
Appeal Decision

Site visit made on 23 May 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/W4223/D/17/3170811

4 Saint Marys Drive, Greenfield OL3 7DT

- 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 and Mrs Chris Newton against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339315/16, dated 26 October 2016, was refused by notice dated 10 February 2017.
 - The development is described as proposed extensions and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the building and area, and the effect on the living conditions of the occupiers of 2b Saint Marys Drive by way of visual impact, outlook and daylight.

Reasons

Character and Appearance

3. The front elevation of the appeal property contains a bay window, which moderately projects out into the front garden. It is also positioned so that it is separate from the front door entrance, and appears proportionate in size in relation to the main house. The front garden, as with others on the south side of Saint Marys Drive, is modest in depth so the front elevation is relatively prominent when viewed from the street scene.
 4. A similar front elevation arrangement is found on No 6, and there are a number of other front extensions on the south side of Saint Marys Drive which also moderately project into their front gardens. These modest front extensions contribute to the character and appearance of the area. On the north side of Saint Marys Drive, front extensions do project further out, although the majority of these properties are set further back and do not share the same contribution to the streetscene as the appeal site.
 5. The proposed bay window would be significantly greater in scale than the existing. It would project out noticeably further and would be wider such that its side elevation would be positioned alongside the proposed front door
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- entrance. It would be a prominent addition, appearing disproportionate and discordant on the property.
6. The relatively uniform appearance of the appeal property with No 6 would also be markedly reduced. Due to the larger scale of the proposed bay window compared to the predominant scale of others on the south side of Saint Marys Drive, it would also not appear to be in keeping in the streetscene, in particular with its projection into the front garden towards the site frontage.
 7. The proposed two and single storey rear extensions would be screened from the street scene, and the two storey side extension would be set well back from the front elevation, with the single storey side extension appearing as a modest addition in keeping with the scale of the house. I do not consider these elements would result in undue harmful effects in respect of character and appearance, although that does not outweigh the harm I have found.
 8. The bay window would have an unduly harmful effect on the character and appearance of the building and the area that would be contrary to Policies 9 and 20 of the Oldham Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (2011) (Joint Development Plan Document) which requires development not to have a significant adverse impact on the visual amenity of the area, and for development to reflect local character.

Living Conditions

9. The two storey part of the property is set in from the boundary with No 2B, with a small single storey extension on the side wall projecting close to this boundary. The boundary itself is defined by a low close boarded fence, which rises to approximately 1.5 metres (m) in height beyond the single storey side extension. I accept that the original planning application was amended to attempt to address concerns expressed by the Council.
10. However, the side elevation of No 2B faces the appeal site and contains a kitchen window, which is orientated towards the boundary fence at a distance of around 3m. The window is clearly visible from the appeal property and is the only opening which provides the kitchen with an outlook on this side of No 2B. The window is located above the kitchen sink and there is nothing before me to suggest that the kitchen is not an important part of No 2B in terms of habitable space.
11. The proposed rear single storey extension would present its side wall, noticeably higher than the boundary fence, to the kitchen window. This would result in a significant sense of enclosure, with limited space remaining up to the boundary. Beyond the single storey extension, would be the massing of the side wall of the proposed two storey extension. The combined scale and form of the extensions, and their proximity, would have an overbearing and oppressive impact, reducing the outlook from the kitchen window, with a noticeable loss of daylight. This would result in unacceptable harm to the living conditions of occupiers of No 2B.
12. In coming to that view, I have considered that No 2B is an extension to the original property (No 2) and the owner has not objected. However, the lack of an objection is not decisive. No 2B is a designed and occupied for residential purposes, and all future occupiers of that property need to be considered.

13. I am also not persuaded that a fallback position based on 'Permitted Development' limits would result in a comparable effect on living conditions, due to the restrictions on the length of two storey extensions and eaves height within 2m of a boundary. In addition there is nothing before me which provides any degree of certainty that such a scheme would come about or meet the needs of the appellants. A 2m high fence erected on the boundary would also, due to its height compared to the proposal, not provide the same effect on living conditions.
14. I do not consider that the proposed two and single storey side extensions, and the bay window, with their positioning in relation to No 2B, would cause undue harmful effects to the living conditions of the occupiers of No 2B. The two storey rear extension would be sited parallel to an extension of similar size on the rear of No 6, and would not cause undue harmful effects to the living conditions of its occupiers. Although these elements would not result in undue harmful effects in respect of living conditions, that does not outweigh the harm I have found.
15. I am satisfied that although Policy 9 (iii) of the Joint Development Plan Document does not provide measured parameters of acceptability in relation to living conditions, as a policy of the Development Plan, it provides the relevant policy framework for assessing living conditions, for the purposes of this appeal.
16. For these reasons the rear single and two storey extensions combined would have an unduly harmful effect on the living conditions of the occupiers of No 2B by way of visual impact, outlook and lack of daylight. This would be contrary to Policy 9 (iii) of the Joint Development Plan Document which requires development not to have a significant harmful effect on occupiers through impacts on visual appearance, daylight and other nuisances.

Other Matters

17. I have taken into account that the development relates to a need for family accommodation, although such a benefit would be personal to the appellants and I do not consider this outweighs the harm I have identified.

Conclusion

18. I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR