

# Planning Appeals Update

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

### **DATE OF COMMITTEE**

**August 2018**

### **PLANNING APPEALS**

#### **WRITTEN REPRESENTATIONS**

|              |  |
|--------------|--|
| HH/341204/18 | 14 Pickhill Lane, Uppermill, OL3 6BN                 |
| PA/341513/18 | 380-382 Hollins Road, Oldham, OL8 3BE                |
| PA/340209/17 | 149A Manchester Road, Greenfield, OL3 7HJ            |
| PA/340691/17 | The Old Stables, Lee Side, Diggle, OL3 5JX           |
| PA/341265/18 | Beech Hill House, 25 Beech Lane, Grasscroft, OL4 4EP |

#### **HOUSE HOLDER**

#### **ADVERTISEMENTS**

|              |  |
|--------------|--|
| AD/341284/18 | 17/19 Huddersfield Road, Oldham, OL1 3LG |
|--------------|--|

#### **APPEAL DECISIONS**

|                   |  |
|-------------------|--|
| AD/341121/17      | Advertising Hoarding Adjacent to 363 Ashton Road, Oldham |
| Original Decision | Del  |
| Appeal Decision   | Dismissed  |
| PA/340260/17      | Primrose Hill, Roebuck Lane, OLDHAM OL4 3RD              |
| Original Decision | Del  |
| Appeal Decision   | Dismissed  |
| HH/340994/17      | 127 Delph Lane, Delph, OL3 5UT                           |
| Original Decision | Del  |
| Appeal Decision   | Dismissed  |
| LB/340995/17      | 127 Delph Lane, Delph, OL3 5UT                           |
| Original Decision | Del  |
| Appeal Decision   | Dismissed  |
| HH/341013/17      | 903 Middleton Road, Chadderton, Oldham, OL9 0NG          |
| 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.



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## Appeal Decision

Site visit made on 2 July 2018

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 July 2018

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**Appeal Ref: APP/W4223/Z/18/3196867**

**Advertising Hoarding Adjacent 363 Ashton Road, Oldham OL8 1NW**

- 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 Richard Page on behalf of Insite Poster Properties against the decision of Oldham Metropolitan Borough Council.
  - The application Ref AD/341121/17, dated 27 November 2017, was refused by notice dated 23 January 2018.
  - The advertisement proposed is replacement of the existing 48-sheet illuminated advertising display with a 48-sheet illuminated digital advertising display.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's reason for refusal relates specifically to matters of public safety. I determine the appeal on that basis.

### Main Issue

3. The main issue is the effect on public safety, with particular regard to matters of highway and pedestrian safety.

### Reasons

4. The appeal site consists of a building located on the eastern side of Ashton Road (A627) in close proximity to a signalled pedestrian crossing and the entrance to Tyro Street car park, within a predominantly commercial setting of buildings and uses. The proposed internally illuminated 48-sheet advertisement consisting of an LED screen with images changing at intervals would be located on the northern gable end of the building. It would replace an existing externally illuminated signage board with a static image of similar proportions which according to the evidence before me has deemed consent. Due to the position and orientation of the building and the proposed siting of the LED display, it would only be seen by pedestrians and road users approaching from a northern direction along Ashton Road and when accessing

that road from junctions with Tyro Street, Hadfield Street, Schofield Street and Charleston Street.

5. The PPG<sup>1</sup> 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. The PPG does advise that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality and if the advertisement is not on the skyline, as would be the case with the proposal before me. However, the PPG<sup>2</sup> also lists the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which because of their size or siting would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of display.
6. The proposed sign would be the type of advertisement referred to above. However, the guidance in the PPG relating to advertisements in terms of public safety does not, of itself, mean that all internally illuminated signs utilising LED technology would be harmful to highway or pedestrian safety. The individual circumstances of the site and its surroundings are, therefore, necessarily considered.
7. Ashton Road has a relatively straight alignment as it passes the site with a downward slope in a southward direction and a 30mph speed limit. The road has a single carriageway in each direction with footways and street lighting, together with a speed camera on the nearside carriageway to the north of the site, a bus stop with shelter in closer proximity and another bus stop and shelter on the opposite side of the road. On-street parking along Ashton Road is restricted by road markings in the immediate surroundings and I observed that the road is heavily trafficked with regular bus services and some heavy goods vehicles passing. Beyond the pedestrian crossing are nearby junctions with Honeywell Lane and Hollins Road. Accident data for a preceding five year period includes accidents with injuries of a serious and slight severity both close to the pedestrian crossing and towards the junctions with Honeywell Lane and Hollins Road.
8. Having driven along the road in the mid-morning on a weekday, I observed that the access and junction arrangements require concentration with due care and attention for other road users. It is especially the case for motorists unfamiliar with local highway conditions, due to the presence of the pedestrian crossing together with vehicles overtaking buses, vehicles slowing to access the Tyro Street car park and others passing on the inside of vehicles waiting to turn right into Hadfield Street. The LED screen would initially be observed at distance when approaching from the north along Ashton Road, but it would then be partly obscured from a driver's view on the nearside carriageway by overhanging landscaping and the bus shelter until in close proximity to the site. In that context, the LED screen although to the side of the footway and set back from the highway edge, would be visually prominent when closely approaching the traffic signals that serve the pedestrian crossing.

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<sup>1</sup> PPG, Advertisements - Paragraph: 067 Reference ID: 18b-067-20140306 Revision date: 06 03 2014

<sup>2</sup> PPG, Advertisements - Paragraph: 068 Reference ID: 18b-068-20140306 Revision date: 06 03 2014

9. With regard to the above, the introduction of an internally illuminated LED 48-sheet sign, displaying a variety of static images changing at intervals, would draw the attention of motorists to a significantly greater degree than the existing externally-illuminated static sheet sign that it would replace and the other signs within the area. The sign would not obstruct visibility from existing accesses. However, due to its siting, size, internal illumination and frequent changes of display, it would draw the eye of motorists at a moment when road users are required to exercise care and attention to safely negotiate a busy stretch of highway and when they may need to brake suddenly if signals on the pedestrian crossing change or vehicles are slowing to access Tyro Street car park or turn in to subsequent junctions.
10. The proposal would, therefore, introduce an unacceptable distraction in very close proximity to an existing traffic signal and as part of the immediate approach to locations where previous accidents and serious injuries have occurred. Consequently, the proposal would result in an unacceptable increase in risk of accidents for pedestrians and road-users when travelling in a southward direction along Ashton Road. The harmful effect in that respect would not be mitigated by conditions suggested by the appellant in terms of illumination levels, frequency of changes of display, restrictions on special or visual effects, and intervals between successive displays. The proposal would, therefore, have an unacceptable impact upon highway and pedestrian safety, which reflects harm to public safety.
11. The Council has raised no issue in relation to amenity. From the submitted evidence and my observations of the site and the area, I have no reason to disagree. No examples of similar internally illuminated LED signs were visible in the immediate locality at the time of my visit. However, a number of 48-sheet advertisements were evident, together with a range of other illuminated and non-illuminated advertisements sited on nearby buildings and in the wider area. In such circumstances, where a range of different advertisements are a common feature in a commercial setting, the proposal would not harm the character and appearance of the area. Nevertheless, the absence of concern in terms of amenity is a neutral factor.
12. I conclude that the advertisement would harm public safety, due to the unacceptable impact upon highway and pedestrian safety identified. The proposal, therefore, conflicts with Policy 20 of the Oldham Joint Core Strategy and Development Management Policies - Development Plan Document, adopted November 2011, the Framework and the PPG in that respect.

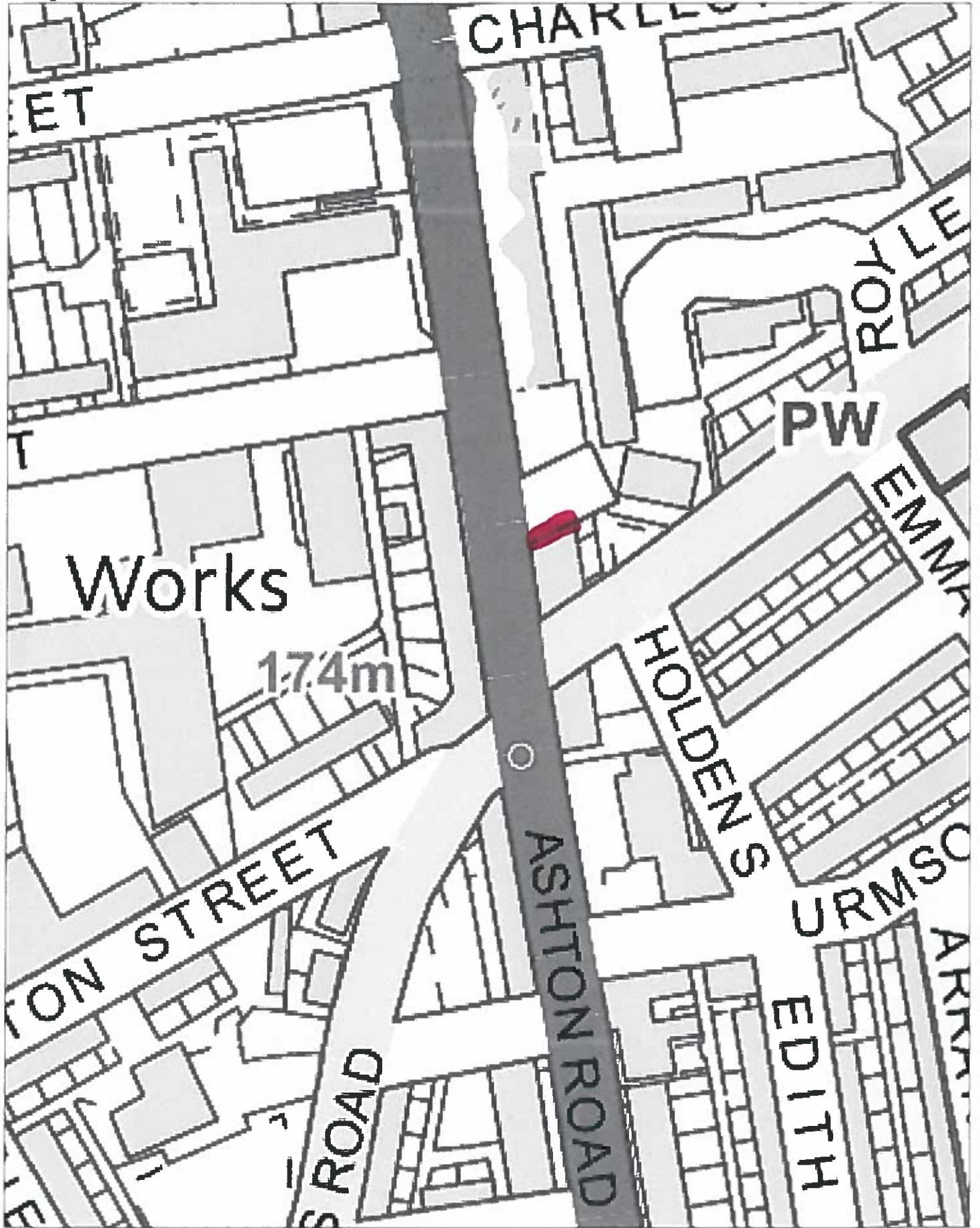
### **Conclusion**

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

*Gareth Wildgoose*

INSPECTOR

Adj to 363 Ashton Road, Oldham



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## Appeal Decision

Site visit made on 2 July 2018

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 July 2018**

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**Appeal Ref: APP/W4223/W/18/3199324**

**Primrose Hill, Roebuck Lane, Strinesdale, Oldham, Lancs OL4 3RD**

- 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 Matthew Brears against the decision of Oldham Metropolitan Borough Council.
  - The application Ref PA/340260/17, dated 10 May 2017, was refused by notice dated 24 November 2017.
  - The development proposed is "*erection of stables and tack room, and formation of access road*".
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development provided by the application form has been updated by subsequent documents. I have adopted the description of development provided by the appeal form accordingly as it provides certainty of the appeal proposal before me.

### Main Issues

3. The main issues of this appeal are:
  - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, and the effect upon the openness and the purposes of including land within the Green Belt;
  - The effect on highway safety, with particular regard to access and parking arrangements, and;
  - If the proposal is inappropriate development in the Green Belt, whether the 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

*Whether inappropriate development in the Green Belt*

4. The appeal site is designated within the Green Belt and consists of an existing field adjoining the eastern side of Roebuck Lane and is enclosed from the surrounding fields within the appellant's ownership by post and wire fencing,

together with a mixed hedgerow adjoining the road. A public bridleway runs along the boundary of the site from Roebuck Lane and leads through the surrounding fields toward the appellant's dwelling, Windy Harbour Farm, which is partly screened from the site by the undulating land levels. On the opposite side of Roebuck Lane there is a terraced row of residential dwellings, but in general the development in the rural location is otherwise more sporadic and dispersed.

5. Policy 22 of the Oldham Joint Core Strategy and Development Management Policies - Development Plan Document (JCS&DMP), adopted November 2011, indicates that development in the Green Belt will be permitted provided it does not conflict with national policies on Green Belt. Whilst the policy refers to Planning Policy Guidance Note 2, which applied at the time, that document has now been superseded by the current national policies relating to Green Belt set out in the Framework.
6. With regard to the above, the Government attaches great importance to Green Belts. The Framework at paragraph 89 indicates that the construction of new buildings should be regarded as inappropriate in Green Belt, unless it meets one of a bulleted list of six exceptions. The exceptions at bullet point 2 include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In addition, bullet point 6 permits limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
7. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition excludes, amongst other things, land that was previously developed but where the remains of the permanent or fixed surface structure have blended into the landscape in the process of time.
8. Based on the evidence before me, the site was previously occupied by a dwelling which was demolished a number of years ago. At the time of my visit, it was evident that the remains of the dwelling have now blended into the landscape and only a short section of its former boundary wall is visible above the vegetation. In such circumstances, I consider that the site is not previously developed land as defined by the Framework and therefore, would not fall within the exception at bullet point 6 of paragraph 89 of that document.
9. Turning to the exception at bullet point 2 of the Framework, the proposal is for erection of stables and tack room, and formation of an access road. The evidence before me indicates that the building consisting of three stables and a tack room would be for the personal use of the appellant's family or the owners of the land. In that respect, to my mind, the building would be of a proportionate scale and design for the keeping of horses on the land for private use, together with the associated storage requirements. I am, therefore, satisfied that the proposal could be considered to be appropriate facilities for outdoor recreation. However, bullet point 2 also requires that such a proposal



preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

10. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open, with openness identified as one of the essential characteristics of the Green Belt. The construction of the stables on the site would result in built development in an area of land that is currently open. The resultant scale, bulk and massing of the building in a set back and elevated position relative to the road, together with the addition of hardstanding to provide the access and a trailer to store manure, would lead to a loss of openness that would be visible in close proximity from sections of Roebuck Lane when looking east and when walking along the bridleway from that road. Consequently, the proposal would fail to preserve openness and therefore, would not meet the exception at bullet point 2 of paragraph 89 of the Framework.
11. In reaching the above view, I have taken into account that the site is partly screened from Roebuck Lane by the existing hedgerow and that it would not be a prominent feature in the wider landscape due to its traditional rural design with stone walls and slate roof, the undulating topography, the sporadic presence of other rural buildings and the backdrop of the terraced row when viewed from public vantage points along the bridleway when approaching from the east. I have also noted that the appellant intends to undertake some small scale cut and fill works to create a level area for the building to ensure that it sits as low as possible within the land and has offered to provide additional screen planting if necessary. However, given the difference in topography relative to the road, I consider that those works would not mitigate the visible loss of openness within the site. In any case, openness has both a spatial and visual aspect and therefore, visual containment of a site or reductions to the visibility of the building would not, of itself, overcome the loss of openness that I have identified.
12. The development would also erode the contribution that the existing site makes to the open countryside setting on the eastern side of Roebuck Lane. Whilst the design of the building would not look out of place in a rural setting, the siting of isolated built form on the land would interrupt the current open views towards the undulating topography where farmhouses and agricultural buildings are generally more distant from the eastern side of Roebuck Lane.
13. Although there would be no other harm with respect to the other purposes of including land within the Green Belt, the absence of concern in those respects is a neutral factor.
14. I, therefore, conclude that the proposal is inappropriate development in the Green Belt when having regard to the Framework and Policy 22 of the JCS&DMP, which is harmful by definition, and there would be associated harm upon the openness of the Green Belt and the Green Belt purpose of safeguarding the countryside from encroachment.

#### *Highway safety*

15. Policy 9 of the JCS&DMP seeks to protect and improve local environmental quality and amenity by, amongst other things, ensuring development minimises traffic levels and does not harm the safety of road users. In that respect, the Council has expressed specific concerns that there would be

inadequate space within the site for vehicles to park and manoeuvre and, therefore, potential for unsafe vehicle movements as a result of the development.

16. Roebuck Lane where it adjoins the site is unmarked and has no adjoining footways, but I observed that it does have sufficient space for vehicles to pass in both directions. The road has a 30mph speed limit with a straight alignment as it passes the site. However, residential buildings on the opposite side of the road are sited on the inside of a bend immediately to the south. The proposal would utilise an existing access onto the appellant's adjacent field that currently consists of a gated entrance which is set back from the road and is distant from both the bend and the bridleway. During my visit, I observed that visibility from the access has some constraints, including a nearby telegraph pole, traffic sign, overgrown verges and other vegetation.
17. Notwithstanding the above, I also observed that the existing infrequent use of the access does not cause an unacceptable risk of accidents for vehicles or pedestrians. When taking account of the restricted speed and moderate levels of traffic on Roebuck Lane, there is sufficient regularity of gaps in traffic to allow safe access for vehicles entering and leaving in forward gear using necessary levels of attention and awareness of other road users. In that respect, although traffic flows may be higher at different times of the day along Roebuck Lane than those which I observed, there is no substantive evidence before me of accidents having resulted from the use of the existing access.
18. The proposal includes hardstanding to provide the access road up to the building which, as indicated on the submitted plans, adjoins a significant section of land where levels are proposed to be altered. Notwithstanding my conclusions relating to the previous main issue, the level area indicated on the submitted plan would be of sufficient size to be used as a turning area for vehicles that need to access the site, so that they could enter and exit in forward gear. The appellant has indicated that those vehicles would be limited to a tractor to periodically clear waste from a trailer sited close to the building which would store manure that would be removed monthly and sprayed on the fields. To my mind, the regularity of such processes would be so infrequent so as to make little difference to the level of use of the existing access to the fields and those vehicle movements would not, therefore, be unsafe.
19. With regard to the above, the use of the land and the stables could also be suitably controlled to ensure that it would be for the private use of the occupiers of Windy Harbour Farm which has direct access to the land via the bridleway. To my mind, it is reasonable that ordinarily it would be more convenient to walk to and from the site along the short distance of the bridleway, despite its sloped topography and varied surfacing, than alternatively accessing the site using a private vehicle via Two Acre Lane and Roebuck Lane. Some additional vehicle movements may occur in periods of darkness or inclement weather. Nonetheless, it is reasonable that the traffic movements in such circumstances relating to a private use would be at such a low level and infrequent that it would have little effect upon the established use of the access and highway conditions on Two Acre Lane and Roebuck Lane. I am satisfied that there would be sufficient space within the site for vehicles to park and turn around so that they could enter and exit in forward gear to use the access safely.

20. Having regard to all of the above, I conclude that the proposal would not have a harmful effect on highway safety. The proposal, therefore, would not conflict with Policy 9 of the JCS&DMP.

*Other considerations*

21. The appellant has drawn to my attention that similar buildings in the surrounding area have been granted planning permission by the Council, including a stable block on open land on the opposite side of Roebuck Lane (Council ref: PA/332744/12). However, I do not have the full details of the circumstances that led to those developments being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including with respect to relevant development plan policies and national policy considerations. In any case, I have determined the appeal on its own merits.
22. I have taken into account that the proposal would provide opportunities for outdoor recreation and that the appellant has asserted that the proposal would improve damaged or derelict land. Nonetheless, Green Belt policy and the other policies of the Framework in those respects are necessarily read as a whole and despite the site currently being fenced off, there is no substantive evidence before me which would indicate that the land could not be brought back into an alternative use. Furthermore, the use of the stables would necessarily be restricted to private use in the interest of highway safety, which limits the extent of outdoor recreation benefits that would arise. I, therefore, can give only limited weight to its improvement in that context.
23. The provision of stables in some circumstances can provide benefits to existing animal welfare. However, in the particular circumstances of this case, I give little weight to any benefits in that respect as the land is not currently used for the keeping of horses.
24. The separation distance from the development to the nearest residential properties would be sufficient to avoid any harm to the living conditions of their occupiers with respect to matters of noise, odours, light, outlook and privacy, when taking account of the siting of the building and the potential to control arrangements for storage and disposal of waste by condition. However, the absence of concern in that respect is a neutral factor.

*Planning Balance*

25. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be significant harm to openness and the Green Belt purpose of safeguarding the countryside from encroachment. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. I give limited weight to the benefits of the proposal in terms of outdoor recreation close to the bridleway, given that such benefits would be necessarily restricted to private use. Little weight is attached to other stable buildings which have been granted planning permission or have previously taken place in Oldham Borough, as there is no evidence that the circumstances which led to those proposals being accepted were directly comparable with those before me and each development should be considered on its own individual merits in any

case. The absence of harm with respect to highway safety and the living conditions of occupiers of neighbouring properties are neutral factors which do not weigh in favour of the development.

27. Having taken all of the above into account, I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt arising from the proposed development. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal conflicts with the development plan and the Framework when taken as a whole.

