
Appeal Decision

Site visit made on 7 February 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/W4223/D/16/3161690
15 Manor Road, Oldham OL4 1RQ

- 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 Naziem Akhtar against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339046/16, dated 23 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is proposed driveway & associated external works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the time of my site visit the building works had been completed. For the avoidance of doubt I confirm that my determination of the appeal is based on the drawings submitted and not on the works as constructed.

Main Issues

3. The main issues in this case are the effect of the development on the character and appearance of the street scene, including its effect on trees; and the effect of the development on the safety of pedestrians, cyclists and drivers using Manor Road.

Reasons

Character and appearance

4. The appeal site is located on an established, attractive, quiet, tree lined stretch of Manor Road located between the B6194 and Roundthorn Road. There is a mix of house types on the street including a traditional stone built house, Arts and Crafts semi-detached properties, substantial red brick Edwardian terraces and more modern detached houses and bungalows, including the appeal site which sits on the northern side of the road. On the whole the properties are set back off the road, and for the most part, the front gardens on the same side of the road are characterised by trees, shrubs and established planting. When viewed with the woodland behind the housing, the street trees and the greenery within the gardens give a pleasant aspect to the residential road.
 5. Manor Road slopes down in an easterly direction. In addition, the housing to the north is at a higher level than that on the opposite side of the road. Therefore, in providing off street parking at street level substantial engineering
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works have been undertaken. The resultant development which is characterised by hard landscaping, retaining walls and balustrading appears stark and alien within the street scene. This is compounded by the introduction of high fencing between the appeal site and no 11 Manor Road which, due to its height to the pavement, is highly visible.

6. At my site visit I was able to observe that the engineering works which have taken place are in very close proximity to the sycamore trees in the front garden of no 11 and no 17 Manor Road. Indeed, I was able to see a considerable amount of rubble piled against the trunk of the sycamore at no 11. Moreover, the sycamore within the garden of no 17 is protected by Tree Preservation Order 553/11.
7. In the absence of any evidence that the development has considered the health of the trees and that there would be no long term adverse impact on their continued contribution to the quality of the street scape I conclude that the development is contrary to Saved Policy D1.5 of the Oldham Metropolitan Borough Unitary Development Plan adopted 2006, (UDP) which requires developments to be designed, as far as possible to retain and maintain the health of potentially affected trees.
8. Consequently, I conclude that the impact of the development on the character and appearance of the street scene is so adverse as to be contrary to Policies 9 and 20 of the Joint Core Strategy and Development Management Policies Development Plan Document November 2011 (CS) which require development to be of a high quality and to protect and improve the local character and reinforce local distinctiveness. Both policies are consistent with Paragraph 64 of the Framework that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Highway safety

9. At the time of my site visit which took place in the early afternoon there were few cars parked along the southern side of Manor Road, and the road appeared quiet with little traffic driving through. From what I observed on site vehicles back directly onto the road from the parking area. However, due to the retaining wall and fencing visibility is severely compromised until the vehicle is across the pavement and on the road. Similarly, this difficulty is shared by the occupants of the neighbouring property. Clearly, any reversing onto a road is less than ideal, nonetheless, the changes in levels and subsequent boundary treatment has compounded the matter of highway safety so that the parking arrangements result in an increased risk to the safety of pedestrians, cyclists and other road users within Manor Road. As such, the development is contrary to Policy 9 of the CS which requires development not to harm the safety of road users.

Conclusion

10. I am aware that the appellant wishes to provide off street parking in an area in which on street parking is at a premium, and that the development provides the ability to store bins off the pavement. Nonetheless, for the reasons outlined above I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR