

Appeal Decision

Site visit made on 1 February 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/W4223/D/16/3167115

3 The Street, Buckstones Road, Shaw, Oldham OL2 8LR

- 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 Milojevic against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339083/16, dated 1 September 2016, was refused by notice dated 19 October 2016.
 - The development proposed is single storey extension to north facing elevation of dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is disagreement between the main parties as to whether the extension would be to the front of the property or the side as there are two entrances to the dwelling. Whilst this is not a determining factor within my decision I consider the appeal on the basis of the description of development as set out on the decision notice as this provides certainty on this matter.
3. The appellant is dissatisfied with the Authority's handling of the planning application, but this matter would need to be pursued with the Council in the first instance. I confirm in this respect that I have had regard only to the planning merits of this proposal.
4. The Appellants state that they would be willing to compromise on the overall size of the extension and window design. However no changes are before me and I can confirm that I consider the appeal based on the evidence submitted.

Main Issue

5. As the proposal is within the Green Belt, the main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the proposal would result in acceptable living conditions for future occupiers in relation to garden space.
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Reasons

Whether inappropriate development

6. Paragraph 89 of the National Planning Policy Framework (the Framework) indicates that except for a small number of exceptions, the construction of new buildings within the Green Belt should be regarded as inappropriate. Exceptions to this include where an extension or alteration to a building does not result in disproportionate additions over and above the size of the original building.
7. Policy 22 of the Joint Core Strategy and Development Management Policies Development Plan Document (2011) (DPD) identifies that the main purpose of the Green Belt is to keep land permanently open and indicates that development will only be permitted in the Green Belt where it does not conflict with national policy.
8. Whilst the existing house has a lean-to porch this appears to be original and as such the dwelling has not previously been extended. The proposed development would result in an approximate 22.1% increase in the volume of the original dwelling. The Council considers that this would not result in a disproportionate addition over and above the size of the original dwelling and based on the evidence provided I have no reason to disagree.
9. Consequently I conclude that the development would not be inappropriate development within the Green Belt. It also follows that it would not be harmful to the openness of the Green Belt. The proposal would therefore comply with the Framework and DPD Policy 22 in this regard.

Character and appearance

10. The appeal property is a two storey dwelling located on the corner of an L shaped terrace of three houses. The properties are located in a semi-rural location accessed via a forecourt to the west of Buckstones Road. The dwellings are finished in stone with slate roofs. No 1 attached to the east is higher in height than the appeal property. No 4 lies to the south. The appeal property's northern elevation is generally in alignment with the front elevation of No 1. Small lean-to porches are present at both these properties along these northern elevations. In addition there are garden areas to the front which provide open spacious areas. I saw on my site visit that these north facing elevations are prominent in views from the access off the main road and within The Street.
11. Policy 9 (a) of the DPD seeks to protect and improve local environmental quality and amenity, including ensuring that developments do not have a significant adverse impact on the visual amenity of the surrounding area. DPD Policy 20 seeks development of high quality design that reflects the character and distinctiveness of the area. In considering this appeal I am also mindful that the National Planning Policy Framework (the Framework) places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment.
12. The proposed development would extend almost the full width of the northern elevation of the property and project outwards for approximately 3.6m, removing the porch and garden area on this side. This projection would appear

as a large, uncharacteristic and obtrusive addition to the main dwelling's visually prominent elevation and would be significantly forward of the neighbouring property's main elevation. In addition the proposed long, rectangular window design on the extension and patio doors would appear substantially at odds with the design and scale of the existing openings. Overall, these factors would be detrimental to the character and appearance of both the property and its locality. Furthermore the visual impact would be exacerbated by the erosion of spaciousness along this northern façade due to the loss of the open garden area.

13. Consequently, for the reasons set out above, I conclude that the appeal proposal, by virtue of its overall size, scale, projection, design and siting would result in material harm to the character and appearance of the property and surrounding area. This would be contrary to DPD policies 9 (a) and 20 and the Framework.

Living conditions

14. From the evidence submitted by the appellants it appears that the garden space to the north and pathway to the west adjacent to the appeal property are communal areas, though on the ground they appear as integral parts of the appeal dwelling due to the presence of boundary walls. The appellants in their grounds of appeal also refer to an area of private space on the slope further to the west. However this is not shown on the plans submitted nor was this clear from what I saw on my site visit.
15. I recognise that the appellants are content with the loss of garden space to the north. However in considering this appeal it is reasonable for me to also consider future occupants of No 3, not just the present occupiers. As I have insufficient information before me on this matter, I consider it is reasonable for me to take a precautionary approach. Accordingly, based on the available evidence I am not satisfied that adequate private garden space would remain for use by future occupiers of the dwelling.
16. I am mindful in this regard that the Framework seeks, amongst other things, to secure a good standard of amenity for all existing and future occupants of buildings. I consequently conclude that, the appeal proposal would result in unacceptable living conditions for future occupiers of the dwelling in relation to garden space. This would be contrary to the Framework and DPD Policy 9 (a) which seeks amongst other things, that development does not cause harm to the amenity of existing and future occupiers.

Other matters

17. I note that the appellants wish to provide additional living space within the dwelling, but this benefit does not outweigh the harm I have identified. Also whilst I have considered the appellants' comments that there is no alternative location for any extension to the property other than to the north this would not justify harmful development.

Conclusion

18. Whilst the development would not be inappropriate development within the Green Belt, I have found there would be material harm to character and appearance and living conditions. Therefore for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y Wright

INSPECTOR