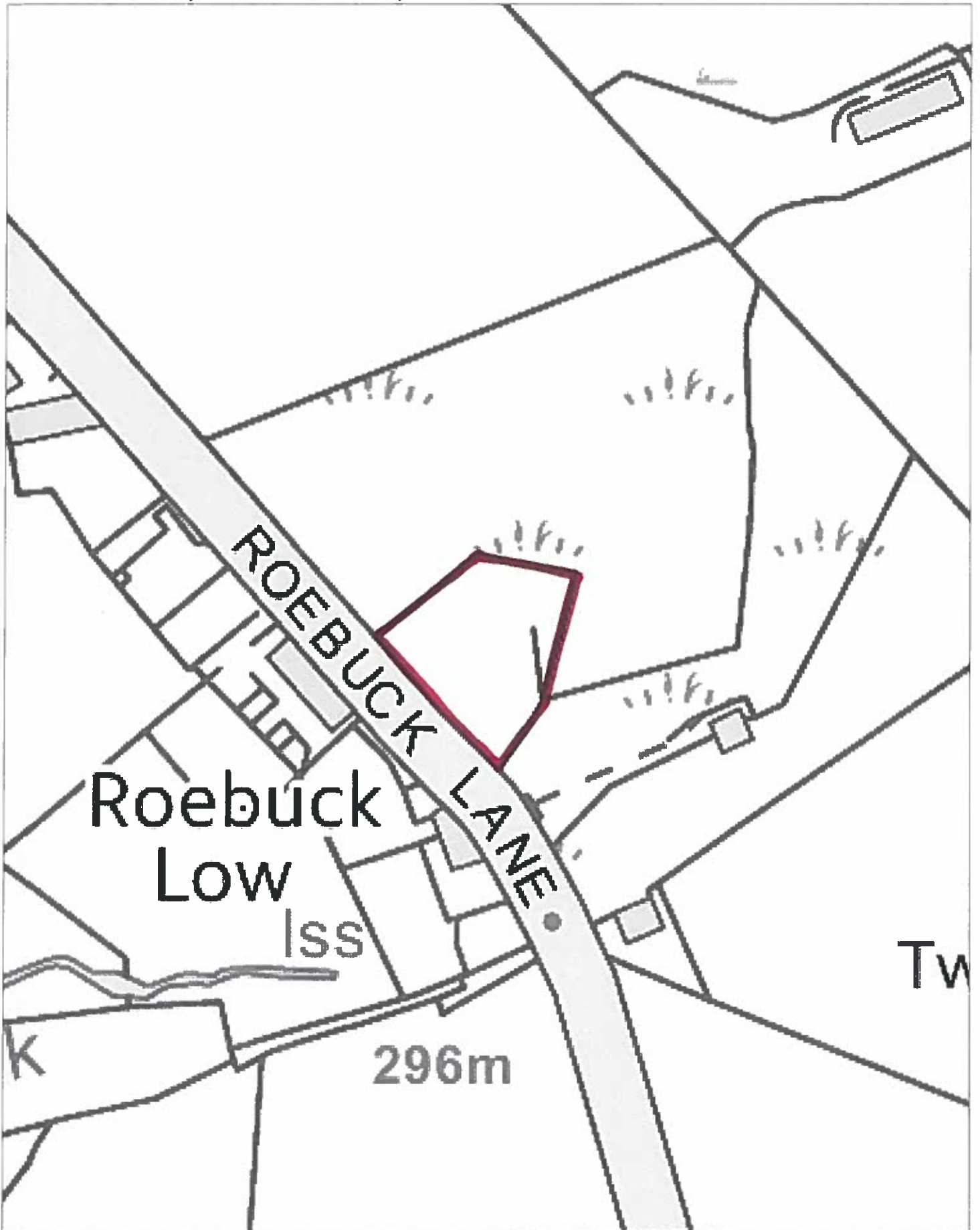
### **Conclusion**

28. For the reasons given above, the appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR

Primrose Hill, Roebuck Lane, Oldham





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## Appeal Decisions

Site visit made on 18 June 2018

by **AJ Mageean BA (Hons) BPI PhD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> July 2018

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### **Appeal Ref: APP/W4223/W/18/3196835**

#### **127 Delph Road, Delph OL3 5UT**

- 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 & Mrs Heginbotham against the decision of Oldham Metropolitan Borough Council.
  - The application Ref HH/340994/17, dated 2 November 2017, was refused by notice dated 18 December 2017.
  - The development proposed is replacement of rear conservatory with single storey stone built extension.
- 

### **Appeal Ref: APP/W4223/Y/18/3196846**

#### **127 Delph Road, Delph OL3 5UT**

- 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 Mr & Mrs Heginbotham against the decision of Oldham Metropolitan Borough Council.
  - The application Ref LB/340995/17, dated 2 November 2017, was refused by notice dated 18 December 2017.
  - The works proposed are replacement of rear conservatory with single storey stone built extension.
- 

### **Decisions**

1. The appeals are dismissed.

### **Procedural Matter**

2. The appellants' have submitted amended plans with the appeals. The amended plans address the error in the plans submitted with the planning and listed building consent applications relating to the current projection of the utility room from the rear elevation of the building. Whilst these plans illustrated a 3.8m projection, with the proposed extension sitting flush with this, the correct measurement is in fact 2.8m. The proposed addition would remain flush with the existing rear extension. As these amended plans do not significantly alter the nature of the scheme proposed, I have considered the appeals on the basis of the amended plans.

### **Main Issue**

3. The appeal property is a Grade II Listed Building. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes particular responsibilities on the decision maker. The site is also within the Green Belt. The Council consider that the proposed extension would not be disproportionate in size,

thereby complying with one of the exceptions to inappropriate development in the Green Belt set out in paragraph 89 of the National Planning Policy Framework (the Framework) and the development plan. On the basis of the evidence before me, I see no reason to disagree.

4. The main issue in both appeals is therefore whether the proposed works would preserve the Grade II listed building, or any feature of special architectural and historic interest that it possesses.

### **Reasons**

5. I understand that this stone and graduated stone slate property was originally a weaver's cottage, dating from the late 18th C. This three storey, two bay structure has a well preserved front elevation with vernacular details including the characteristic 4 and 5 light recessed chamfered stone windows to each floor. As was typical of such buildings its plan-form is of shallow depth, with the list description also noting that the rear of the building is plain except for windows inserted in the 20<sup>th</sup> C.
6. A single storey lean-to garage and utility room extension has been added to the gable end which includes a cat-slide roof to the rear, with its detailing complementing that of the main building. A number of openings have been introduced at ground floor level, as well as single window openings at first and second floor levels. There is also a contemporary glazed conservatory with a stone plinth adjacent to the furthest extent of the utility room.
7. The special interest and heritage significance of this building is that externally the architectural evidence of its historical origins remains largely intact. Whilst the rear elevation has been altered it nonetheless contributes to the appreciation of the simple design, proportions and quality of materials which is typical of such buildings.
8. The extension for which consent is sought would replace the existing conservatory and introduce a flat roofed addition extending across most of the rear elevation. This would be constructed from stone to match the existing building. The positions of the existing window and door openings on the western side of the rear elevation would be reflected in the extension. On the eastern side significantly sized aluminium framed patio doors would be located adjacent to the existing utility room.
9. This box-like addition would introduce an unusual feature to the rear elevation of this traditional dwelling. It would contrast with the lines and angles usually found on such buildings, which are typically extended with single storey lean-to additions, as is demonstrated by the existing end gable addition. Whilst the low height of this extension in comparison with the existing conservatory would allow for an appreciation of a greater area of the plain rear wall, covering up the 20<sup>th</sup> C openings, and appearing subservient overall, it would nonetheless appear as a discordant addition. This would be particularly so when viewed in relation to the pitch of the utility room extension, the angle of which complements that of the existing roof. I am aware that a previous proposal which was refused by the Council had a pitched roof, though the details of this scheme are not before me to enable comparison.
10. The solidity of this structure would be relieved by the patio doors which would enable some views through to the original rear wall. However, their size and

form would be at odds with the detailing typically expected on buildings of this nature. Replacing the proposed aluminium frames with timber would not significantly reduce this harm.

11. The existing conservatory contains a greater glazed area. However, overall this is a lightweight and more modestly sized structure, whose profile reflects the adjacent utility room. It also retains a degree of visibility of the original rear elevation.
12. It is suggested that the sedum roof would connect with the surrounding landscape, though the unfamiliar nature of this surface treatment would be at odds with the solid and robust appearance of the predominant stone work.
13. The existing doors and windows of the ground floor rear elevation would be removed, though this would not result in the loss of historic fabric. Nor would there be any structural alterations to the building. The appellants have also acknowledged that they would be happy for the flue to be removed if this element of the scheme was considered to be unacceptable. However, these points would not mitigate the harm identified, to which I must attribute significant weight.
14. More generally, the Council has not raised any concern regarding the appearance of the extension within the wider landscape, nor would this addition harm the amenity of neighbouring residents. However, these comments do not relate to the consideration of whether the proposal would preserve the building or its setting or any feature of special architectural or historic interest which it possesses. I am also aware that the appellants have engaged in pre-application discussions with the Council, and that significant revisions have been made to earlier proposals. However, this point does not in itself weigh in favour of the scheme.
15. Pulling the threads of this discussion together, I find that the scheme would introduce an uncharacteristic feature to the rear elevation of this dwelling, the modest and relatively unaltered nature of which has been identified as part of the special interest and significance of this building. It would therefore fail to preserve the special architectural interest of this building. It would also be in conflict with the relevant policies of the Oldham Local Development Framework 2011, the most pertinent of which is Policy 24 which seeks to protect, conserve and enhance heritage assets.
16. Having identified harm to this heritage asset, I am required to consider the magnitude of that harm. In this case I conclude that this would be less than substantial in the context of the significance of this heritage asset overall. In these circumstances the Framework requires that the identified harm is weighed against any public benefits which the proposal might secure.
17. In this case the appellants' points regarding the unbalanced nature of accommodation in this dwelling, and the fact that additional living space for the benefit of current and future occupants of the building would be gained from this scheme is a purely private benefit. Furthermore, as this dwelling is already in residential use, advantages in terms of achieving the optimal viable use of this heritage asset cannot be claimed.
18. The other benefits referred to, including the provision of employment to local builders and improving the energy efficiency of this building, are modest in



