

Appeal Decision

Site visit made on 23 November 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 06 December 2016

Appeal Ref: APP/W4223/D/16/3160518

The Stables, Manchester Road, Greenfield, Oldham, Lancashire OL3 7HS

- 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 P Whiteley against the decision of Oldham Council.
 - The application Ref HH/338414/16, dated 5 April 2016, was refused by notice dated 27 July 2016.
 - The development proposed is a two storey extension to dwelling and replacement of asbestos garage with new garage/playroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The existing dwelling is a modest single storey, stable conversion. The single garage sits relatively unobtrusively to the rear. Both are clearly visible from the adjacent public footpath. The buildings are within an open woodland setting and the trees are protected. A stream runs through the site and has been culvetted to the side of the dwelling. The land falls steeply towards the main road.
 4. I have reservations with regard to the adequacy of the details submitted. Permission to remove existing trees has been granted and the trees removed. The supporting documents suggest that replacement planting would be required but I have no detail of this. The permission for the conversion also included landscape requirements which I have not been provided with. The rear of the proposed extension would be in the vicinity of the area which was previously occupied by the removed trees. This area was very wet with standing and running surface water during my visit. No information is provided of any measures required in association with the stream or the impact of any such works on the adjacent trees.
 5. The Arboricultural Impact Assessment dated 2013 does not consider the development proposed. A second assessment, dated September 2016, has been submitted which does provide the alignment of tree protection fencing.
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However, this appears to have been submitted after the Council's decision was made. The Council have therefore had no opportunity to comment on it and as such, I can afford limited weight to its recommendations.

6. I have significant shortcomings with regard to the details on which the Arboricultural Impact Assessment 2016 is based. It states that it is unknown if the ground within the tree protection areas is to be re-graded. It suggests that a mini digger, working on scaffolding planks, would be used to level the ground and undertake ground works. Given the slopes within the site and close to the nearest protected tree, I am unclear how practical this approach would be.
7. Although the assessment suggests that pile foundations could be used, I am unclear if this applies equally to the terrace which is shown around the new works. This does not appear to be shown on the tree survey plan and given the significant changes in levels, I anticipate that considerable works would be required to construct this terrace. Much of it would be outside or up to the edge of the tree protection fencing. I am not satisfied by the information submitted that the proposal would adequately protect the adjacent trees or that the overall structure, including the terraces, would not be substantially greater in scale, to take account of the falling land levels. The lack of any detailed levels on the plans is an unacceptable shortcoming of the submission.
8. The proposal would result in substantial additions to the existing building. In some respects, the size and design of the existing dwelling appears as an anomaly in this substantial area of land. The additions have been carefully considered with regard to the proposed appearance of the property and although they would subsume the original structure, I do not consider this to be a concern in this particular context. However, I have considerable concerns that the proposal would require significant works below the level of development shown on the plans.
9. As I am not certain that the building works would extend only to those shown on the plans and as it is entirely unclear that the nearest trees would be adequately protected, I am unable to conclude that the proposal would have a satisfactory appearance and would not overly dominate the woodland and result in harm to it. A development of this scale would need to be very sensitively designed to be appropriately integrated into this woodland setting. The details of this proposal are not sufficient and do not suggest that the development would complement the character or appearance of the area.
10. The proposed garage/playroom would have in the region of double the floor space of the original and its wide span and pitched roof would result in a substantial increase in the overall scale of the building. Although of high quality materials, it would have little architectural interest and unlike the existing building, it would represent a dominant new feature within the woodland when viewed from the footpath. Information has not been provided with regard to the impact of this building on the nearest protected tree. Whilst it may be possible to provide foundations without harming the tree, I find the level of information to be unacceptable given the importance of the tree to the overall character of this woodland area.
11. The proposed garage is not a positive feature of the proposal. It adds to my concerns that development would be overly dominant and would detract from

the character and appearance of this area. The clear views of both elements from the public footpath increase my concerns.

12. Given the shortcomings I have identified, I find the proposal to be contrary to Policies 9 (iv) and 20 (a) of the Oldham Joint Core Strategy and Development Management Policies 2011 (CS) as these require that development does not have a significant adverse impact on the visual amenity of the surrounding area; responds positively to its environment and site; and contributes to a distinctive sense of place.
13. Unitary Development Plan 2006 Policy D1.5 states that for sites containing trees the Council will only permit a proposal where the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees; and avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas. I find conflict with both elements of this policy.
14. The site is designated as being within Other Protected Open Land. CS Policy 22 states that development will be permitted where it is appropriate, small-scale or is ancillary development located close to existing buildings and does not affect openness, local distinctiveness or visual amenity. The appellant is of the view that CS Policy 22 is not consistent with the *National Planning Policy Framework*. I find that the proposal conflicts with the landscape objectives of the policy which generally accord with those of the *Framework*.
15. Even if I were to accept the appellant's view with regard to CS Policy 22, the proposal would remain in conflict with Policies 9 (iv) and 20 (a); and UDP Policy D1.5 which do accord with the requirements of the *Framework*. I afford them considerable weight.
16. I acknowledge that the Council officers accepted in their 2013 delegated report that the site is in a sustainable location in relation to shops, services, transport links and other dwellings. I also note the support from the Conservation Areas Advisory Committee of Saddleworth Parish Council and the lack of any other objections. The appellant has advised of the size of his family. Whilst these matters provide weight in favour of development, they are not sufficient to outweigh my overall concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR