No 24.
  - 3) The development shall be carried out using those materials specified on approved plan Drwg No 23.

### Background and Main Issue

2. The appeal relates to an end terrace property. The evidence indicates that in 2016 permission was granted for the change of use of the ground floor to a shop with residential on the upper floors, a rear extension and a rear dormer<sup>1</sup>. The majority of this work has been completed, but the rear dormer has not been constructed. The appeal scheme proposes to enlarge the rear dormer and also to construct a dormer window at the front.
3. The main issue in the appeal is the effect of the proposal on the character and appearance of the host property and the surrounding area.

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<sup>1</sup> Application Reference PA/338114/16

## Reasons

4. The appeal property is located within Shaw town centre. The surrounding area contains a wide variety of buildings that vary significantly in design, height, scale, age and materials. They also display a range of roof forms with flat, pitch, hipped and mansard roofs all evident along Market Street. Although not a common feature, there are a number of units which have front dormers.
5. The proposed front dormer would be centrally located in the roof plane, and would align with the first floor window on the building. It would be modest in size and would have a pitch roof, matching the host property. In the light of this it would not be overly dominant feature on, or an unsympathetic addition to, the host property.
6. Whilst none of the other properties within the terrace have dormer windows on the front roof plane, the large flat roof on the property at the other end of the terrace, gives the terrace an inconsistent roof scape. Given this, the inconsistency found in roof types and heights in the area, and the similar dormers found on the opposite side of Market Street, I am satisfied that the dormer would not be an incongruous feature, or appear out of keeping with the wider area.
7. The Council have drawn my attention to the negative impact the front dormer at No 40 has on the character and appearance of the area. Nevertheless, I consider the detrimental impact it causes is predominantly due to its size, flat roof design and materials, rather than from the fact that it is the only dormer on this small terrace.
8. As a result of the access tracks to the side and rear of No 47, the rear elevation of the appeal property is visible within the public realm. However, the height and relatively close proximity of the surrounding buildings limits this visibility to the immediate vicinity only.
9. The flat roofed rear dormer already approved on the property extends over the majority of the roof plane. It is proposed to increase the depth of the dormer so that it extends over part of the previously approved rear extension as well. Whilst the resulting dormer would be a considerable size, it would not be significantly larger than that already approved on the property. Taking this into account, along with the limited visibility of the rear roof plane, and the lack of any consistency in the rear elevations of the nearby properties, I consider that the proposed larger rear dormer would not have an adverse visual impact on either the appeal property or the wider area.
10. Consequently, I am satisfied that the proposal would not unacceptably harm the character and appearance of the host property or the surrounding area. Accordingly, there would be no conflict with Policies 9 and 20 of the *Oldham Joint Core Strategy and Development Management Development Plan Document (adopted November 2011)* which seek to achieve good design that, amongst other things, reflects, protects and improves the character of the area.
11. For the reasons set out above I conclude the appeal should be allowed.
12. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the

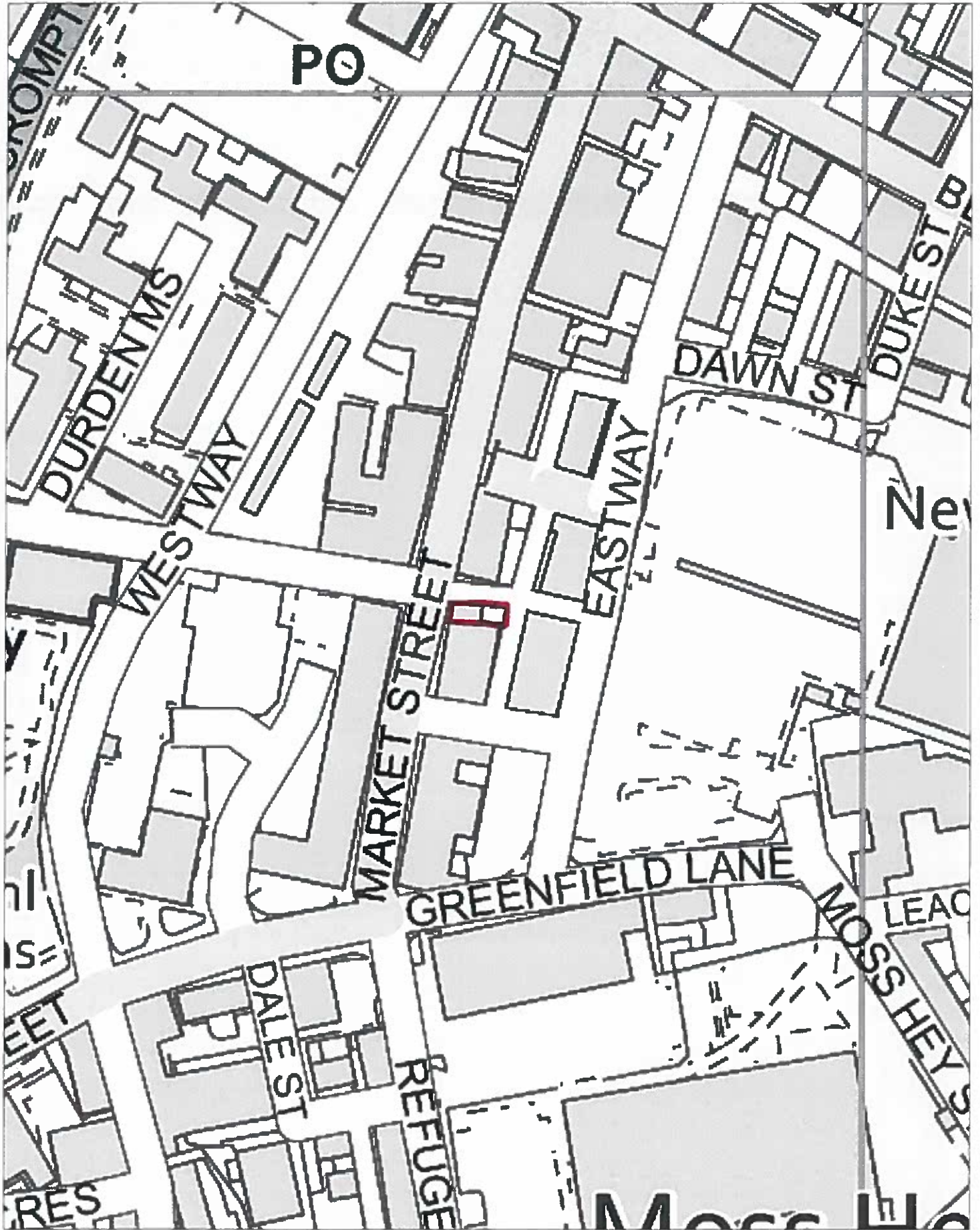
interests of the character and appearance of the area a condition is required to control the external appearance of the proposal.

*Alison Partington*

INSPECTOR

341651

PO



**OLDHAM**   
Metropolitan Borough 

Planning Services  
Oldham MBC  
PO Box 30  
Civic Centre  
West Street  
Oldham  
OL1 1UQ

Contact Us -  
Phone: 0161 911 4105  
Fax: 0161 911 3104  
Email: [planning@oldham.gov.uk](mailto:planning@oldham.gov.uk)  
Web: [www.oldham.gov.uk](http://www.oldham.gov.uk)



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Date: 08.03.19

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