
Appeal Decision

Site visit made on 2 May 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/W4223/W/17/3169897

Land adjoining No 34 Delph Road, Denshaw, Oldham, Lancs OL3 5RY

- 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 Miss Katie Alice Ingram against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/339422/16, dated 20 November 2016, was refused by notice dated 24 January 2017.
 - The development proposed is detached house. (Revised house type.)
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. There are two extant proposals for the development of the site: PA/339092/16, and PA/337590/15 which was allowed on appeal. Consequently, the principle of development on the site has been established. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Denshaw Conservation Area (CA).

Reasons

3. The appeal site is a small area of land sandwiched between the River Tame and a public footpath which links the new development of houses on Buckley Drive to Delph Road.
 4. The wider area is predominantly characterised by simple stone built properties set within a wooded environment. I have not been provided with a Conservation Area Appraisal. However, from what I observed on site, the trees which grow on the steep banks of the River Tame provide a characteristic back drop to the village and make a valuable contribution to the wooded character of the CA.
 5. The appeal proposal differs from the proposal for a studio/ office which had been allowed on appeal (APP/W4223/W/16/3148478) as it has a larger footprint, is of an L shaped design, and takes up a greater proportion of the northern part of the appeal site. I note that the recently approved simple modest design which was allowed in PA/339092/16, similarly has a smaller footprint than the proposal before me.
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6. The proposed development would result in the loss of two groups of trees defined as G1 and G2, within the arboricultural report which accompanied the application. I note that this report is four years old and therefore, does not represent an up to date analysis of the state of the trees on the site. I understand that the willows and sycamore which would be removed as part of the development would not be of the highest category of specimen. The report suggests, that at the time, they were considered to be of poor value. Nonetheless, from what I observed on site, and in walking widely within the CA, such groups of trees which in themselves may not be of special value, make a valuable contribution to both the character and appearance of the CA. Indeed, the previous Inspector who considered the appeal on the site made reference to the retention of the existing trees on site. Consequently, their loss, as they make a significant contribution to the wider area, would be contrary to Saved Policy D1.5 of Oldham Metropolitan Borough Unitary Development Plan 2006.
7. The site is of an unusual shape and it is adjacent to a pedestrian route from the new housing along Buckley Drive, and beyond to Delph Road. Consequently, it is especially important that the scale and configuration of the appeal proposal is sensitively designed. The appeal site is wider at its northern end and tapers to a narrow point where the footpath meets the car parking area at Buckley Drive, and is fronted by a stone wall which requires repairing in places. The L shaped proposed dwelling is designed to take full advantage of the shape of the site by extending towards Delph Road, and through the depth of its footprint which reaches back into the site. In addition, it would be located close to the boundary with no 34 Delph Road, and as a result, whilst there are two small areas of lawn at the front and side, the proposed development would appear cramped, and would not sit comfortably with its wider surroundings.
8. As part of my site visit, I observed that the use of stone gabbions as a means of stabilising land was widespread, and am confident that with the passing of time they would appear to be visually absorbed within the landscape and would not therefore appear incongruous. Therefore, I conclude that this element of the proposal on its own would not have an adverse impact on the character or appearance of the CA.
9. Nonetheless, due to the combined effect of the loss of the trees and the cramped nature of the development, the appeal proposal would fail to preserve the character and appearance of the CA as a whole. This would be contrary to Policies 1, 9, 20 and 24 of Oldham Joint Core Strategy and Development Management Policies adopted 2011 which require that development respects the natural, built and historic environment, and that it is sensitive to, and preserves or enhances the character or appearance of the CA. Whilst these policies predate the Framework they accord with the principles set out relating to design and the requirement to preserve or enhance CAs. Therefore, in line with paragraph 215 of the Framework I attach considerable weight to them.
10. I am mindful that the Conservation Areas Advisory Committee of Saddleworth Parish Council did not object to the proposal. However, the CA is a designated heritage asset within the meaning of the Framework. Paragraph 132 advises that great weight should be given to the conservation of designated heritage assets. The harm caused to the significance of the CA would be less than substantial. As such I must balance such harm against the public benefits of the proposal. The construction of a property on a site which already benefits

from two separate approvals is not such a public benefit. I am aware that the appellant considers that the value to be derived from the proposed development would be required to finance the stabilisation of the land. Nonetheless, in the absence of any detailed evidence I accord this benefit limited weight. I conclude therefore that there are not the public benefits required to outweigh the harm to the CA.

Conclusion

11. For the reasons set out above the appeal should be dismissed.

L. Nurser

INSPECTOR