
Appeal Decision

Site visit made on 4 April 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 3RD May 2017

Appeal Ref: APP/W4223/W/17/3167793

7 Ashdown Way, Shaw, Oldham OL2 7LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Peter Hoyle against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339170/16, dated 23 September 2016, was approved on 16 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is resubmission of application number HH/338793/16 extension to existing front dormer creating additional bedroom and bathroom.
 - The condition in dispute is No 3 which states that: *"Notwithstanding any details shown on the approved plan and the requirements of condition 2 of this permission, the external surfaces of the dormer (including both its 'face' and 'cheeks') hereby approved shall be hung in tiles of a similar appearance to those used on the roof of the existing dwelling in terms of size, colour and texture."*
 - The reason given for the condition is: *"To ensure that the dormer is constructed in appropriate materials which are compatible with the character of the host dwelling, surrounding buildings and the street scene in accordance with the requirements of Policies 9 and 20 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document, and the National Planning Policy Framework."*
-

Decision

1. The appeal is allowed and the planning permission Ref HH/339170/16 for the extension to existing front dormer creating additional bedroom and bathroom at 7 Ashdown Way, Shaw, Oldham OL2 7LZ granted on 16 December 2016 by Oldham Metropolitan Borough Council, is varied, by deleting condition No 3 and substituting for it with the following condition:
 - 1) The external surfaces of the development hereby permitted shall match those used in the construction of the existing building in terms of size, colour and texture.

Background and Main Issue

2. Planning permission for an extension to the front dormer was granted in 2016. The submitted plans showed the face of the dormer to be constructed in vertical tiles and the cheeks of the dormer constructed in bricks to match the existing house. However, a condition was attached requiring both the face and cheeks of the dormer to be constructed in vertical tiling. The Council's statement indicates that the condition is necessary in order to ensure consistency between dormers on the street and to avoid the dormer appearing as a two storey addition built up off the gable walls.
-

3. The main issue is therefore whether the condition is reasonable or necessary in the interests of the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a detached brick built bungalow which has already been extended into the roof space with a front and rear dormer. The surrounding area comprises both detached and semi-detached properties of a similar character, many of which have dormer extensions.
5. Whilst I accept that the majority of the dormer extensions in Ashdown Way have been constructed with vertical tiling on both the face and cheeks of the dormer, there is variety in the external surfaces of dormers in the locality, including vertical tiling, panelling and those with brick cheeks. Given the difference in design, size and materials used on dormers in the vicinity of the appeal property, I do not consider that the use of brickwork on the cheeks of the proposed dormer would be out of keeping with or have a harmful effect on the character and appearance of the host property or the surrounding area. Furthermore, the proposal would not appear as a two storey build up due to the set in of the dormer walls from the edge of the roof and the interruption of brickwork by the fascia board.
6. I therefore conclude that the condition is not reasonable or necessary. The development without the condition would not adversely affect the character and appearance of the host property or the street scene. As such there would be compliance with Policy 9 and 20 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework. These seek, amongst other things, high quality design that does not have a significant adverse impact on the visual amenity of the area.
7. I have had regard to the appellants suggested replacement condition. I do not consider it necessary to repeat the approved plan as that is already listed in condition 2 of the planning permission. In order to ensure a satisfactory appearance I have imposed a condition requiring the materials to match the existing.
8. For the reasons given above I conclude that the planning permission should be varied as set out in the formal decision.

Caroline Jones

INSPECTOR