

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

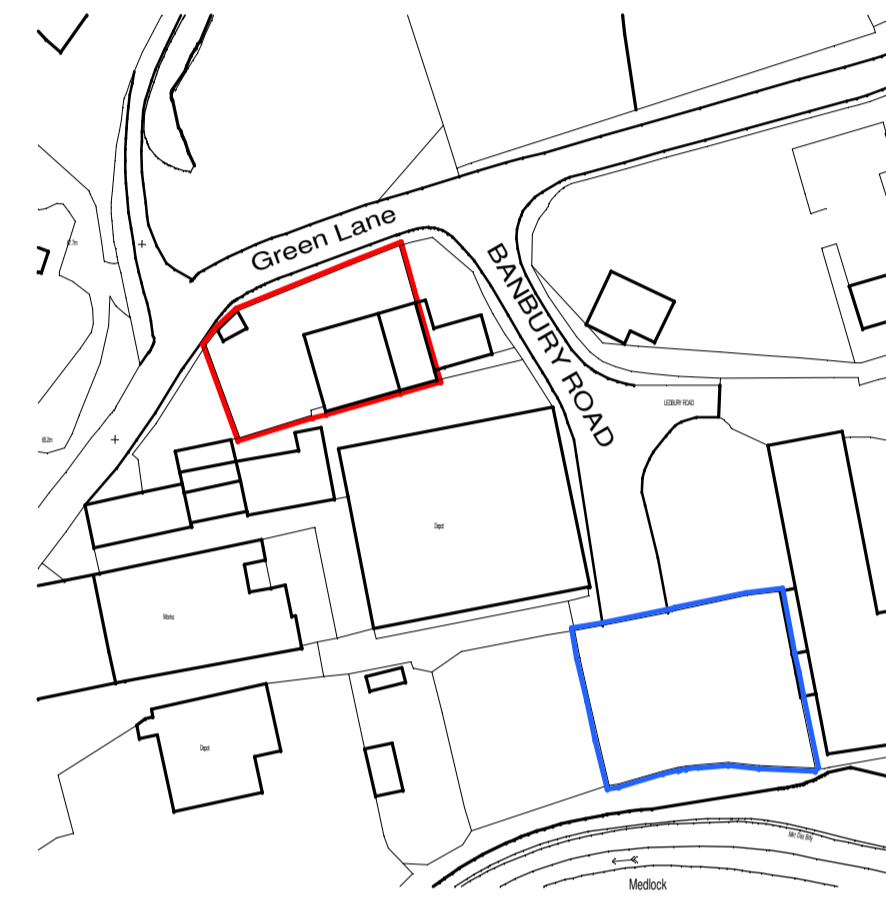
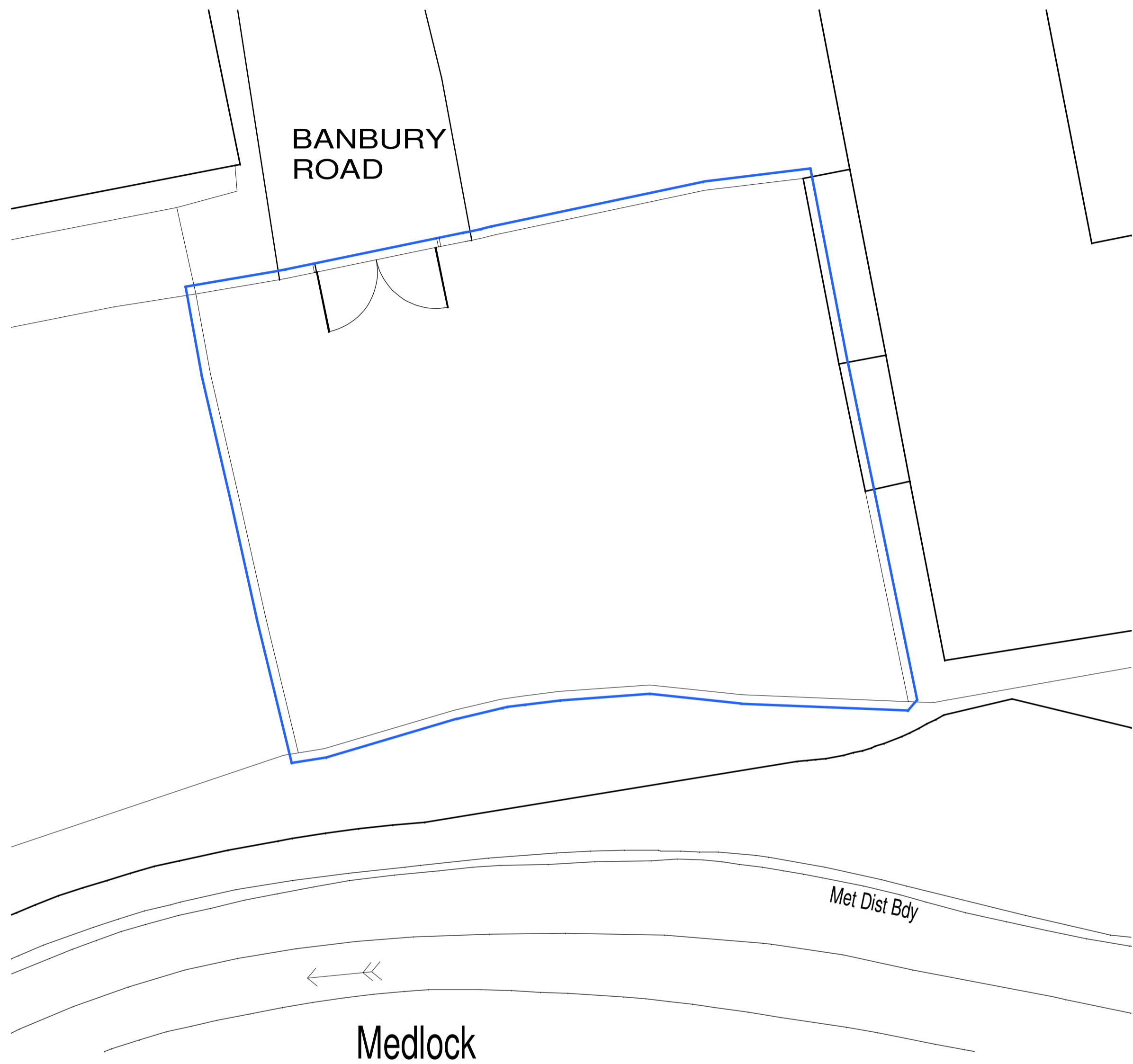
17. A number of concerns have been raised regarding the actual operation of the firm on the site. However, the use of the site for this purpose, which was granted permission in 2014, is not a matter before me in this appeal which is only related to whether the condition is necessary or not. The fact 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

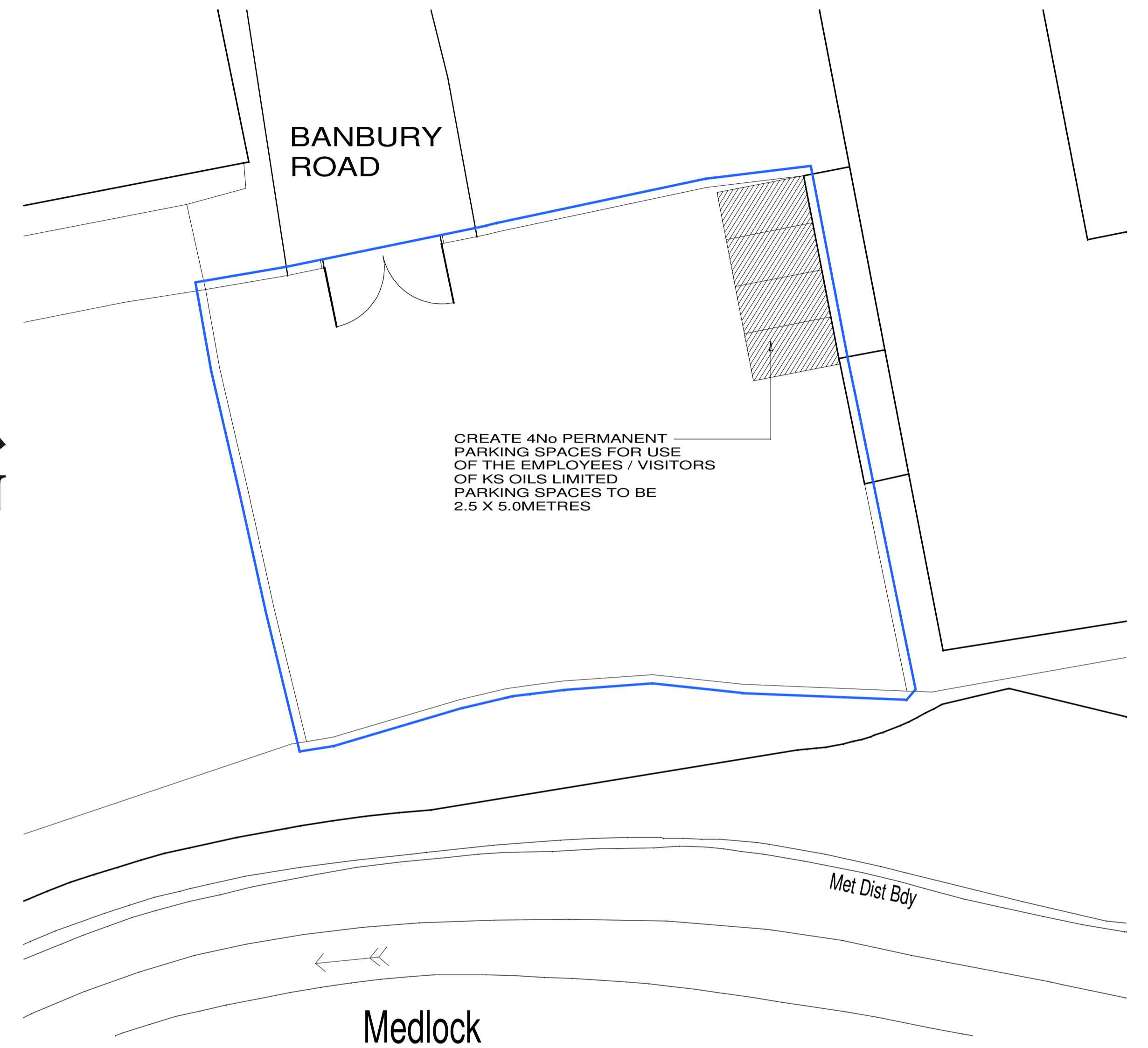
INSPECTOR



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

EXISTING 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
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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

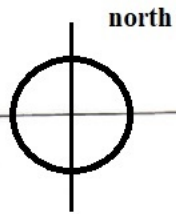
21. The Council has confirmed that it cannot demonstrate a five-year supply of deliverable housing land. However, I have not been provided with any evidence about the extent of the shortfall in supply. Nevertheless, the provision of three dwellings would contribute to the overall housing land supply 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.

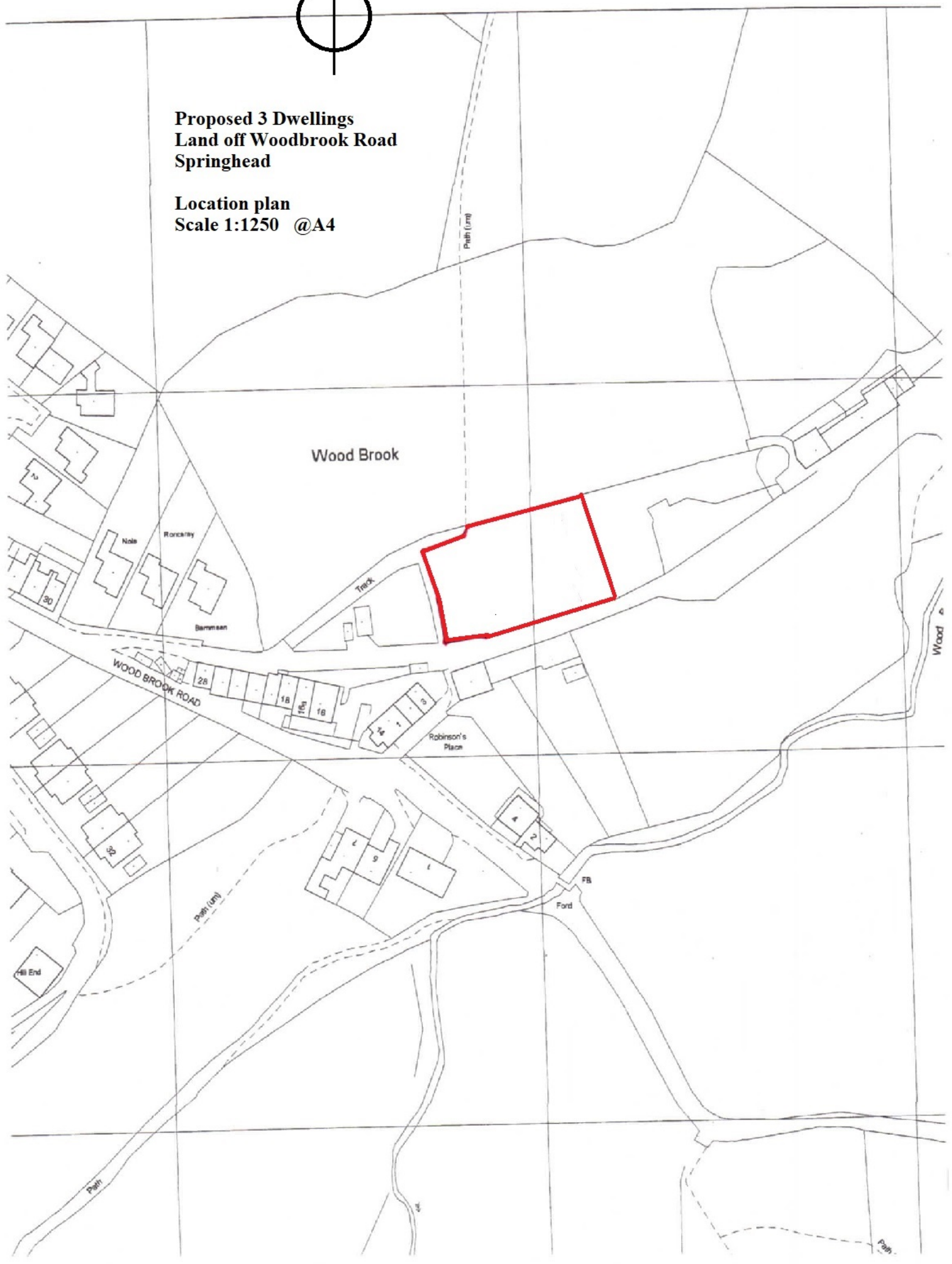
Diane Cragg

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

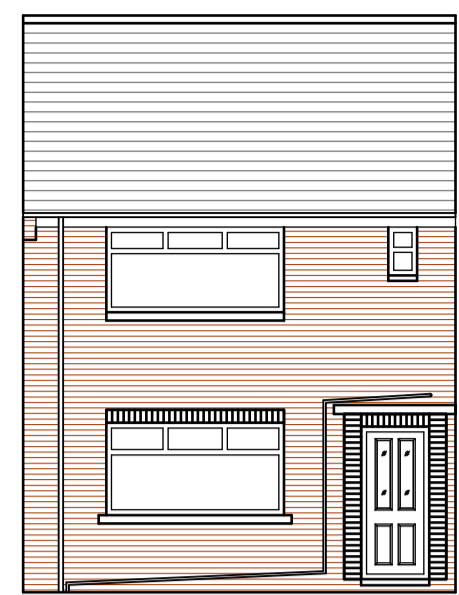
12. It has been brought to my attention that the Council has recently approved an amended scheme at the appeal site. The approved application would not have a harmful effect upon No 54 as it does not include the two-storey rear extension element which is proposed in the appeal scheme. Therefore, the 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

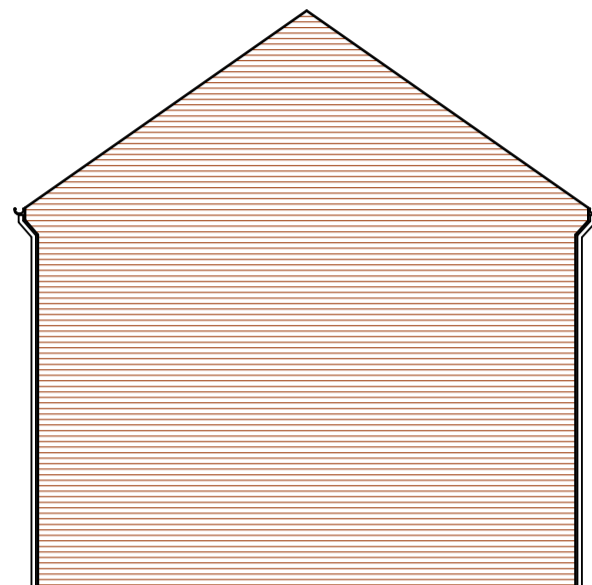
14. Although I have found that the development would not have a harmful affect upon the character and appearance of the surrounding area, the scheme would have an unacceptable effect upon the living conditions of the occupiers of No 54. For those reasons, the appeal should be dismissed.

L M Wilson

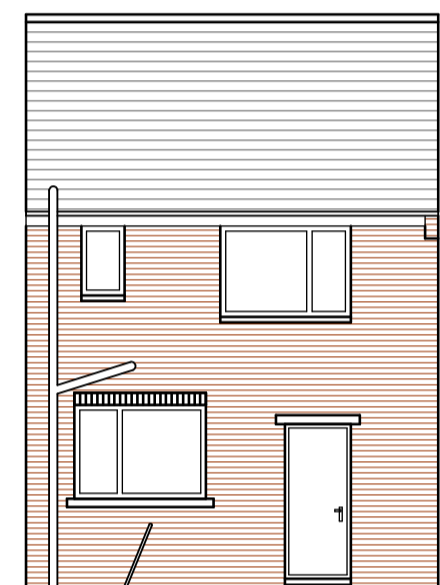
INSPECTOR



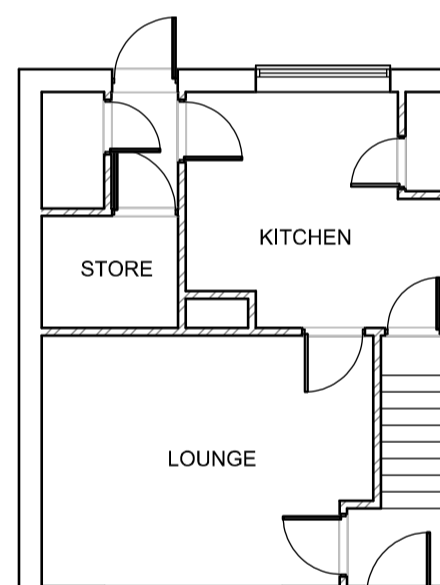
EXISTING FRONT ELEVATION



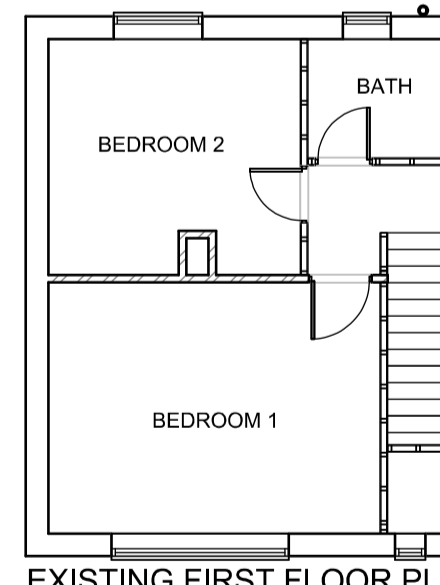
EXISTING SIDE ELEVATION



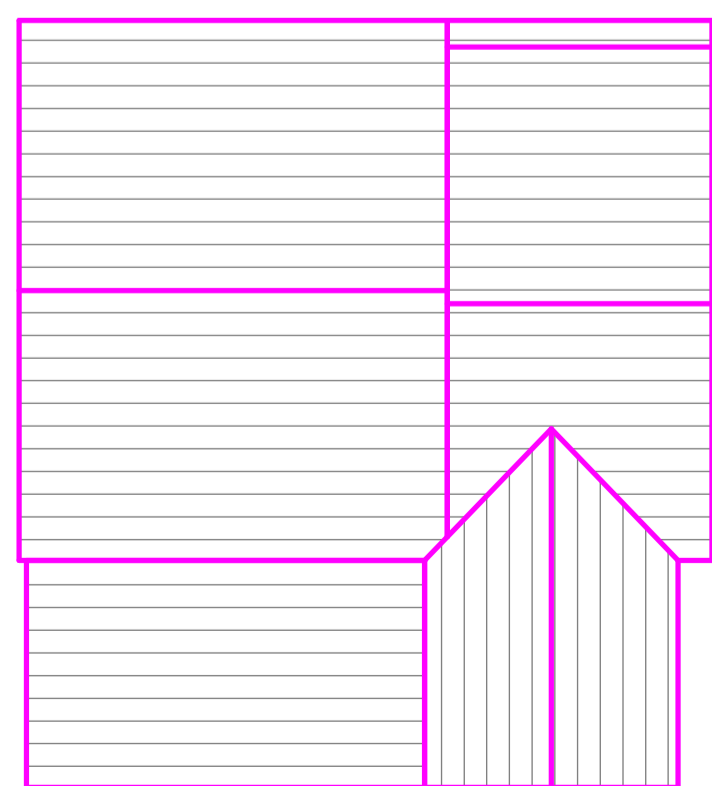
EXISTING REAR ELEVATION



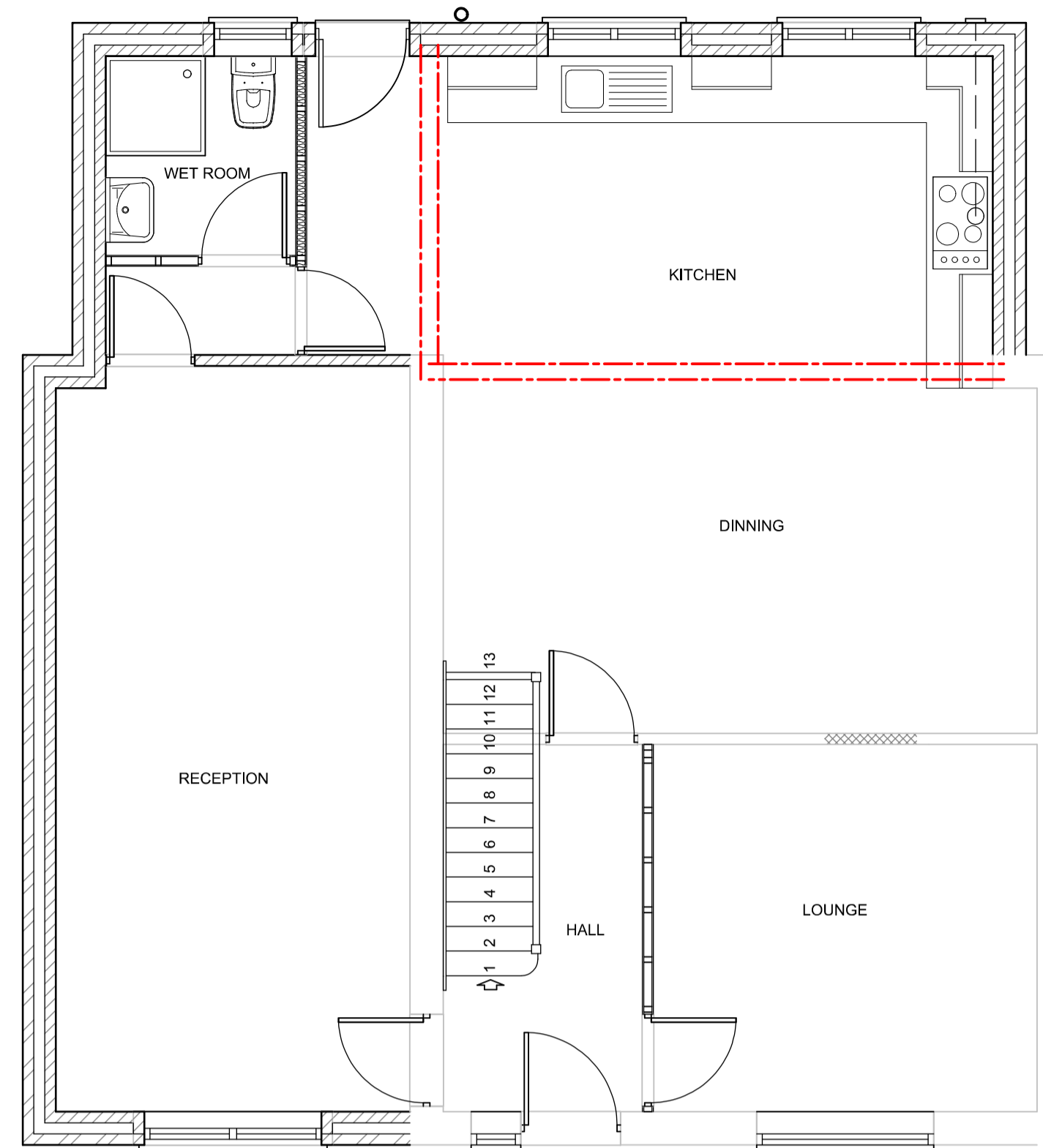
EXISTING GROUND FLOOR PLAN



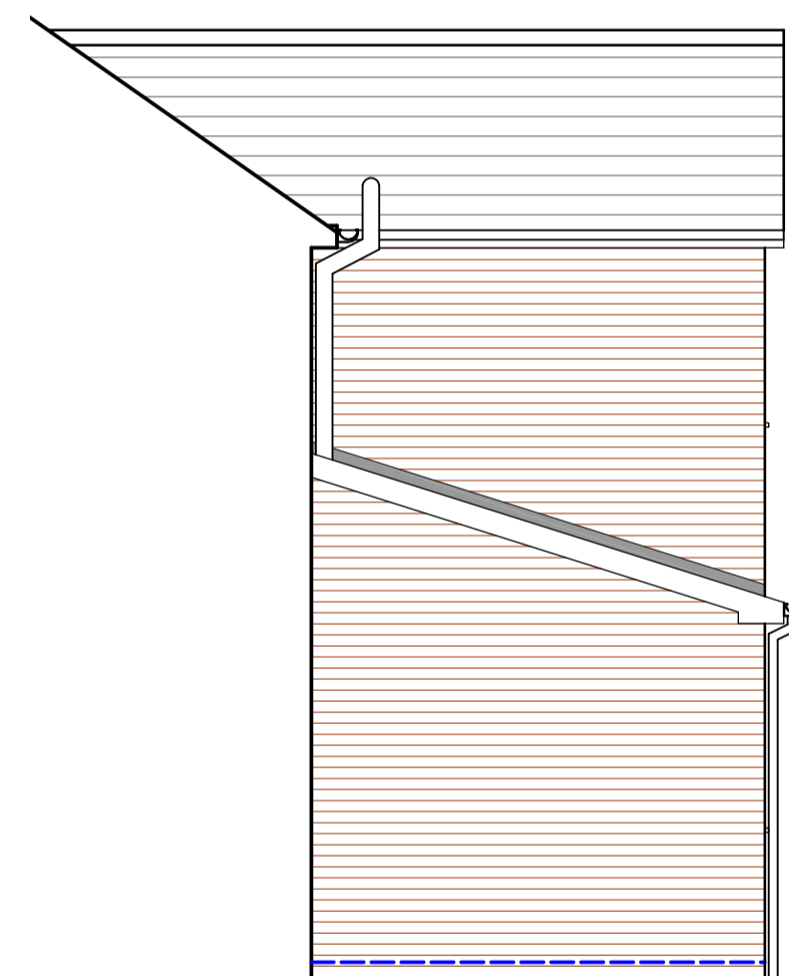
EXISTING FIRST FLOOR PLAN



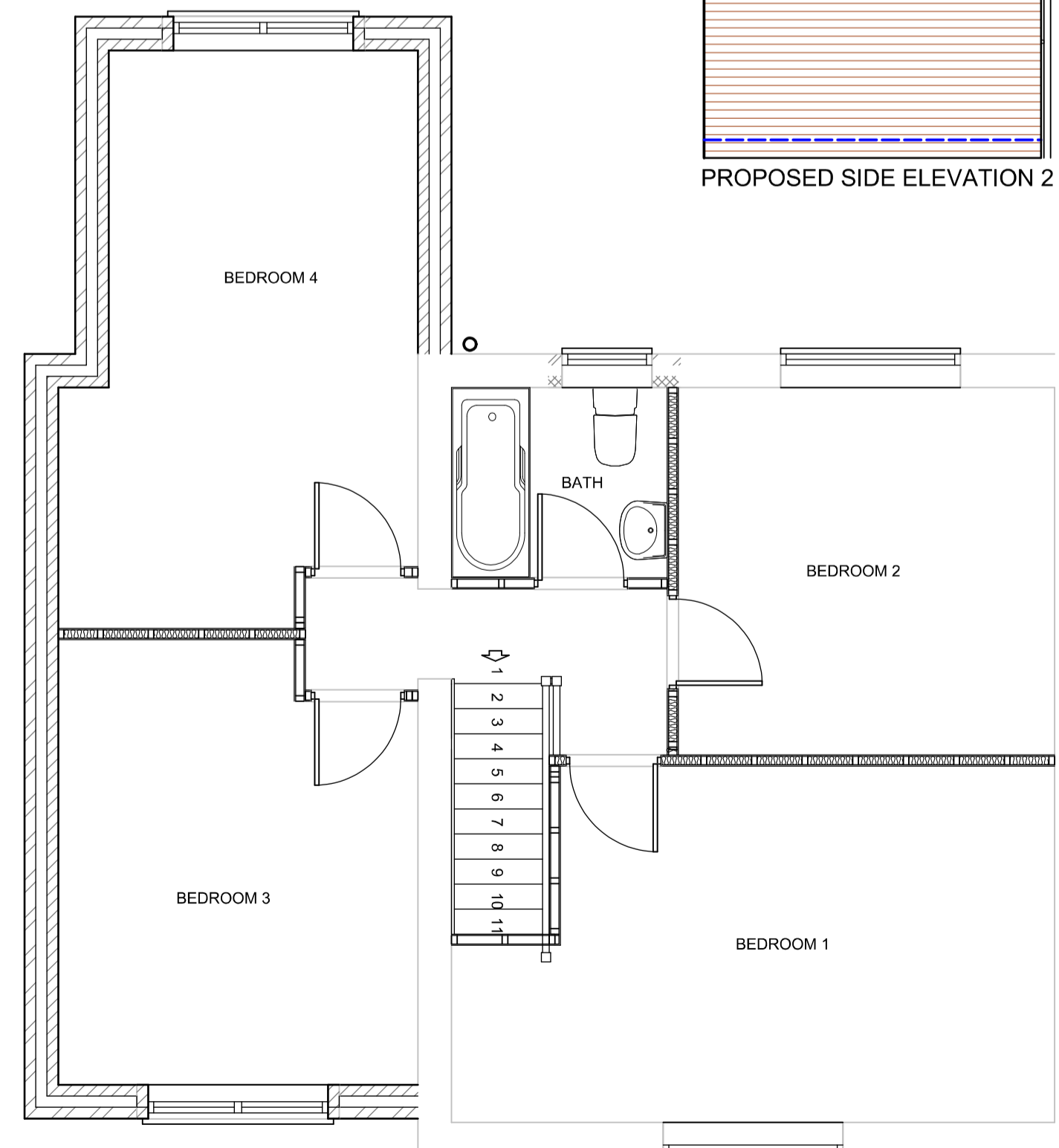
PROPOSED ROOF PLAN



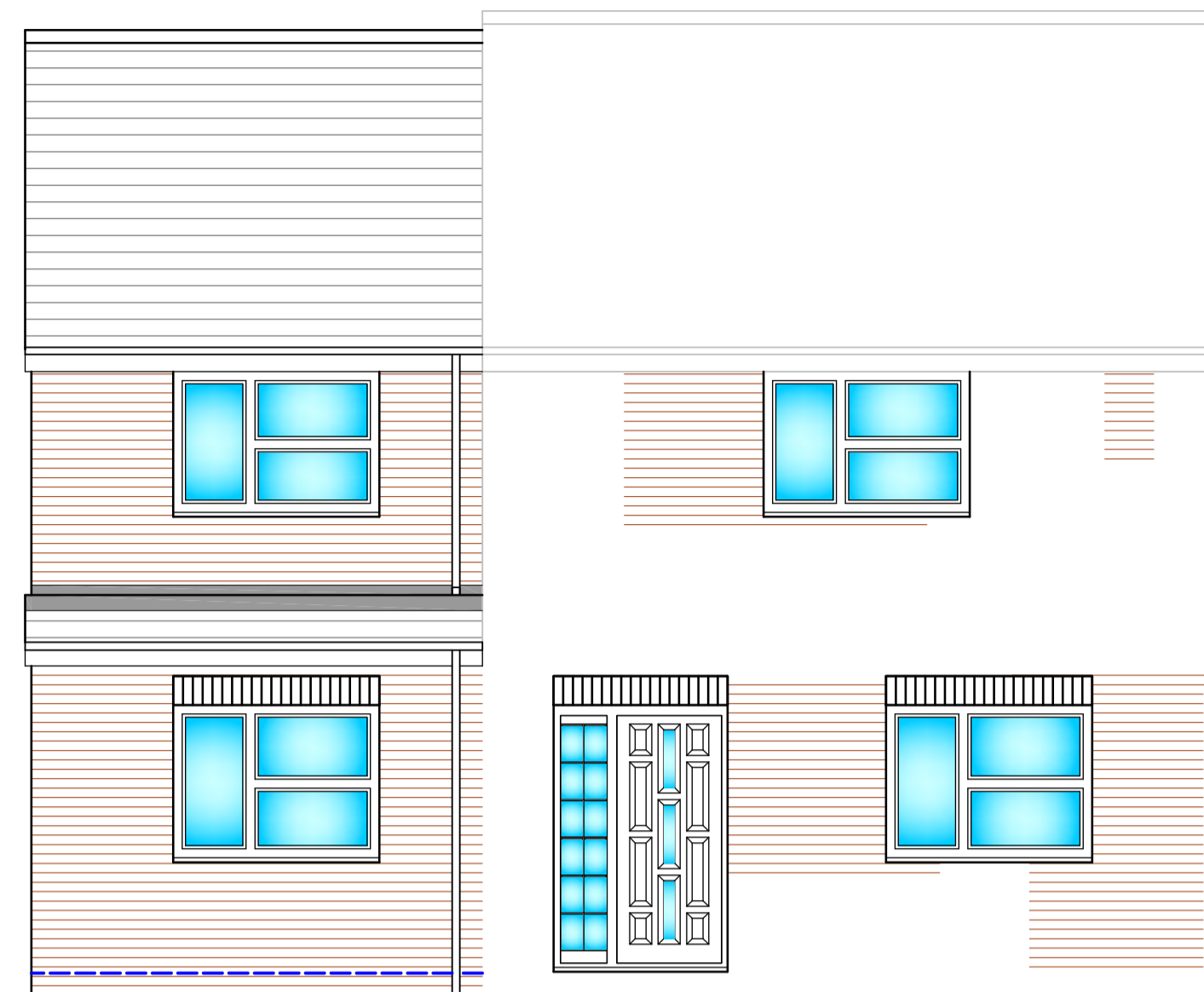
PROPOSED GROUND FLOOR PLAN



PROPOSED SIDE ELEVATION 2



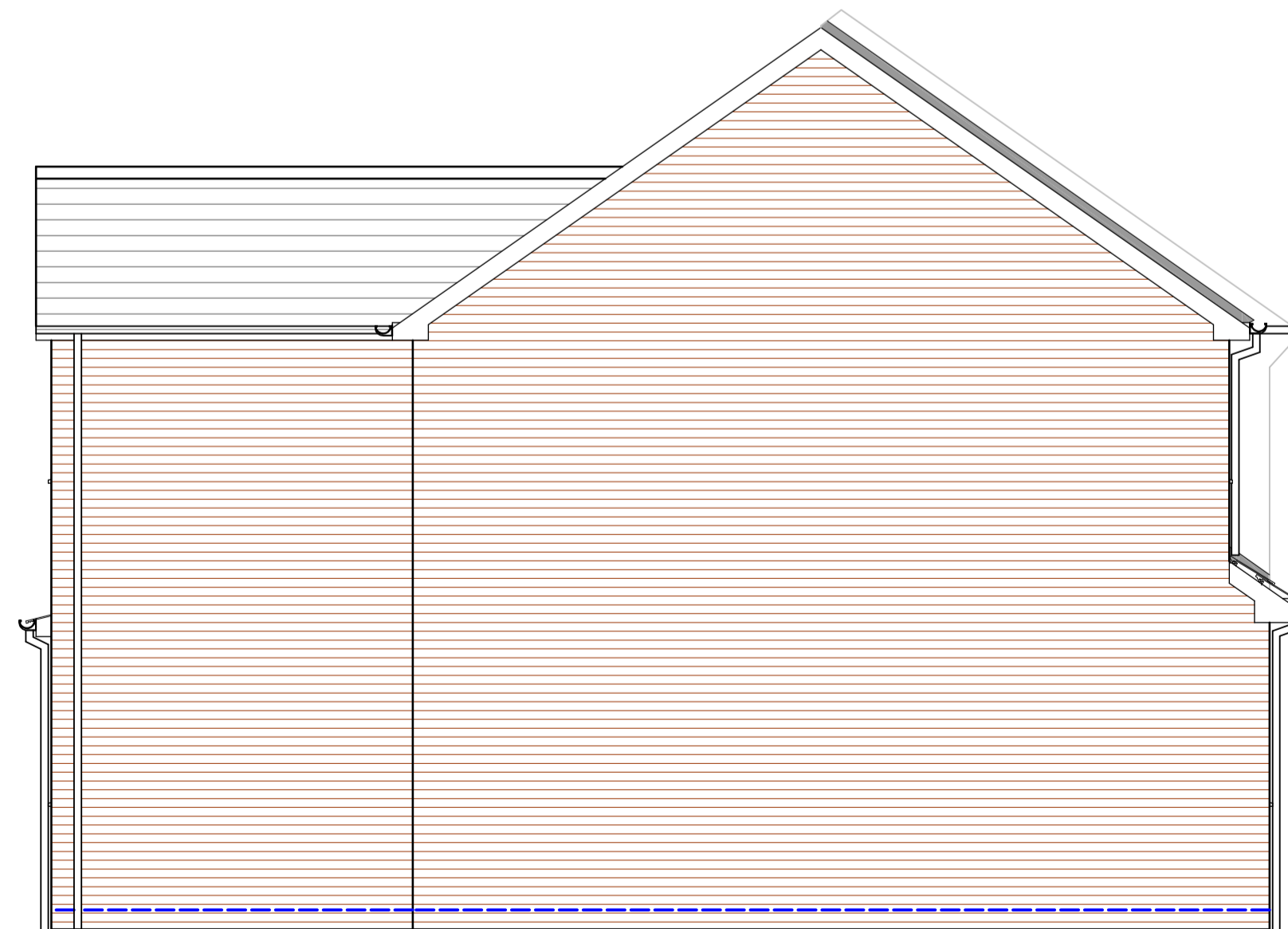
PROPOSED FIRST FLOOR PLAN



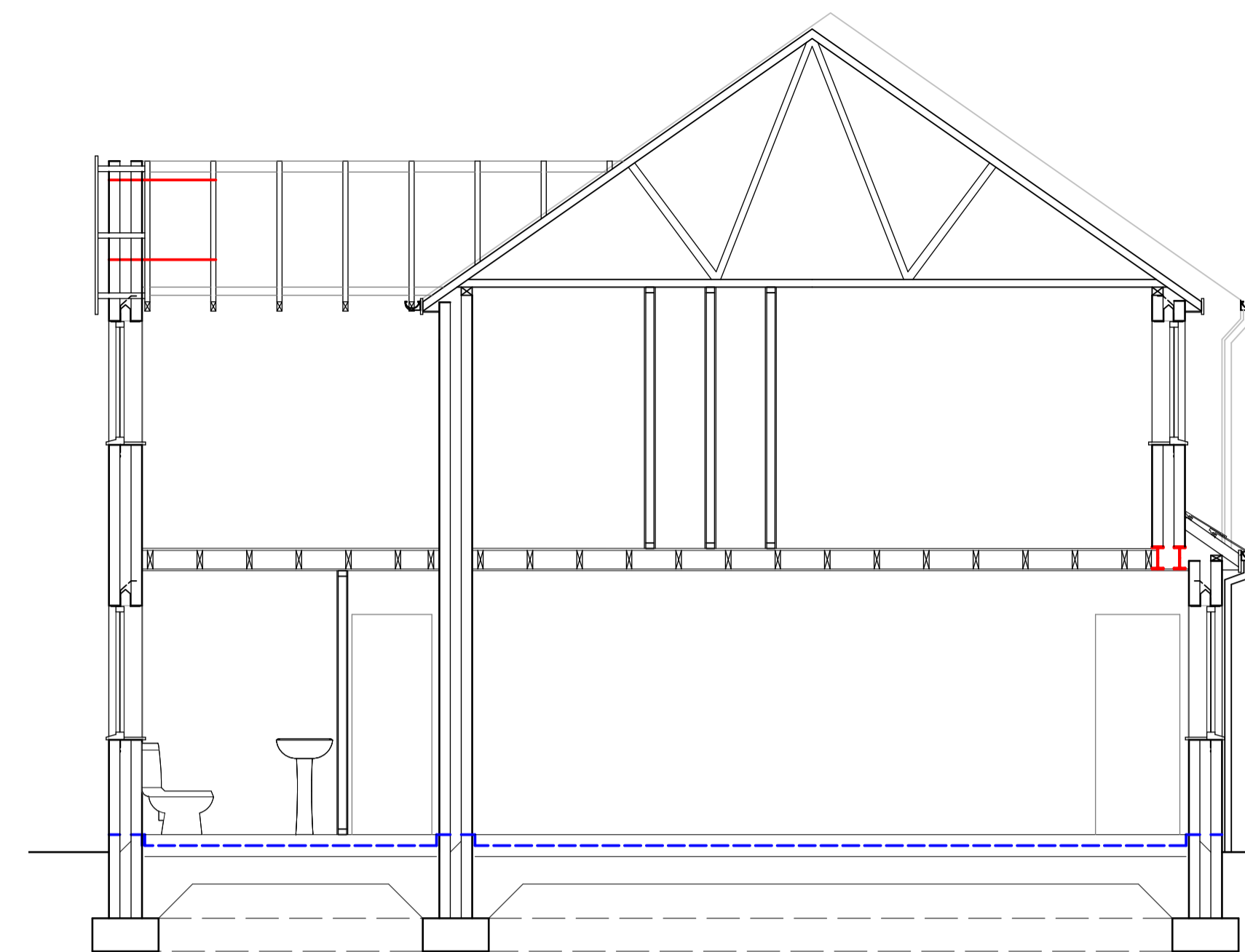
PROPOSED FRONT ELEVATION



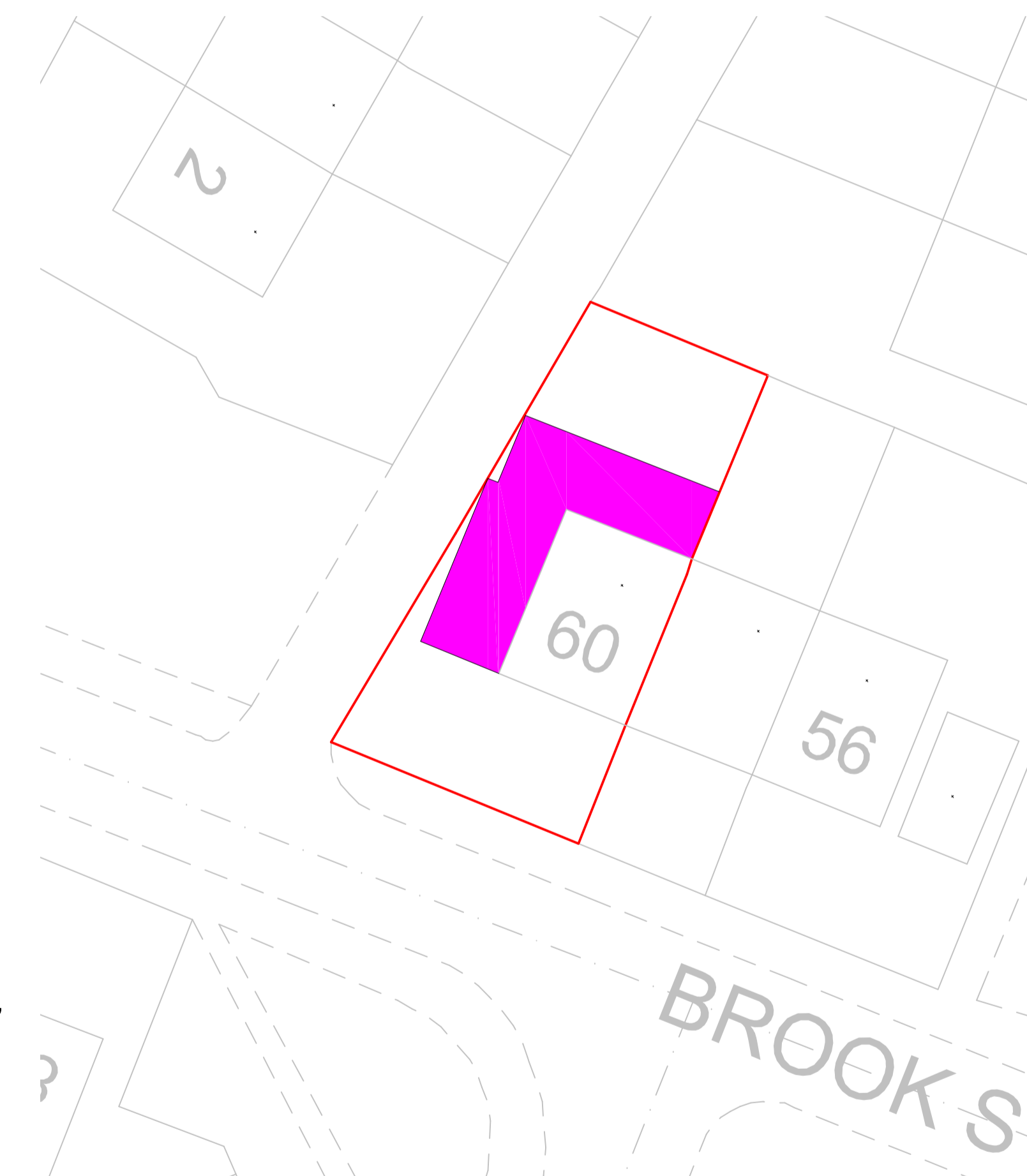
PROPOSED REAR ELEVATION



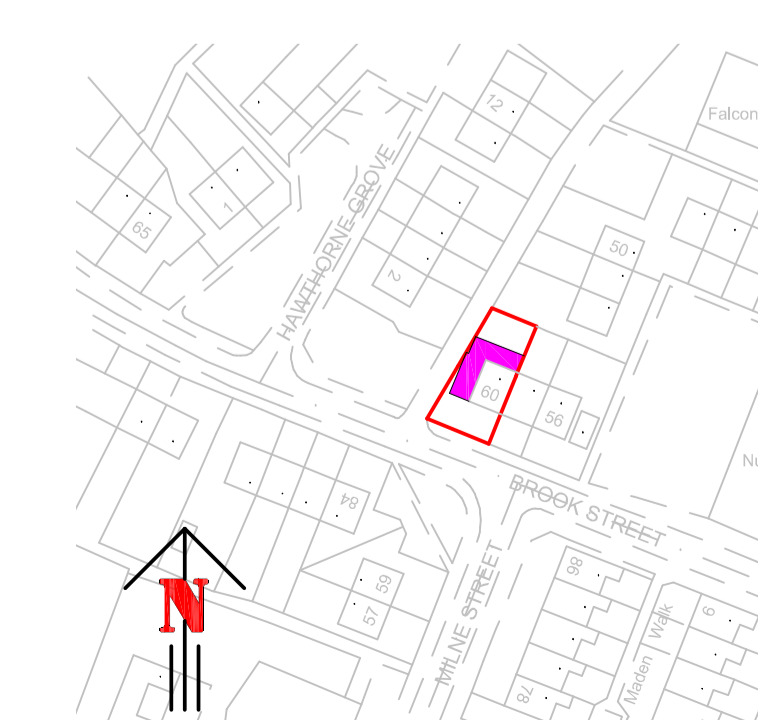
PROPOSED SIDE ELEVATION



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

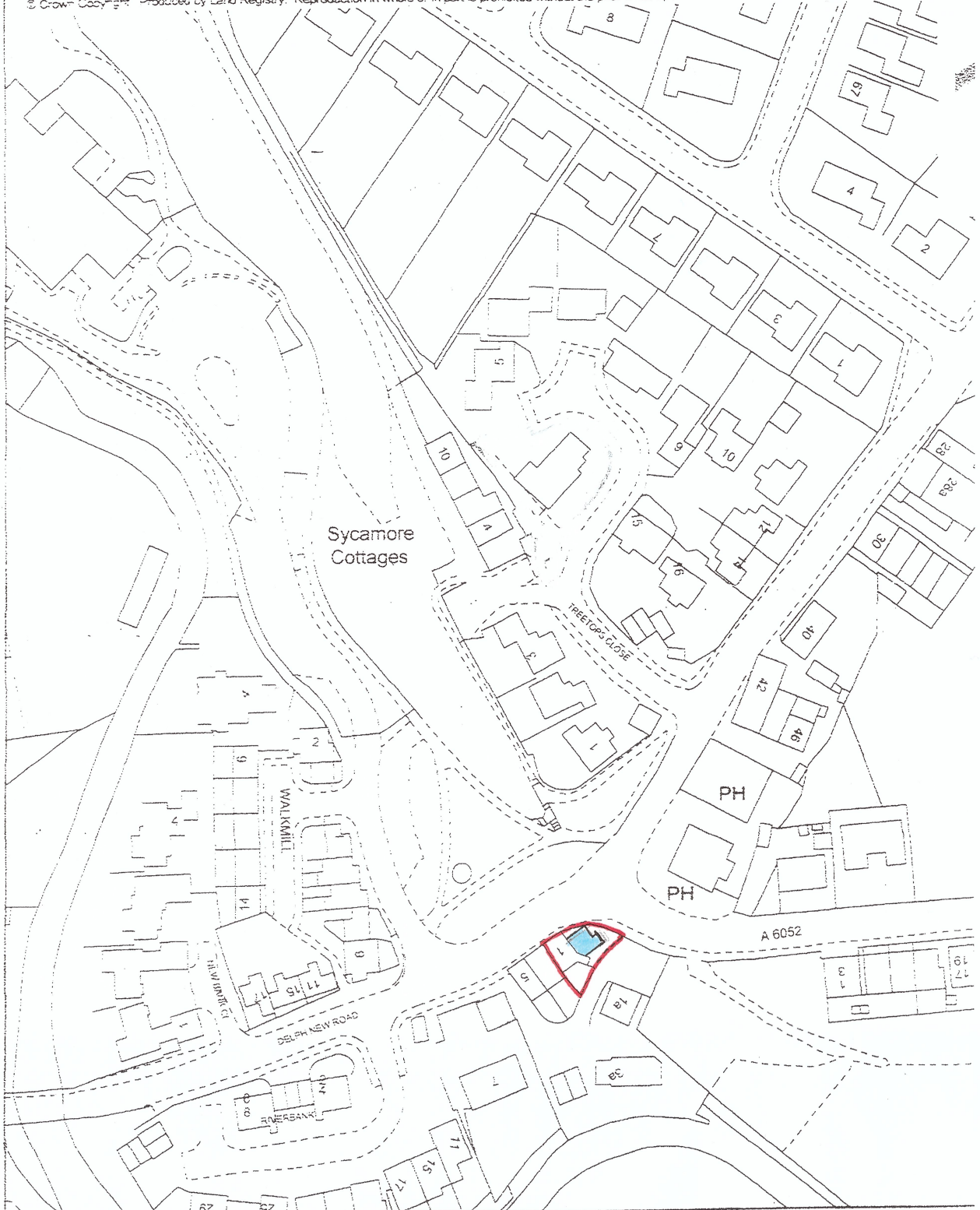
Title number **MAN169630**

Ordnance Survey map reference **SD9806SE**

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

Administrative area **Greater Manchester: Oldham**

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