



Planning Appeals Update

Planning Committee

Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

November 2018

PLANNING APPEALS

WRITTEN REPRESENTATIONS

HOUSE HOLDER

HH/341823/18 59 Devon Street, Oldham OL9 7BZ

ADVERTISEMENTS

APPEAL DECISIONS

HH/341204/18	14 Pickhill Lane, Uppermill, OL3 6BN
Original Decision	Del
Appeal Decision	Allowed on appeal

PA/340209/17	149a Manchester Road, Greenfield, OL3 7HJ
Original Decision	Del
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

The above papers and documents can be inspected from 08.40am to 4.30pm on level 12, Civic Centre, West Street, Oldham.

Appeal Decision

Site visits made on 3 July 2018 and 4 September 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2018

Appeal Ref: APP/W4223/W/18/3200347

14 Pickhill Lane, Uppermill OL3 6BN

- 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 Raymond Southern against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/341204/18, dated 15 December 2017, was refused by notice dated 21 March 2018.
 - The development proposed is an extension to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to existing dwelling at 14 Pickhill Lane, Uppermill OL3 6BN in accordance with the terms of the application, Ref HH/341204/18, dated 15 December 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 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 drawing 1442.PL01;
 - Existing Drawings 1442.PL02;
 - Proposed Drawings 1442.PL03 revision A;
 - Existing and Proposed Site Plans drawing 1442.PL04;
 - Existing and Proposed Roof Plans drawing 1442.PL05.
 - 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.

Preliminary Matters

2. The Council has confirmed that its decision was based on a revised drawing, reference 1442.PL03 revision A (the revised drawing), but that this drawing was not the subject of further publicity during the course of the application. The revisions related to the design of the proposed extension, and included changes to the size and position of the first floor rear windows, and a reduction in the amount of glazing to the side and rear elevations at ground floor level.

3. In its letter notifying interested parties of the appeal, the Council has made specific reference to the revised drawing, and to the opportunity for further representations to be submitted in this respect as part of the appeal process. Whilst no further representations were received, I am satisfied that all parties have had the opportunity to comment and would not be prejudiced by my dealing with the appeal on the basis of the revised drawing, consistent with the Council's own determination.
4. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have given the main parties the opportunity to comment on this. No further comments have been received.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings, including Uppermill Conservation Area.

Reasons

6. The appeal site is a stone, mid-terraced house in Uppermill Conservation Area (the CA). Whilst there is some more recent development to the rear of the site, this part of the CA is characterised mainly by streets of close-knit stone housing, including terraces and some larger detached properties. The appeal site and its neighbours make a positive contribution to this character.
7. To the rear, the appeal property and its neighbours have small, open plan garden areas. Due to the low fence at the end of the garden alongside Hawthorpe Grove, and the topography of surrounding land, the rear of the terrace can be clearly viewed from this adjacent road, which serves numerous properties to the rear of the site. As such, whilst less formal than the front of the terrace, this rear elevation also contributes to the character of this part of the CA.
8. The two storey part of the proposed extension would be set down below the ridge of the existing building, thus remaining subservient in height to the host property. Its rear gable would sit alongside a similar two-storey gable to the rear of the adjoining property, No 12 and, although it would project slightly further than this existing gable, I do not find that this relationship would appear awkward or discordant.
9. The ground floor of the proposed extension would not project any further than other single storey extensions elsewhere on the same terrace and, in contrast to the predominantly-glazed extensions to the rear of neighbouring properties, would be built predominantly in stone to match the existing building.
10. The design and detailing of the extension as a whole would reflect the positive characteristics of the existing building, including in the proportions and detailing of its upper floor windows, and the use of matching materials.
11. For the reasons given above, I consider that the extension would appear as a subservient and sympathetic addition, which would not appear unduly prominent, but would sit comfortably alongside the existing building and other neighbouring extensions. The extension would therefore preserve the character and appearance of the host building, and of the CA.

12. I therefore conclude that the proposed extension would not harm the character or appearance of the appeal site or its surroundings, including the Uppermill Conservation Area. The proposal would therefore not conflict with Policy 24 of the Oldham Local Development Framework: Development Plan Document – Joint Core Strategy and Development Management Policies. Amongst other things, this policy states that development within a conservation area must serve to preserve or enhance the character or appearance of the area, and that proposals for all new development, including extensions to buildings, must have a sensitive and appropriate response to context and good attention to detail.
13. The proposal would also accord with the Framework, which requires that, when considering the impact of a proposed development on the significance of a designated heritage asset – in this case the CA – great weight should be given to the asset’s conservation.

Other Matters

14. I have been referred to a previous appeal decision for an extension to the rear of the property, which was dismissed. However, on the basis of the evidence before me, it is clear that the previous appeal related to a single storey extension, which included a high proportion of glazing to its elevations. The proposal before me includes a two-storey component, and would have a more traditional design and solid appearance, with its elevations built predominantly in stone, and glazing details and proportions closely reflecting those on the existing building. Having had due regard to the previous appeal decision, I am therefore satisfied that the current proposal is materially different for these reasons.

Conditions

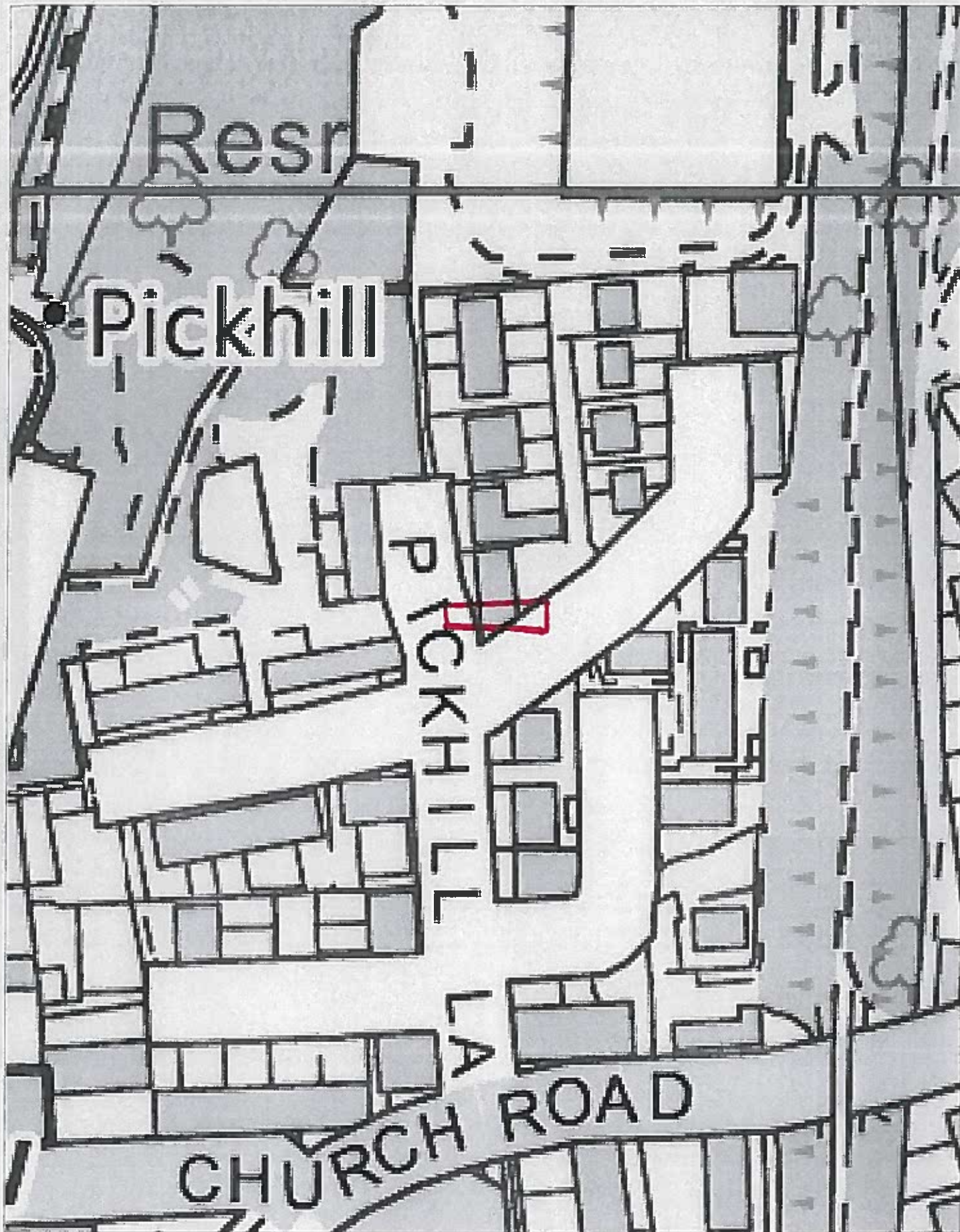
15. I attach a condition specifying the approved plans, for certainty, and a condition requiring the use of matching materials, to preserve the character and appearance of the Conservation Area.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

Jillian Rann
INSPECTOR





OLDHAM 
Metropolitan Borough 

Planning Services
Oldham MBC
PO Box 30
Civic Centre
West Street
Oldham
OL1 1UQ

Contact Us -

Phone: 0161 911 4105
Fax: 0161 911 3104
Email: planning@oldham.gov.uk
Web: www.oldham.gov.uk



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Appeal Decision

Site visit made on 25 September 2018

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

an Inspector appointed by the Secretary of State

Decision date: 9 October 2018

Appeal Ref: APP/W4223/W/18/3202396

149A Manchester Road, Greenfield, Oldham, OL3 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval of details required by condition of an outline planning permission.
 - The appeal is made by D Kaberry (Kaberry Building) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/340209/17 is dated 11 May 2017.
 - The development proposed is the reserved matters for 4 dwellings (approval of appearance, landscaping, layout and scale) following outline permission for residential development approved under application No PA/337274/15.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by D Kaberry (Kaberry Building) against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. Outline planning permission for four dwellings has been granted. The only matter approved was access. This proposal seeks approval for appearance, landscaping, layout and scale. I have used the Council's description of development as it is more accurate than that used on the application form.
4. The Council has confirmed that it wishes to withdraw two of the committee's original reasons for resolving to refuse the appeal application. It no longer defends the Committee's previous concerns in respect of highway safety and overlooking. The Council's main concern now is that of the provision of private amenity space for the proposed dwellings. However, neighbours have raised concerns in respect of overlooking, outlook and highway safety and therefore I am obliged to consider these matters anyway.

Main Issue

5. The main issue is the effect of the development upon the living conditions of both the occupiers of nearby dwellings and of the future occupiers of the appeal dwellings.

Reasons

6. The proposed dwellings would be 2 storeys high with additional living accommodation in the roof space. Due to the orientation and use of high level and obscured windows, I consider that the design of the dwellings at Plots 1, 2 and 4 would not overlook the existing nearby properties. However, Plot 3 would have a clear glazed bedroom window close to the proposed rear boundary and this would unacceptably overlook the rear gardens of 2 and 4 Noon Sun Close.
7. Furthermore, the rear of Plot 1 and the gable of Plot 2 would be unacceptably close to the garden boundaries and houses of 30 and 32 Dacres Drive. In my assessment, the tall 2 storey massing of the proposed dwellings would be intrusive and overbearing upon the outlook from both inside these existing properties and from their gardens and I share the concerns expressed by interested parties in this respect. I appreciate that there is some change in land levels between the site and Dacres Drive but from what I observed at my visit, this would not mitigate the overbearing impact.
8. Whilst some of the proposed dwellings have shallow rear gardens, there is adequate overall space around them, as garden area at the side would contribute. Therefore, I consider that the living conditions of the future occupants of the proposed dwellings would be acceptable.
9. Whilst I consider that the proposed dwellings would provide adequate living conditions for their future occupiers, I conclude that the proposal would unacceptably harm the living conditions of the occupiers of surrounding properties. Consequently, the proposal would conflict with Policies 9 and 20 of the Oldham Local Development Framework¹ (OLDF) which seek to protect residential amenity and to encourage good design. It would also conflict with Paragraph 127 (f) of the National Planning Policy Framework which indicates that planning decisions should create places with a high standard of amenity for existing users.

Other Matters

10. Neighbours have also expressed concern in respect of highway safety. The Council's Highway Engineer had no objection to the scheme. It is common for drivers of large vehicles to either reverse into short drives or to stop at the end and walk to the house. The proposed short drive would serve only 4 houses and therefore the frequency of lorries visiting the drive would be limited. Furthermore, it would be possible for the residents of the dwellings to bring their bins to the main road for collection should the Council's refuse service require this. I consider that the proposal would not harm highway safety.
11. I understand that the Council will fall short of a full five year housing land supply in 2018/19 but the harm I have identified significantly and demonstrably outweighs the benefit of the small contribution to housing supply that would result from the development. In any event, the principle of housing on this site has already been established. It is merely the details that I find unacceptable.
12. The Council has referred to OLDF Policy 4 but this relates to the local economy and is not directly relevant to the proposal. I have taken into account all other

¹ Development Plan Document – Joint Core Strategy and Development Management Policies

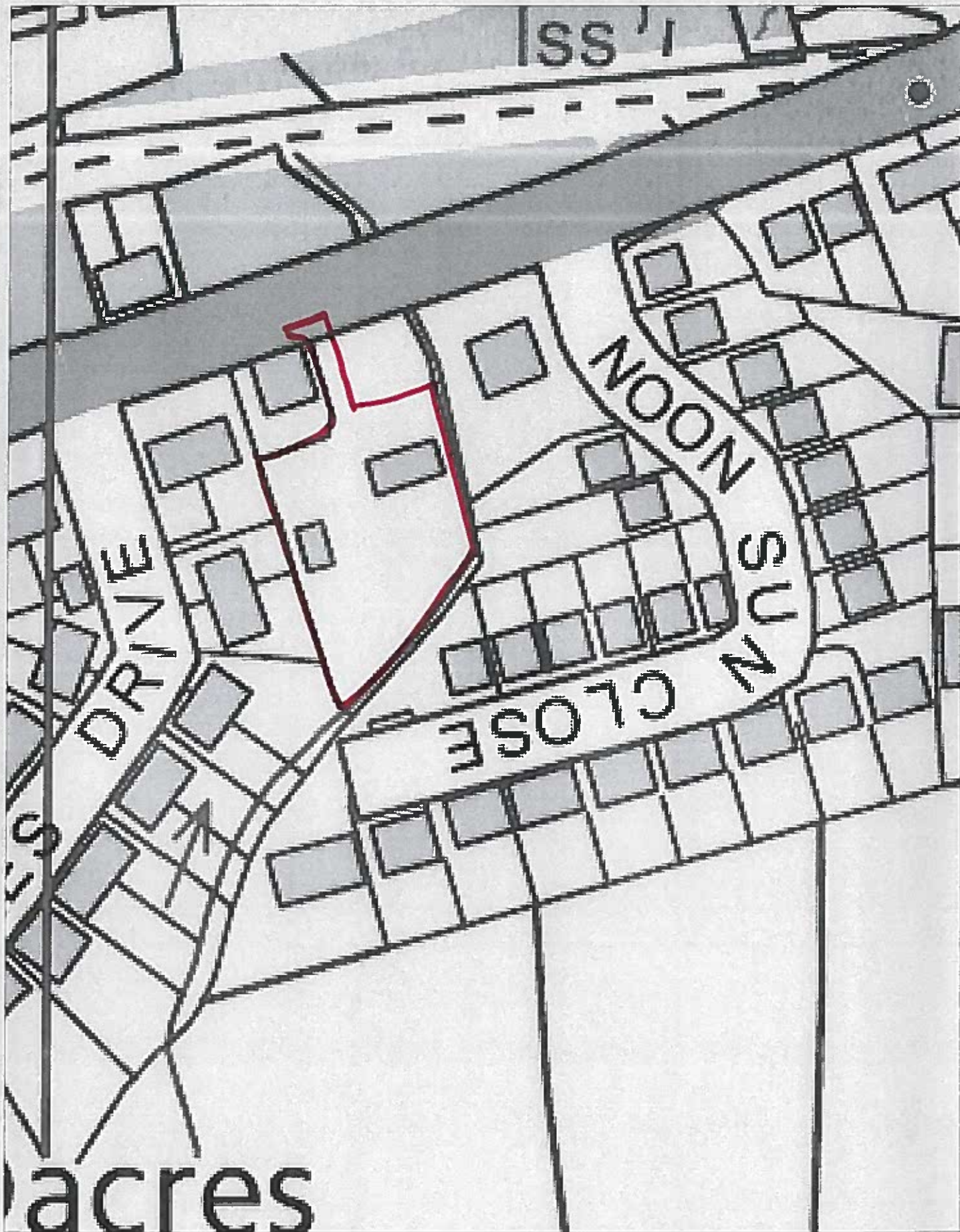
matters, including representations from interested parties, but none outweigh the conclusions I have reached.

Conclusion

13. The proposal would not constitute sustainable development and I dismiss the appeal.

Siobhan Watson

INSPECTOR




OLDHAM 
Metropolitan Borough 

Planning Services
Oldham MBC
PO Box 30
Civic Centre
West Street
Oldham
OL1 1UQ

Contact Us -
Phone: 0161 911 4105
Fax: 0161 911 3104
Email: planning@oldham.gov.uk
Web: www.oldham.gov.uk



Date: 06/11/18

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