
Appeal Decision

Site visit made on 8 August 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 10th August 2017

Appeal Ref: APP/W4223/D/17/3175976
339 Park Road, Oldham, OL4 1SF

- 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 Maqsood Ahmed against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339828/17, dated 24 February 2017, was refused by notice dated 20 April 2017.
 - The development proposed is a front dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of both the host property and the surrounding area.

Reasons

3. The appeal property is set within a Victorian terrace fronting Park Road. It is one of a number of such terraces in the area, which contribute to its character.
4. The front roof slope of the terrace is relatively uniform, with the exception of a number of rooflights and a single front dormer to No 335. However, that dormer did not benefit from planning permission according to the Council. The appeal dormer would be a prominent uncharacteristic feature that would interrupt the front roof slope. The existing dormer at No 335 provides an indication of the inappropriateness of such extensions, and the proposed dormer would appear incongruous in my view. The use of tiles, rather than plastic cladding, would not overcome my concerns in this regard.
5. Whilst other terraces along Park Road contain a higher number of front dormers, the lawfulness of those extensions is unclear. In any case, those dormers do not relate to the terrace in which the appeal property sits.
6. The appellant states that the current appeal proposal is reduced in size compared to a previous submission. The full details of that scheme are not before me. In any case, I have determined the appeal proposal on its own merits.
7. The appellant states that the development would assist with care arrangements relating to their ill health. I have sympathy with the appellant's situation, and

this is clearly a matter of some importance. However, there is only limited evidence before me regarding the extent of these health conditions, or how the proposed dormer would assist with any care arrangements. It is also unclear whether other, less harmful, solutions have been explored that could accommodate the appellant's requirements. These uncertainties reduce the weight I can attach to the appellant's personal circumstances in this case

8. For the above reasons, I conclude that the development would significantly harm the character and appearance of both the host property and the surrounding area. It would therefore be contrary to Policies 9 and 20 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (2011). These policies seek to ensure, amongst other things, that new development reflects the character and visual amenity of the surrounding area.

Conclusion

9. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. As the appellant states that the proposed dormer is required to assist with care arrangements relating to their ill health, this is a person who shares a protected characteristic for the purposes of the PSED.
10. It does not follow from the PSED that the appeal should succeed. In this case the development would cause harm to the character and appearance of both the host property and the surrounding area. In addition, and based on the evidence before me, I cannot conclude that a dormer is necessary to accommodate the appellant's requirements. Dismissing the appeal would be a proportionate response in this case.
11. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR