

Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

July 2020

PLANNING APPEALS

WRITTEN REPRESENTATION

PA/344343/20 Vamasaki Restaurant/Bulls Head, Grains Bar, Ripponden Rd, O/M, OL4 2JY

HEARINGS

HOUSE HOLDER

ADVERTISEMENTS

APPEAL DECISIONS

AD/343963/19 300 Manchester Street, Oldham, OL9 6HB
Original Decision Ref
Appeal Decision Dismissed

HH/343873/19 Kinders Lodge, Kinders Lane, Greenfield, OL3 7BJ
Original Decision Ref
Appeal Decision Dismissed

HH/343596/20 16 Whitstable Close, Chadderton, Oldham, OL9 9LX
Original Decision Ref
Appeal Decision Dismissed

RECOMMENDATION - That the report be noted.

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



Appeal Decision

Site visit made on 18 May 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Nick Palmer BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2020

Appeal Ref: APP/W4223/Z/20/3244164

300 Manchester Street, Oldham OL9 6HB

- 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 Benjamin Porte (Clear Channel UK) against the decision of Oldham Council.
 - The application Ref AD/343963/19 dated 24 September 2019 was refused by notice dated 15 November 2019
 - The advertisement proposed is described as 'installation of internally illuminated 48-sheet digital advertisement display'
-

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.

Procedural Matters

3. The Regulations, National Planning Policy Framework and Planning Practice Guidance make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account Policies 9 and 20 of the Oldham Local Development Framework Development Plan Document Joint Core Strategy and Development Management Policies, adopted 9 November 2011. These policies seek to protect amenity and public safety and so are material in this case but are not determinative in reaching a decision on the appeal.

Main Issue

4. The main issues in this case are the effect of the proposed advertisement on (i) the visual amenity of the area; and (ii) highway safety.

Reasons for the Recommendation

Visual amenity

5. The appeal site comprises the end of terrace flank wall on the southwest facing side elevation of No. 300 Manchester Road, close to the junction with Alfred Street. The surrounding area is characterised by a range of uses, including the prominent dual carriageway and a variety of building types and facades, but

remains primarily commercial in nature. While the group of terraced buildings within which the appeal site sits has an assortment of fascia signs along the front elevation, the flank wall itself is currently blank. Due to the scale and positioning of the wall, it is a visually prominent feature when travelling north-eastwards along Manchester Road.

6. The proposed advertisement would comprise an internally illuminated digital sign displaying two-dimensional static images on rotation. It would be located on the flank wall at the appeal site, and while it would extend above the eaves of the adjoining terraced properties, it would remain entirely within the confines of the wall itself. It would be positioned off centre towards the front edge of the wall such that it would be closer to the passing traffic on Manchester Road.
7. Due to its size and elevated position, the proposed advertisement would dominate the flank wall and appear disproportionate in the immediate context. Views of the sign would be particularly prominent when travelling towards the north-east due to the wide, open nature of the corner junction with Alfred Street and the proximity of the sign to the highway.
8. The sign would also be seen in the context of the surrounding signage, particularly that present on the junction with Alfred Street. When combined with the signage already present this would create an element of clutter, detracting from the appearance of the streetscape. Furthermore, while illumination levels accord with the Institute of Lighting Professionals guidance, it would nonetheless add to the prominence of the advert. Accordingly, the advert would appear as an unduly dominant and visually jarring feature in the context of its immediate surroundings.
9. For the reasons given above I therefore find that the proposal would have a harmful effect on the visual amenity of the area.

Highway Safety

10. National Planning Practice Guidance (PPG) states that 'All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
11. The advertisement would be situated close to the busy Manchester Road dual carriageway. While the speed limit at this section is 30 miles per hour, and the straight nature of the road provides good visibility, drivers travelling north-eastwards will nonetheless pass by a pedestrian crossing, bus stop and corner junction all while having views of the proposed advert. This is therefore a particularly complex section of the highway in terms of pedestrians crossing, bus movements, and vehicle users negotiating the junction at this location. The advert would span across almost the entire flank wall at the site and would be clearly visible from the road, particularly during the hours of darkness in an area where drivers would need to take more care. Its illuminated and changing display has the potential to catch the attention of drivers and pedestrians alike,

reducing their focus on surrounding traffic movements. While the parties are in disagreement over the accident history in the vicinity of the appeal site, it is nonetheless the case that the proposal could lead to an increase in collision risk at the location for the reasons outlined above.

12. Given the size of the advertisement, its location, and its illumination and changing display, it has the potential to cause increased distraction to highway users in the immediate proximity. As such, the proposal would negatively impact highway safety.

Conclusion and recommendation

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

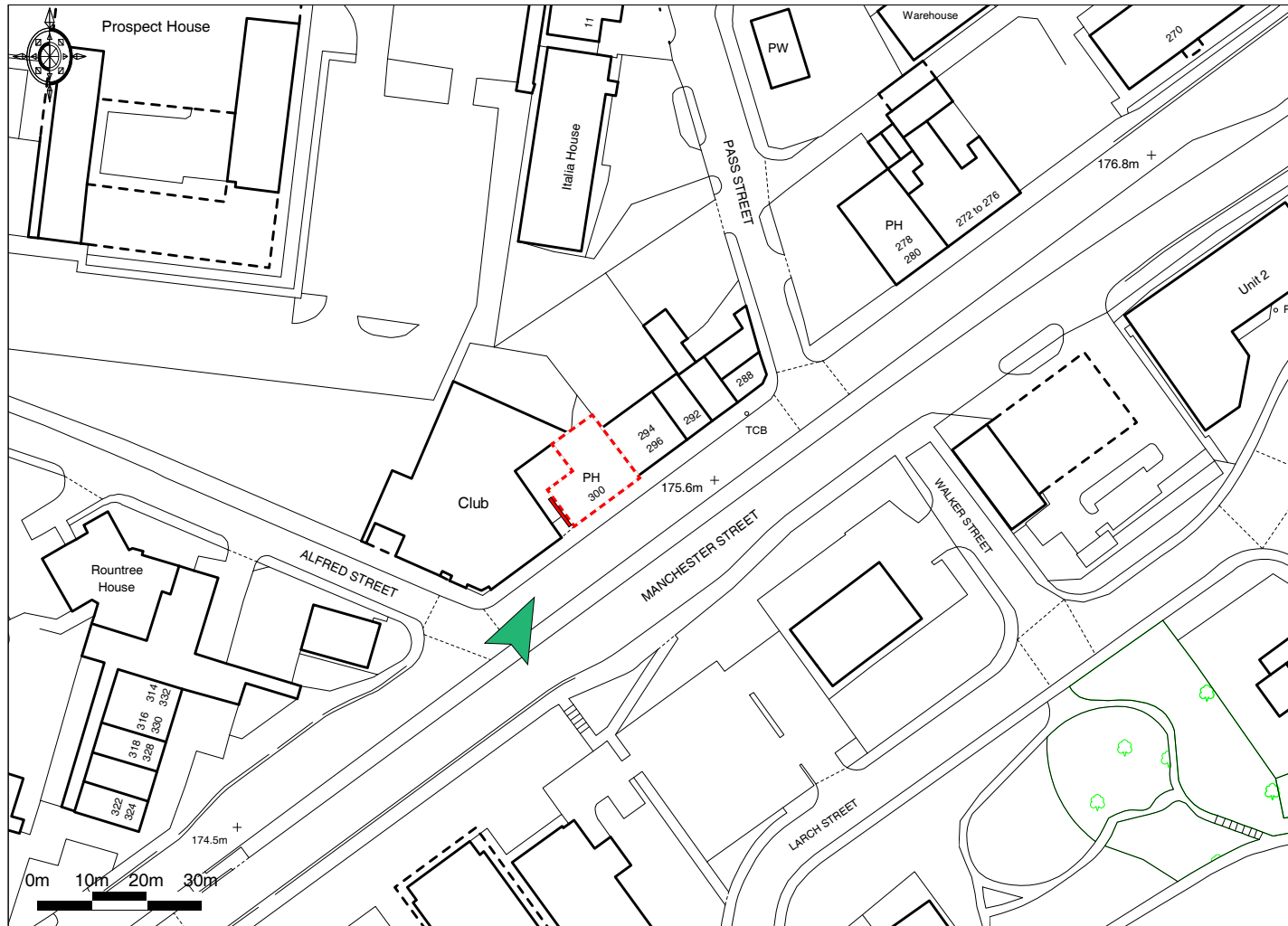
APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I too agree that the appeal should be dismissed.

Nick Palmer

INSPECTOR



Proposed LED 48 Display

Site Location

Ordnance Survey © Crown Copyright 2019. All rights reserved. License number 100022432. Plotted Scale -1:1250

Promap
LANDMARK INFORMATION GROUP

Site:

300 Manchester Street, Oldham OL9 6HB

Title:

Location Plan

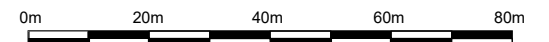
Date:

16/09/2019

Dwg. No:

PY3676/001

Scale: 1:1250@A4





Appeal Decision

Site visit made on 5 June 2020

by **S Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/W4223/D/20/3245015

Kinders Lodge, Kinders Lane, Greenfield, Oldham OL3 7BJ

- 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 Alex Flanagan against the decision of Oldham Council.
 - The application Ref HH/343873/19, dated 1 September 2019, was refused by notice dated 30 October 2019.
 - The development proposed is replacement conservatory.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site forms part of a grade II listed building, identified on the list description as Kinders Lodge. Section 1 (5) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) advises that the listing includes any object or structure fixed to the building. I am not aware that an application for listed building consent for the works has been made. I have nevertheless considered this application for planning permission on its own merits.

Main Issues

3. Section 66 (1) of the Act requires the decision maker to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural interest it possesses.
4. The main issue in this case is, therefore, whether the proposal would preserve the special interest of the listed building.

Reasons

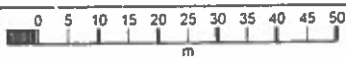
5. Dating from the early 19th century, the listed building's special interest lies principally in its age and architectural detailing. The listed building is three storeys high with two symmetrical wings on either side which are thought to have been added at a later date. The building, which is now in use as several separate residential properties including the appeal property, is constructed in stone, with an Ashlar frontage. A characteristic feature of the building is the regular fenestration pattern which includes 5-light windows on the three-storey section and 3-light windows on the side wings. All windows are recessed with stone mullions.
6. The building is set at an angle to the road behind an area of open space which is landscaped, and which provides vehicular access and parking space. The

frontage of the building is prominent from the road. That part of the building to which the appeal relates has been extended at the side by way of a two-storey side extension, garage and conservatory. It is proposed to replace that conservatory with another of a different form and design, constructed in upvc.

7. The existing conservatory, which is a prominent feature, appears to have been in place for a number of years. The proposed replacement structure would be larger in terms of its footprint and would see the introduction of bi-fold doors across the frontage, and subsequent increase in the amount of glazing. The extensive use of slate blue coloured upvc, a non-traditional material, which tends to be bulkier, smoother and flatter than timber, would have modern and less refined appearance at odds with the fenestration of the original part of the building. Consequently, the proposed conservatory would be more intrusive than the existing structure and would be an imposing and dominant feature that would detract from the front elevation of the listed building. As such, the proposal would not preserve the special interest of the listed building.
8. For the reasons set out the proposal would not meet the statutory requirement of the Act and would be contrary to DM Policy 24 of the Joint Core Strategy and Development Management Development Plan Document which also requires that development preserves or enhances the special interest and setting of Listed Buildings.
9. The approach in the National Planning Policy Framework is that where a development would cause less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against any public benefits.
10. No public benefits have been identified in support of this case. Consequently, public benefits do not outweigh the harm I have identified, harm which in accordance with the advice in the Framework, and weighty statutory requirement of the Act, carries great weight.
11. Although there is little evidence before me, I have taken into account the appellant's argument that the proposed structure would be more practical than the existing. Be that as it may, such private benefit would not outweigh the harm I have identified.
12. For the reasons outlined above, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR



Kinders Lodge
 Kinders Lane
 Greenfield
 OL3 7BJ

OS Mastermap 1250/2500/10000 scale
 11 June 2015, ID: MDP-00437203
 www.malcolmhughes.co.uk
 1:1250 scale print at A4, Centre: 399862 E, 404501 N
 ©Crown Copyright Ordnance Survey Licence no. 100019980



MALCOLM HUGHES
LAND SURVEYORS
 Chartered Land Surveyors



Tel: 0161 926 0650



Appeal Decision

Site visit made on 26 May 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/W4223/D/20/3244143
16 Whitstable Close, Chadderton, OL9 9LX

- 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 Mujahid Ali against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/343596/19 dated 1 July 2019, was refused by notice dated 21 October 2019.
 - The development proposed is a rear two storey extension.
-

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.

Preliminary Matters

3. From the location plan provided it appears that the elevations of the dwelling have been incorrectly described on both the existing layout and proposed layout plans. The elevation described in these plans as the west elevation appears to be the north east elevation of the dwelling, and the elevation described as the east elevation appears to be the south west elevation.

Main Issue

4. The main issues are
 - (i) the effect of the development on the character and appearance of the building and the surrounding area; and
 - (ii) whether the proposal would provide satisfactory living accommodation for current and future occupants with particular regard to light.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises an end of terrace two storey dwelling located in the cul-de-sac of Whitstable Close. The surrounding area is characterised by its residential nature comprising properties arranged at right angles to one another in close

proximity. A level of consistency exists between the dwellings in terms of scale and design.

6. The proposal relates to the erection of a two storey extension to the rear of the appeal property, with three rooflights. Two additional first floor windows are also proposed along the front elevation of the house.
7. The proposal would be constructed from external materials to match the existing brickwork at the dwelling. It would represent a considerable increase to the property, resulting in a level of built form with dimensions that would not respect the scale or massing of the building. It is acknowledged that the first floor of the proposal would not include windows in order to address the Council's reasons for refusing a previous iteration of the scheme. It is further acknowledged that the Council did not object to the massing of the previous iteration of the scheme, and that the appellant has not changed the dimensions of the proposal. Nonetheless, the proposal would result in a wide expanse of solid brick running along the majority of the rear elevation of the building at first floor level. This would appear as an awkward addition to the dwelling, at odds with its residential nature and failing to reflect the character of the property.
8. Due to the scale of the proposal and the prominent position of the property at the turning circle of the cul-de-sac, the windowless first floor level of the extension would be visible from within Whitstable Close. Here it would be experienced alongside both the front and rear elevations of the surrounding residential properties present. Although the elevations of these properties are not identical, they retain a certain level of consistency in terms of their massing and positioning relative to the other dwellings.
9. The addition of the proposal would introduce a sizeable feature and fail to respect the settlement pattern present. Furthermore, while the level of glazing on surrounding elevations differs between properties, the proposal would represent the largest expanse of solid brick wall at this level visible from the turning circle, with the windows on the ground floor level of the proposal screened by the fencing present. In this respect it would be an incongruous feature that fails to reflect the predominant character of the immediate area or the appearance of the surrounding dwellings in this location. While the appellant has referenced a gable wall with a large area of brickwork, this is not present in such a prominent position as the appeal site, and represents a smaller area of solid brick than the proposal.
10. For these reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it would fail to comply with Policies 9 and 20 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies.

Amenity

11. The proposal would accommodate three bedrooms in the first floor of the rear extension, each of which would be served by one roof light. This roof light would be the only source of daylight for these rooms. Limited information has been provided by the parties with regard to the roof lights, and no daylight study has been submitted.

12. The appellant has referred to a previous appeal decision¹ as evidence that bedrooms with rooflights as the only source of daylight could give rise to adequate living conditions. While consistency in decision making is an important consideration, I do not have all of the evidence submitted as part of that appeal before me and each case must be decided on its own merits.
13. Nonetheless, in accordance with the submitted plans each window at the property would be not less than one tenth of the floor area of habitable rooms, and the appellant has suggested that a condition could be attached to any planning permission granted such that the type of rooflight would be approved by the Council. Furthermore, due to the position of the rooflights and the reduced potential for the daylight levels to be obscured as a result of this elevated nature, the proposed rooflights would represent an adequate source of daylight for these rooms. Accordingly, the proposal would provide satisfactory living accommodation for current and future occupants with particular regard to light. As such, it would comply with Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies.

Other matters

14. The personal circumstances of the appellant are also acknowledged, whereby the proposal would bring about much needed additional living accommodation for the appellant's growing family. However, personal circumstances will seldom outweigh more general planning considerations and the matters raised in this instance do not attract sufficient weight in planning terms to override the harm that would arise.

Conclusion and Recommendation

15. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

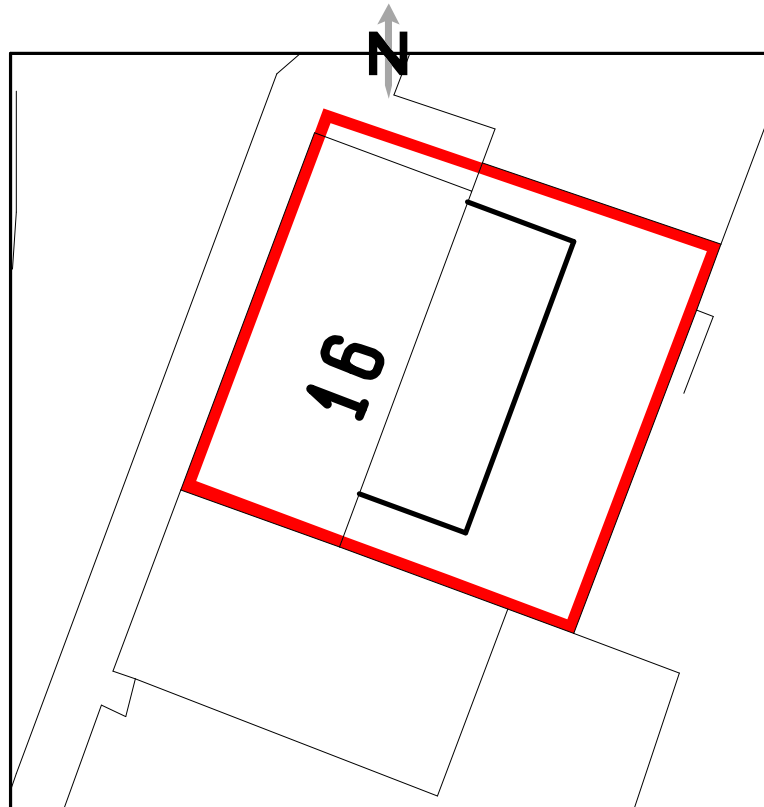
Inspector's Decision

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

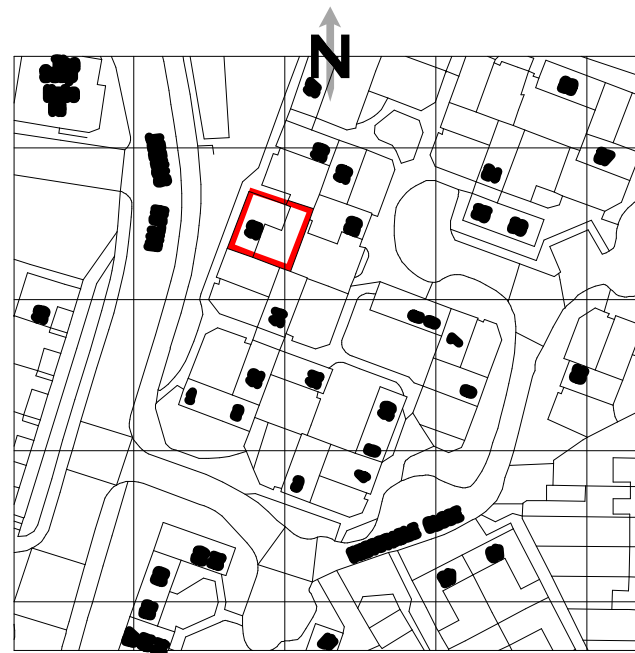
Richard Clegg

INSPECTOR

¹ APP/G5180/W/17/3177788



Block/site plan scale:1:200



Location plan scale;1:1250



**Syed Helal Uddin
Architectural Services**

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Scale:1:100 Page 3/3 (A3)

Drawing no: 1495

Existing & proposed layout

Location: 16 Whistable Close,
Oldham, OL9 9LX

Prop: Rear two storey extension

Client: MR. MOJAHID ALI

Date: November 2018

please do not scale drawing