



Appeal Decision

Site visit made on 27 March 2017

by Peter D Biggers BSc Hons MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/W4223/D/17/3168797

16 Refuge Street, Shaw OL2 8RH

- 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 Mrs S Raham against the decision of Oldham Council.
 - The application Ref HH/339276/16, dated 14 October 2016, was refused by notice dated 9 January 2017.
 - The development proposed is replacement and re-siting of existing single storey rear extension and new dormer roof.
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Decision

1. The appeal is allowed and planning permission is granted for replacement and re-siting of existing single storey rear extension and new dormer roof at 16 Refuge Street, Shaw OL2 8RH in accordance with the terms of the application, Ref HH/339276/16, dated 14 October 2016, and the plans and documents submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 2406/A3/1; 2406/A3/2; 2406/A3/10; 2406/A3/11; 2406/A3/12; 2406/A3/13; 2406/A3/14.
 - 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 whether the proposed development would have a detrimental effect on the living conditions of present and future occupants of Nos 14 and 18 Refuge Street in respect of the proximity of the extension and of the host dwelling as a result of the loss of private amenity space.

Reasons

3. Refuge Street and the surrounding streets comprise an area of tight-knit, 2 storey, terraced housing in brick and slate. The houses face directly onto Refuge Street and back onto a gated rear lane which is treated as an extension to the very small rear yards to the houses. At the time of my visit the lane was being used to dry washing at a number of properties. No 16 has an existing single storey, flat roof rear extension aligned along the boundary with No 14 extending the full depth of
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the plot. The existing extension is not in a good condition. It is proposed to replace this with a pitched roof extension aligned on the boundary to No 18. This proposal is a resubmission of an earlier proposal for a two storey rear extension.

4. The *National Planning Policy Framework* (the Framework) seeks a high standard of design in all development which is not limited simply to the appearance of the development. The Core Principles at paragraph 17 require development to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 9 of the *Oldham Council Joint Core Strategy and Development Management Policies DPD* (JCS DMP) in seeking to ensure development does not cause significant harm to the amenity of occupants and neighbouring occupants is consistent with the Framework.

Living Conditions for Neighbouring Occupants

5. The proposed extension retains broadly the same eaves height as the existing extension and although it would have a pitched roof raising the height over the existing extension, the roof is pitched away from the adjoining neighbours.
6. With regard to the relationship to the neighbouring property at No 14 the existing extension already runs the full depth of the rear yard as is proposed with the new extension but the new extension would be set off the common boundary by about one metre. Notwithstanding the replacement of the flat roof with a pitched roof, the proposed stand-off from the boundary would be a slight improvement over the effect of the current extension in respect of light levels and proximity.
7. In respect of the relationship to No 18, conversely, the new extension would be closer than the existing. However No 18 stands on the south side of the appeal property and the impact of the extension being set closer to the common boundary would have no effect on levels of sunlight. The positioning of the new extension would just breach a 45° line applied to the ground floor rear window of No 18 but not to any significant extent. The rear facing ground floor window to No 18 is on the southern side of the property and would be furthest away from the extension meaning there would be about a 3 metre stand-off between the extension and the window. A high boundary fence between number 16 and 18 already exists providing an enclosing effect to the rear yards. The effect of the proposed side wall to the extension would not be substantially different in its effect.
8. Given the extension already in place and for the above reasons I am not persuaded that the impact of the extension would significantly harm the living conditions in No 18 which is the test in JCS DMP policy 9. As such it would not be contrary to either the policy or the Framework.

Living conditions in the host dwelling

9. It has been put to me that the extension would further reduce the area of private amenity space for the house at the same time as increasing the floor area of the dwelling. The existing extension leaves an extremely small back yard area which provides minimal space for normal outdoor facilities. Whilst I accept that the new extension would reduce this further to a narrow strip approximately 1 metre by 4.3 metres it would still provide space for storing bins and drying washing. This area of Shaw is a very dense living environment where houses typically have very limited outdoor space and I am not persuaded that the usability of the space would be materially different from that which currently exists for the occupiers of No 16. I also note that there is an area of informal open space off Millpond Close nearby

which would allow the occupiers to easily access open space should they wish to do so.

10. I acknowledge that the positioning of the extension would remove the window and main natural light source from the habitable room at the rear of the main house. However, from the plans, the intention would be to create an open plan living space with the inner room 'borrowing' light from the front window and kitchen windows.
11. In any event the benefit the extension would bring in improving the internal living conditions in the property would outweigh the marginal reduction in external amenity space and natural light within the dining kitchen.
12. Consequently I am satisfied the proposed development would not significantly harm the living conditions of the occupiers of the appeal property and accordingly there would be no conflict with JCSDMP policy 9.

Other Matters

13. The proposed dormer roof extension would not be sensitive in either scale or design to the host dwelling and the terrace on this side of Refuge Street. However inasmuch as the proposal falls within what would be acceptable under Schedule 2 Part 1 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 dismissal of the appeal on these grounds alone would not be justified.

Conditions and Conclusions

14. I have considered the conditions suggested by the Council against the advice in the *Planning Practice Guidance* (the Guidance) and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans is necessary as this provides certainty that the development would be carried out in the form proposed. A condition requiring matching materials to be used on the external surfaces of the building should also be imposed to protect the character and appearance of the dwelling and of the surroundings to the development.
15. For the reasons given above I conclude that the appeal should be allowed and permission granted for the replacement and re-siting of the existing single storey rear extension and a new dormer roof subject to the conditions listed.

P. D. Biggers

INSPECTOR