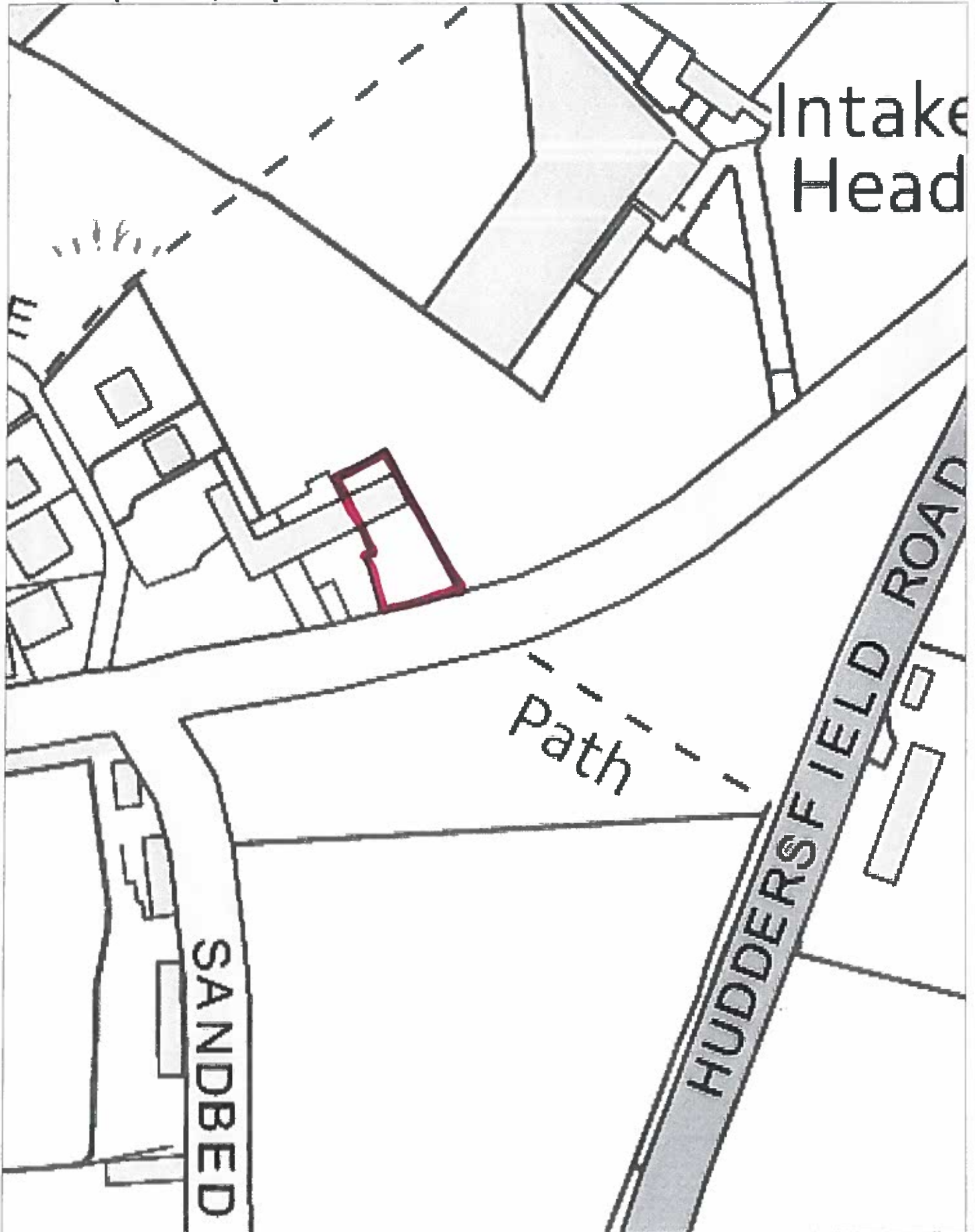
scale. They are not therefore sufficient to outweigh the harm which would be caused to this heritage asset.

**Conclusion**

19. For the reasons given, having considered all other matters raised, I conclude that the appeals should be dismissed.

*AJ Mageean*

INSPECTOR





## Appeal Decision

Site visit made on 20 July 2018

by **F Rafiq BSc (Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 August 2018

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### Appeal Ref: **APP/W4223/D/18/3201592**

**903 Middleton Road, Chadderton, Oldham, OL9 0NG**

- 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 Mrs Sarah Weaver against the decision of Oldham Council.
  - The application Ref HH/341013/17 dated 29 October 2017 was refused by notice dated 16 February 2018.
  - The development proposed is the erection of a rear dormer.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear dormer at 903 Middleton Road, Chadderton, Oldham, OL9 0NG in accordance with the terms of the application, Ref HH/341013/17 dated 29 October 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Site Plan No 01227, Ground Floor Plan (AB01241 Sheet 1), First Floor Plan Existing (AB01241 Sheet 2), First Floor Plan Proposed (AB01241 Sheet 3), Second Floor Plan Proposed (AB01241 Sheet 4), Existing & Proposed Elevations (Drg No: AB01241 Sheet 5), Existing & Proposed Elevations (Drg No: AB01241 Sheet 6), Section Through A-A (Drg No: AB01241 Sheet 7), Section Through B-B (Drg No: AB01241 Sheet 8), Section Through C-C (Drg No: AB01241 Sheet 9), Layout of 2<sup>nd</sup> Floor Joists (Drg No: AB01241 Sheet 10) and Construction Notes (Drg No: AB01241 Sheet 11).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matter

2. I have utilised the description of the development from the decision notice as that more accurately describes the proposal.
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**Conditions**

11. The Council have suggested a number of conditions. I consider the standard implementation condition and a condition for the development to be carried out in accordance with the approved plans to be necessary for the avoidance of doubt and in the interests of proper planning. I will impose a condition in relation to materials to match the existing in the interests of the character and appearance of the building and the area.

*F Rafiq*

INSPECTOR

903 Middleton Road, Chadderton

