

Appeal Decision

Site visit made on 17 October 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 31st October 2016

Appeal Ref: APP/W4223/W/16/3151606

10 Sycamore Cottages, Treetops Close, Dobcross, Oldham OL3 5BT

- 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 Brian Bowden against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/338235/16, dated 15 February 2016, was refused by notice dated 10 May 2016.
 - The development proposed is change of use of a detached log cabin to a holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on highway safety; and
 - The effect of the proposal on the living conditions of the occupiers of 10 Sycamore Cottages and future occupiers of the proposal.

Reasons

Highway Safety

3. The host property, no 10 Sycamore Cottages (no 10) is situated at the end of a small row of terraces accessed off Tree Tops Close. A detached log cabin currently used as ancillary accommodation for the main house sits within an area of amenity space to the side of no 10. Occupiers of the terraces park in a small shared area to the south of no 4 Sycamore Cottages as there is no dedicated off-street parking. There is a Public Right of Way (PRoW) (Bridleway no 119) which runs past the front of the dwelling and continues north of the site.
 4. The appellant refers to a 'parking area' which is shown to be on a small amenity area/terrace opposite no 10 and the log cabin. However, the only way to access this parking area is via the narrow path which lies along the frontage of the row of terraces. There is no evidence before me which demonstrates that there is sufficient room within this area to turn or manoeuvre a vehicle. Consequently, vehicle/s parking here would have to reverse along the long stretch of path with the potential for vehicular and pedestrian conflict. The
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close proximity of the proposal to the PRow would increase the potential for such conflict.

5. Whilst there is a parking area just off Treetops Close it is not clear from the evidence before me which spaces are intended for use by the occupiers of no 10 and which are intended for the occupiers of the holiday let. Furthermore, this area was heavily parked at the time of my visit (1230) and pressure for parking space is likely to increase in the evening and overnight. The increase in demand for parking could result in vehicles parked indiscriminately and difficult manoeuvring of vehicles to the detriment of the safety of other highway users.
6. Attention is drawn to a nearby site 'The Woolpack' for which planning permission was granted for conversion to holiday lets which the appellant considers has unsafe parking provision. However, I note that there is dedicated parking for the occupiers of the holiday let and that so long as residents of the Woolpack and visitors use those spaces there is room for a vehicle to turn within the curtilage of the site so that they can join the highway in a forward direction. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
7. For the reasons stated above I, therefore, conclude that the proposal would result in harm to highway safety and would be contrary to criterion a vii of Policy 9 of the Oldham Local Development Framework Development Plan Document (DPD)-Joint Core Strategy and Development Management Policies 2011 which states that the Council will protect and improve local environmental quality and amenity by ensuring development, amongst other things, minimises traffic levels and does not harm the safety of road users.

Living Conditions

8. The log cabin is situated opposite the gable end of no 10 adjacent to a patio area. There is no boundary treatment which separates the patio/amenity space of the host property and the PRow which runs past the site and continues north. The log cabin was granted permission subject to a condition which limits the use of the building to ancillary living accommodation associated with no 10.
9. The front elevation of the proposed holiday let, including the door/window serving the living room and window serving the kitchen would directly overlook the gable end of no 10 which includes a window and door at ground floor level. Furthermore, the holiday let would directly overlook the patio area of no 10 where occupiers of the host property would be likely to sit out. Consequently, the proposal would result in mutual overlooking and a loss of privacy to the occupiers of no 10 and the occupiers of the holiday let. Furthermore, there would be significant potential for overlooking arising from the PRow which directly passes the kitchen and bedroom windows of the log cabin.
10. There may be a degree of overlooking arising from the position of the PRow to the front of the existing row of terraced properties; however, this is a historical situation which does not justify the harm which I have identified. Furthermore, due to the linear nature of the terraced properties there is no mutual overlooking arising between the properties.

11. Attention is drawn to 'The Woolpack' for which planning permission was granted to convert part of a garage to two holiday lets which the appellant contends has a similar relationship to the host property. However, I have not been provided with the full details of the case and furthermore, there does not appear to be a PRow running alongside the holiday let. The case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
12. For the reasons stated above I, therefore, conclude that the proposal would result in harm to the living conditions of the occupiers of no 10 and future occupiers of the proposed holiday let. The proposal is, therefore, contrary to criterion iii of Policy 9 of the DPD which states that the Council will protect and improve local environmental quality and amenity by ensuring development does not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances.

Conclusion

13. The proposal would have some economic benefits in terms of providing additional tourism accommodation and associated benefits for the local economy. I also note the proposed disabled access provision. However, I consider that these benefits would be outweighed by the significant harm which I have identified.
14. For the reasons stated above and taking all other considerations into account I conclude that the appeal should be dismissed.

Caroline Mulloy

INSPECTOR