
Appeal Decision

Site visit made on 21 February 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 28th March 2017

Appeal Ref: APP/W4223/W/16/3163728

Land at Wall Hill Road, Dobcross, OL3 5BH

- 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 Prestigious Homes North West Ltd against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/338855/16, dated 13 July 2016, was refused by notice dated 18 November 2016.
 - The development proposed is described as "resubmission of PA/338555/16 in respect of detailed planning application for erection of 2 no. detached dwellings".
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 detached dwellings at Land at Wall Hill Road, Dobcross, OL3 5BH in accordance with the terms of the application, Ref PA/338855/16, dated 13 July 2016, and the plans submitted with it, 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: SP 100; SP 106D; 100A; 101A; 102A; 200.
 - 3) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place above slab level until a scheme for the widening of the footway to 1.8 metres, as shown on drawing No SP 106D, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented.
 - 5) Prior to the first occupation of the development, the car parking areas shown on the approved drawings shall be constructed and surfaced. The car parking areas so provided shall thereafter be kept available at all times for the parking and manoeuvring of vehicles.
-

Procedural Matter

2. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text simply states that the proposal is a resubmission of a previous scheme, and as such it does not describe acts of development.

Application for costs

3. An application for costs was made by Prestigious Homes North West Ltd against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are, firstly, whether future occupiers of the development would be unduly reliant on private transport and, secondly, whether the development would prejudice highway safety.

Reasons

Reliance on private transport

5. The appeal site is located in a ribbon of development fronting Wall Hill Road. It is a short distance from the village of Dobcross, and is in walking distance of a number of bus services.
6. Policy 3 of the Oldham Joint Core Strategy and Development Management Policies (2011) states that, as a guide, new residential developments should be located within approximately 480 metres or a ten minute walk time of at least two 'key services'. These are defined as areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses.
7. It is agreed that the appeal site would not be located within 480 metres of two 'key services'. However, Policy 3 also allows for an approximate walk time of ten minutes to be used as an alternative measure. In this case, the appeal site is in reasonable proximity to Holy Trinity Primary School, Dobcross Post Office and Village shop, and the Church of Holy Trinity. Holy Trinity Primary School is closest to the appeal site and is walkable in less than 10 minutes. In addition, both Dobcross Post Office and Village shop and the Church of Holy Trinity are walkable in approximately 10 minutes. The footway connecting the site to these facilities is also of a good standard along most of its length.
8. I further note that the appeal site is in walking distance of a number of bus services that connect the area to nearby settlements, including Oldham and Manchester.
9. For the above reasons, I conclude that future occupiers of the development would not be unduly reliant on private transport. The development would therefore accord with Policy 3 of the Oldham Joint Core Strategy and Development Management Policies (2011). It would also be consistent with the National Planning Policy Framework, which seeks to actively manage patterns of growth to make the fullest use of public transport, walking and cycling.

Highway safety

10. The proposed dwellings would each have 2 parking spaces and an integral garage and would take access directly from Wall Hill Road. There would be no turning facility within the site and reversing manoeuvres would be required to either access or egress the site.
11. Whilst vehicles would be unable to both enter and leave the site in forward gear, Wall Hill Road is sufficiently wide at this point to accommodate reversing out onto the road. Evidence submitted by the appellant also indicates that no accidents have been recorded on Wall Hill Road within the last 5 years. In addition, the visibility from the proposed access points is acceptable, and the speed limit in this location is only 30 miles per hour. I further note that the average recorded speeds along Wall Hill Road are not significantly above the speed limit, and the amount of traffic associated with the development would be low. Furthermore, the access arrangements that are proposed are not dissimilar to those of other properties along the road. In view of these points, I do not consider this to be a dangerous location for vehicles to reverse out onto the road. Whilst traffic will undoubtedly be busier at peak times, that would not lead to an unacceptable situation in this case.
12. Each property would also be served by an adequate number of parking spaces, and the development would be unlikely to lead to a significant increase in on-street parking.
13. I conclude that the development would not prejudice highway safety. It would therefore accord with Policy 9 of the Oldham Joint Core Strategy and Development Management Policies (2011). This policy seeks to ensure, amongst other things, that development does not harm the safety of road users.

Other Matters

14. The distance between the rear windows of the proposed dwellings and the front windows of the properties to the rear is sufficient to ensure no significant overlooking or loss of privacy. The existing trees along the southern boundary of the site and the orientation of the proposed dwellings would provide further mitigation in this regard. There would be no significant harm to the living conditions of neighbouring residents, and allowing the appeal would be a proportionate response in this case.
15. Whilst the proposed dwellings would have a different design to some of the surrounding properties, the overall design quality would be good and they would not appear out of place in my view. The plots sizes and overall density would also be appropriate for this location.
16. The proposed dwellings would be some distance from the protected trees along the southern boundary of the site, which are located on elevated ground. Accordingly, the root structures of these trees would be unlikely to be affected.
17. There is no evidence before me that the development would be harmful to wildlife. The site is previously developed, and I note that the Council have not objected to the development on ecological grounds.

Conditions

18. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. A condition requiring the submission and approval of external materials is also necessary in order to preserve the character and appearance of the area.
19. A condition requiring the submission and approval of a highway improvement scheme is necessary in the interests of highway and pedestrian safety. A further condition requiring the parking areas to be constructed prior to first occupation is necessary to ensure that these spaces are available for future occupiers of the development.
20. The Council also suggested conditions that would have required the submission and approval of both hard and soft landscape works. However, this is neither necessary nor proportionate for a small scheme of this nature. There is also no evidence before me that a condition relating to land contamination is necessary. In this regard I note that the previous use was for domestic garages, rather than for a commercial use.
21. The Council suggested a further condition that would have removed a number of permitted development rights from the new property. However, no case has been presented that exceptional circumstances exist that would justify the removal of permitted development rights in this case. Accordingly, I do not consider that such a condition is necessary in order to make the development acceptable in planning terms.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR