

# Planning Appeals Update

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## **Planning Committee**

Report of Head of Planning and Infrastructure

### **DATE OF COMMITTEE**

**January 2021**

### **PLANNING APPEALS**

#### **WRITTEN REPRESENTATION**

PA/343659/19 – KS Oils Ltd, Green Lane, Failsworth, M35 0PP

#### **HEARINGS**

#### **HOUSE HOLDER**

HH/344957/20 – 46 Taunton Road, Chadderton, OL9 0BE

#### **ADVERTISEMENTS**

#### **APPEAL DECISIONS**

LB/344789/20 – 61 Chew Valley Road, OL3 7JG  
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



## Appeal Decision

Site visit made on 9 November 2020

**by Siobhan Watson BA(Hons) MCD MRTPI**

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

**Decision date: 4<sup>th</sup> December 2020**

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**Appeal Ref: APP/W4223/Y/20/3257055**

**61 Chew Valley Road, Greenfield, OL3 7JG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Deborah Hill against the decision of Oldham Metropolitan Borough Council.
  - The application Ref LB/344789/20, dated 24 April 2020, was refused by notice dated 15 June 2020.
  - The works are described as the removal, relocation and rebuilding of the stone boundary wall to the front of the listed building and a new driveway.
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### Decision

1. The appeal is allowed and listed building consent is granted for the removal, relocation and rebuilding of the stone boundary wall at 61 Chew Valley Road, Greenfield, OL3 7JG in accordance with the terms of the application Ref: LB/344789/20 dated 24 April 2020.

### Procedural Matters

2. Listed Building Consent applies to physical works to a Listed Building. The garden is not part of the Listed Building and therefore, I have no power to consider the hardstanding (driveway) as part of the scheme. In addition, the Listed Building consent regime does not include consideration of the setting of the listed building or any effect on the character and appearance of the area. Those are matters to be considered when determining an application for planning permission.
3. Any grant of Listed Building Consent is separate to the grant of planning permission. There is no related appeal before me to determine whether or not the wall or the hardstanding requires planning permission or whether either should be granted planning permission. These are matters for the Council and the appellant to resolve in the first instance.
4. The wall has already been relocated.

### Main Issue

5. Given the procedural matters above, the main issue is the effect of the relocation of the wall on the special architectural and historic interest of the Grade II Listed Building.

## Reasons

6. The appeal site is one half of a pair of semi-detached dwellings which were constructed circa 1830. The dwellings were built alongside a road which cut through the 13-acre estate owned by the builder of the houses. They are three storeys high and would have had workspace on the second floor accommodating looms, spinning wheels and a charcoal stove. The front elevation of the pair of dwellings is faced in dressed stone and they have stone mullioned windows to the back, front and side. It is the former use of the dwellings and their architectural features that are of particular significance and special interest.
7. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. The stone boundary wall dated from before then and would therefore have been listed.
8. There is dispute between the parties as to whether the wall was original to the appeal house. The appellant considers that it is a later addition and that the house was originally open to the turnpike road without a garden or a boundary wall. In her view, the wall was a later addition to separate the later Chew Valley Road and its footpath from the house. The Council has not produced any convincing evidence to contradict that or to demonstrate that it played any role in terms of the special architectural or historic interest or the heritage significance of the building.
9. Moreover, there is little difference in the amount of wall that remains as a result of its relocation so it is neither here nor there where along the front boundary it is constructed, especially as the Council says that it appears that the foundations of an "original" wall were hidden under the hedge where the demolished wall has been rebuilt.
10. I conclude that the removal, relocation and rebuilding of the wall has not harmed, and has therefore preserved the special historic interest of the listed building. Therefore, I find no conflict with Oldham Local Plan Policies 9, 20 and 24. Taken together they seek, amongst other things, to ensure that proposals protect heritage assets and do not harm the visual amenity of the area.
11. As the wall has already been constructed there are no planning conditions attached to this consent.
12. The appeal is, therefore, allowed.

*Siobhan Watson*

INSPECTOR



**HNAarchitects**  
 Architecture | Planning | Design

PROJECT:	Arthurs, Greenfield, Saddleworth, Oldham			
CLIENT:	J. Shaw and C. Roch			
DRAWING:	Site Location Plan			
DRAWN BY:	DB	CHECKED BY:	MB	DATE: February 2016
SCALE:	1:1250 @ A3			
STATUS:	Planning		DRAWING No:	1127/SLP
REVISION:				

DO NOT SCALE.  
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