
Appeal Decision

Site visit made on 28 March 2017

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/W4223/D/17/3170074
5 Sheraton Road, Oldham, OL8 1AZ

- 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 H Hussain against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339035/16, dated 9 August 2016, was refused by notice dated 5 January 2017.
 - The development proposed is a single storey rear kitchen extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear kitchen extension at 5 Sheraton Road, Oldham, OL8 1AZ in accordance with the terms of the application, Ref HH/339035/16, dated 9 August 2016, 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 plan: 'Floor plans & elevations' HH5114 Rev A (9.8.16).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development proposed on the living conditions of the occupants of Nos. 3 and 7 Sheraton Road, with particular regard to outlook, and also No. 5 Sheraton Road, with particular regard to levels of outdoor amenity space provision.

Reasons

3. No. 5 is a terraced dwelling situated in a row of similar properties. The dwellings have small enclosed yards to the rear and many properties have been extended over time. There is a rear extension at No. 5 which is brick built with a glazed porch at the rear. The existing extension is approximately 3.7m in length and 3.4m in height, with the glazed element being slightly lower in height.
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4. An application to replace the existing extension with one approximately 6.5m in length was previously refused by the Council for similar reasons to those stated in the case of the appeal scheme before me.
5. This appeal proposal would see the replacement of the existing rear extension with a brick built scheme that would be approximately 5.3m in length, 3m in width and approximately 3.9m high (maximum ridge height).
6. Since the original application to which this appeal relates was determined, the appellant has submitted a prior approval notification for a rear extension to the Council. The Council has confirmed that prior approval is not required for this scheme and that no representations from neighbours were received. As a consequence, the appellant would be able to construct a rear extension at the appeal site that would be 6m in length and with a maximum height of approximately 3.7m (2.94m height to eaves) under permitted development rights.
7. I attach significant weight to this 'fall-back' position in light of the evidence submitted with this appeal, including the relevant plans and the fact that a formal application has been made to and determined by the Council. This is because there is a realistic prospect that the 'fall-back' position could be constructed should this appeal not succeed.
8. It is therefore relevant to consider the differences between the 'fall-back' position and the appeal proposal before me. The submitted plans show that the two schemes would be similar in most respects apart from the fact that this appeal scheme would be approximately 70cm less in length and approximately 20cm greater in height. The difference between the two schemes is therefore relatively small scale.
9. I acknowledge that the development proposed would result in a large part of the rear yard of No. 5 being filled with built development and that this would result in little space about the rear of the property for amenity activities such as children playing out or hanging up washing. I also appreciate that there are habitable room windows in the rear elevations of neighbouring dwellings, particularly No.7, that face towards the appeal site that would be in close proximity to the side elevation of the proposal.
10. However, taking account of the 'fall-back' position, I consider that an extension that would be slightly shorter in length than what could be constructed under permitted development rights would be preferable. This is because slightly more space about the rear of the dwelling would be retained which should allow for some limited activities such as hanging out washing. I also observed that there is a large area of open space directly opposite the front of the appeal dwelling where amenity activities, such as children playing out could take place. There would also be a marginal improvement in terms of the effect on the living conditions of neighbouring occupants as the proposed rear extension would not extend along the length of the shared boundaries to the same extent which would lessen any harm regarding outlook. The rear most window in the facing side elevation of the extension at No. 7 is also fitted with obscure glazing in any event.
11. Accordingly, I conclude that the development proposed would not be harmful to the living conditions of the occupants of Nos. 3 and 7 Sheraton Road, with

particular regard to outlook, and No. 5 Sheraton Road, with particular regard to levels of outdoor amenity space provision.

12. The proposal would therefore not conflict with Policy 9 and Policy 20 of the Oldham Local Development Framework-Joint Core strategy and Development Management Policies (Adopted November 2011) which seek to ensure that development does not cause significant harm to the amenity of occupants; and that development meets relevant design principles. The proposal would also generally be consistent with paragraph 17 of the National Planning Policy Framework which states, among other things, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

13. I note the comments from the neighbouring property regarding a boundary dispute. However, this is a private matter between the parties. It is not a planning consideration relevant to my determination of this appeal. The Council have also confirmed that the submitted plans are to scale.

Conclusion

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

V Lucas-Gosnold

INSPECTOR