

# Planning Appeals Update

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## Planning Committee

### Report of Head of Planning and Infrastructure

#### DATE OF COMMITTEE

**November 2019**

#### PLANNING APPEALS

##### WRITTEN REPRESENTATION

PA/342870/19      49 – 51 Edward Street, Werneth, OL9 7QT

PA/343581/19      Old RBS Bank, 1-5 Church Terrace, Oldham, OL1 3AU

##### HEARINGS

##### HOUSE HOLDER

##### ADVERTISEMENTS

##### APPEAL DECISIONS

AD/342961/19      8 Shaw Road, Oldham, OL1 3LQ  
Original Decision      Del  
Appeal Decision      Dismissed

HH/342954/19      3 Farmstead close, Failsworth, Manchester, M35 9NU  
Original Decision      Del  
Appeal Decision      Dismissed

HH/343133/19      New House, Cooper Street, Springhead, Oldham, OL4 4QT  
Original Decision      Del  
Appeal Decision      Dismissed

**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.





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## Appeal Decision

Site visit made on 10 September 2019

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

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**Appeal Ref: APP/W4223/Z/19/3229694**

**8 Shaw Road, Oldham OL1 3LQ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Jackson (UK Resin Drives Ltd) against the decision of Oldham Metropolitan Borough Council.
  - The application Ref AD/342961/19, dated 7 February 2019, was refused by notice dated 2 April 2019.
  - The advertisement proposed is described as 'commercial property business branding'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of the proposed advertisement in the banner heading above is taken from the original application for advertisement consent. The Council's decision notice provided a more detailed description, '1 no. non-illuminated wraparound fascia sign and 1 no. part non-illuminated and part internally illuminated wraparound second floor building sign'.
3. The advertisement described is already largely in place. The appellant is seeking permission to retain the lower sign which sits between the ground floor and first floor windows, and to enlarge the upper sign which sits above the first floor windows and conceals the building's roof line.

### Main Issue

4. The main issue is the effect of the advertisement on the visual amenity of the area.

### Reasons

5. The appeal property is a two storey, brick built commercial building which, whilst not large in itself, occupies a prominent location at the junction of Shaw Road and Huddersfield Road and is a significant feature of the street scene. The surrounding area is largely commercial in nature, with a variety of business premises of different sizes, ages and styles.
6. The lower sign occupies almost the full space between the ground floor and first floor window openings, and extends across the whole width of the Shaw Road elevation and a little less than halfway along the main Huddersfield Road elevation. The upper sign as installed runs around three sides of the building

and features three larger panels, one of which includes an LED panel clock and temperature display. The appellant wishes to extend the upper sign so that it is the same height all round as the larger panels.

7. Both signs are already extremely large in relation to the scale of the building, which as a result is somewhat overwhelmed by the signage. The signage is prominent in the street scene, and the overall impression is of a building which is dominated by advertisements. The height of the upper signage also gives the building a top-heavy appearance, and this would be exacerbated by extending it even further.
8. I accept that there was a need to replace the previous occupiers' signs when the appellant company took over the building, although from the information in front of me it seems that the previous signs were of a somewhat smaller scale. The appellant contends that the signage helps to disguise an unsightly overhanging roof. However, given the fact that the appeal was submitted retrospectively, the roof of the building was hidden from view at the time of my site visit such that I could not assess its visual impact. Accordingly, it is difficult to attach any significant weight to the suggested benefit in that regard. From the photographs presented by the appellant there was nothing particularly unusual or harmful about the roof in the context of a commercial area, and I am not satisfied that those arguments amount to a justification for the disproportionately large advertisements that have been installed. Even given the wide variety of advertisements in the surrounding area, the signage in this case stands out as large and dominant.
9. I conclude that the proposed and installed advertisement would be harmful to the appearance of the host building, and the visual amenity of the surrounding area. It therefore conflicts with Policy 9 of the 2011 Oldham Joint Core Strategy and Development Management Policies Development Plan Document, which seeks to ensure that development does not have a significant adverse impact on visual amenity, and so is material to this case.

### **Conclusion**

10. For the reasons given above, and having had regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*M Cryan*

Inspector

342961









## Appeal Decision

Site visit made on 23 September 2019 by Hilary Senior BA(Hons) MCD MRTPI

by **Susan Ashworth BA (Hons) BPL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 17 October 2019**

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**Appeal Ref: APP/W4223/D/19/3232049**

**3 Farmstead Close, Failsworth, Manchester, M35 9NU**

- 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 Andrew McConnel against the decision of Oldham Metropolitan Borough Council.
  - The application Ref HH/342954/19, dated 22 February 2019, was refused by notice dated 25 April 2019.
  - The development proposed is ground floor extension to the rear and the side.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of 3 Farmstead Close and the surrounding area.

### Reasons

4. Farmstead Close is part of a modern, open plan estate characterised by detached dwellings set in a generally regular pattern. Boundary treatments, where they exist, consist of low walls and planting. There are limited footways and some gardens are landscaped up to the edge of the carriageway. These features give the estate a pleasant, open character and appearance.
5. 3 Farmstead Close is a prominent corner property on the main access road into the estate. The plot has a landscaped garden area to the side which, in the absence of a footpath at this point, abuts the carriageway edge. The side garden slopes away from the highway towards the property. The proposal is for a side and rear wrap round single-storey extension. No objections have been raised by the Council to the rear element of the proposal.
6. The side elevation of the property projects beyond the front of the three properties to the rear of it, which are set on a distinct building line. Nevertheless, the position of the dwellings creates a significant area of open space between the buildings and the road. The proposed extension, which would be a substantial structure extending almost the full length of the

dwelling, would erode a significant amount of the space and, in effect, would bring the built form in closer proximity to the highway thereby visually narrowing the streetscape. Whilst the extension would be set at a lower level than the highway it would project significantly beyond the building line of the properties behind it and thus appear as a prominent and intrusive corner feature.

7. I note that there is a wall to the rear of the property which projects closer to the road than the proposed extension. However, the wall is lower than the proposed extension, of a different scale, form and massing and moreover, appears as a small decorative feature in the street scene
8. I am not aware of any design guidance the Council may have regarding side extensions and in the absence of such advice, the appellant has drawn my attention to guidance produced by other authorities. These documents, which are not adopted by the Council, can only carry limited weight in the consideration of this appeal. In any event I have determined the appeal in the context of this particular site.
9. The appeal site is in a highly visible location and, for the above reasons, the addition of the proposed extension would reduce the openness of the area. Consequently the proposal would harm the character and appearance of the area.
10. The extension would be constructed in matching materials, set back from the front elevation, and in terms of its width would be proportionate to that of the dwelling. Whilst I have taken the Council's comments into account, I am unconvinced the proposal would visually unbalance the appearance of the property. As such the effect of the proposal on the character and appearance of the host property would be limited. However, this does not outweigh the harm I have found on the character and appearance of the local area.
11. The proposal would therefore be contrary to Policy 9 Local Environment and Policy 20 Design, of the Oldham Core Strategy and Development Management Policies Development Plan Document (2011) which together seek to promote high quality design and ensure that development will not have a significant adverse impact on the visual amenity of the surrounding area.

### **Conclusion and Recommendation**

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

*Hilary Senior*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Susan Ashworth*

INSPECTOR





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 **Ordnance Survey**

Date: 17.10.19

Scale 1:1250



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## Appeal Decision

Site visit made on 24 September 2019

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16 October 2019**

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**Appeal Ref: APP/W4223/D/19/3232997**

**New House, Cooper Street, Springhead OL4 4QT**

- 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 Mark Wilson against the decision of Oldham Metropolitan Borough Council.
  - The application Ref HH/343133/19, dated 25 March 2019, was refused by notice dated 4 July 2019.
  - The development proposed is ground floor extension with development of roof space.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council refers to the extension as a rear extension as does the appellant in his statement. However, the drawings indicate that the extension is to the front elevation. For consistency with the Councils and appellants submissions I have referred to the extension as being on the rear elevation. However, it is not for me to determine as part of this appeal which elevation is the principal elevation of the appeal property.

### Main Issue

3. The effect of the development on the setting and thereby significance of a designated heritage asset, Ashfield House, a grade II listed building.

### Reasons

4. New House is a detached property providing accommodation over two floors in a dwelling designed with single storey eaves and with bedrooms in the roof space. It has a detached double garage which sits to the side and adjacent to the dwellings enclosed amenity space.
5. Ashfield House is a grade II listed building located immediately adjacent to the appeal site. It is divided into two properties with parking and outbuildings to the rear. There are two further relatively modern properties to the front and within the environs of the listed building.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or



its setting or any features of special architectural or historic interest it possesses.

7. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced.
8. Ashfield House is described in the list description as dating back to the Early C19. It is constructed of watershot hammer-dressed stone with graduated stone slate roof. The side and rear flat roofed extensions, according to the list description, were part of the structure when it was listed in 1986. The significance of this heritage asset relates primarily to its age and architectural interest. However, the height of the building relative to its surroundings gives it a physical presence in its immediate environment and in views towards it.
9. The rear elevation of the appeal property sits roughly in line with the rear of the listed building. The effect of the extension would be to bring the elevation forward towards the front elevation of Ashfield House. The height and width of the extension, where the current low eaves line would be replaced with a gable, would be more prominent. Although the new window and patio door openings would relate acceptably to the surrounding design details, the large gable would significantly increase the mass of the building. The extension's width and height would be more prominent and there would be a higher level of inter-visibility between the dwelling and the listed building.
10. Further, on the approach to the site along Cooper Street the road is elevated and the scale and mass of Ashfield House, its surrounding boundary treatment and its juxtaposition with the appeal site and other modern development can be discerned in views over the playground of the adjacent primary school. From this vantage point the proposed extension, with its pitched roof extending from just below the ridge and its forward projection, would impinge on the setting of Ashfield House in that it would appear closer to it and introduce additional built form to its immediate context.
11. Consequently, I consider the development would adversely affect the setting of Ashfield House by being more conspicuous in views towards it and detracting from the surroundings in which the listed building is experienced.
12. I acknowledge that there is significant other development within the environs of Ashfield house that has detracted from the setting of the listed building. I have been provided with limited information of the circumstances of these approvals. However, I have had regard to the positioning of adjacent development in considering the proposed development but the existence of these developments does not negate the harm I have found.
13. Overall, the appeal scheme would detract from the setting of the listed building in a small, but nonetheless unduly harmful way. Accordingly, I find conflict with Policy 9, Policy 20 and Policy 24 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies adopted 9 November 2011 which collectively seek to protect local environmental quality, promote high quality design and protect the special interest and setting of listed buildings.
14. In accordance with Paragraph 193 of the Framework the finding of harm to a designated heritage asset is a matter to which I must attach considerable importance and great weight. Given the scale of the proposed extension in its



context, I quantify this harm as less than substantial. Where a development would lead to less than substantial harm, in accordance with Paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal.

15. The Planning Practice Guidance<sup>1</sup> advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
16. I acknowledge that the extension would provide additional accommodation and in a small way would support investment within Oldham and the aims of Oldham's Housing Strategy. However, whilst I agree that providing good quality housing and supporting the local economy are important and should be afforded some weight, this would not outweigh the great weight to be given to the less than substantial harm I have identified to the setting and thereby significance of Ashfield House.
17. I accept that the design of the extension would be in keeping with the design of the appeal property. However, I do not regard this as a public benefit as this is a normal expectation of planning policy.

#### **Other Matters**

18. I note the appellant's view that there may be other development that would not need planning permission that could be erected at the appeal site. However, I have not been provided with any specific details of an alternative scheme to compare with the appeal development and there is no evidence before me of any realistic prospect that an alternative scheme would be implemented.

#### **Conclusion**

19. I find that overall the proposed development would cause less than substantial harm to a designated heritage asset. No material considerations or public benefits have been put forward that are enough to outweigh the harm identified. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*Diane Cragg*

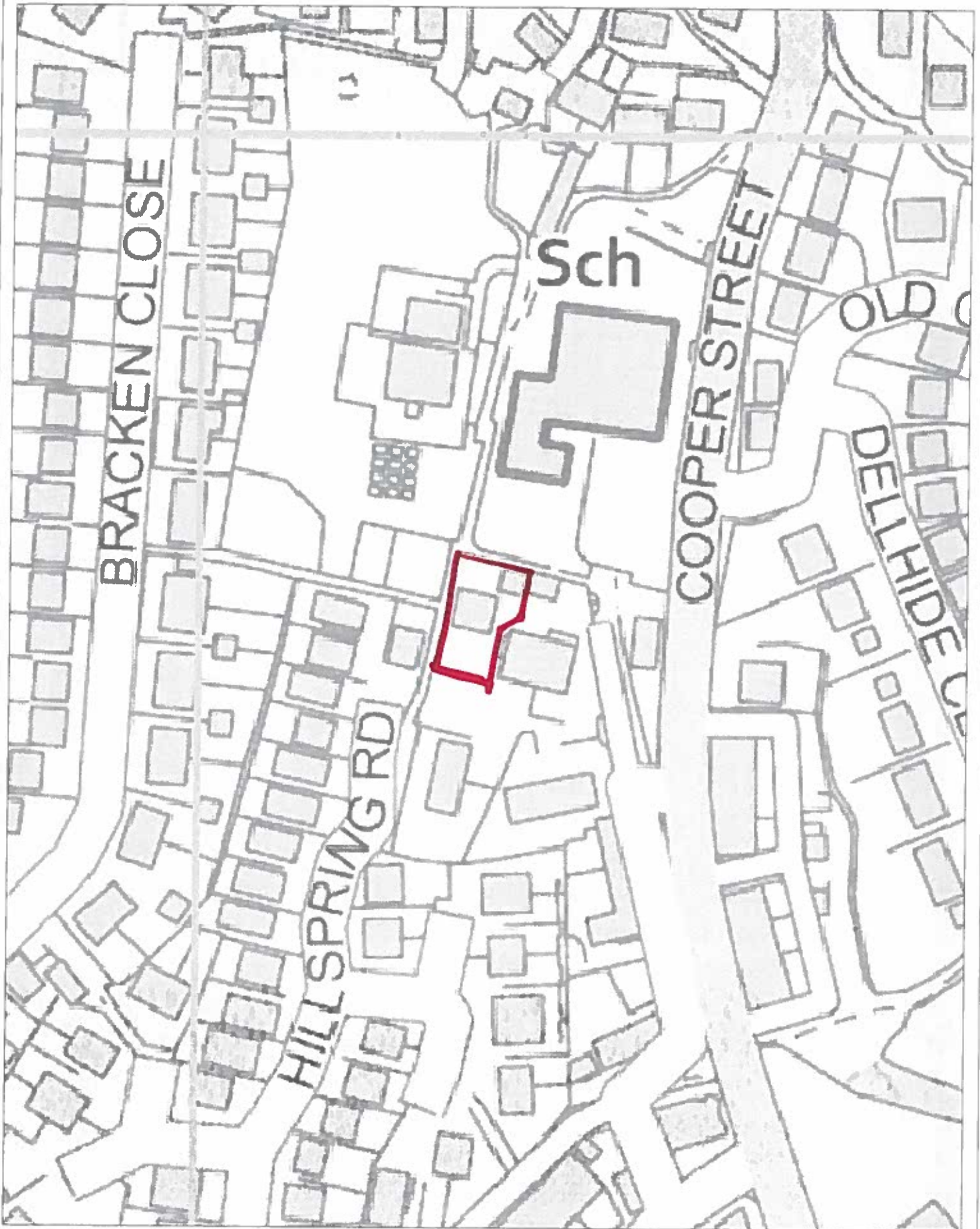
INSPECTOR

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<sup>1</sup> Paragraph: 020 Reference ID: 18a-020-20190723



343133



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