
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: 18th August 2017

Appeal Ref: APP/W4223/W/17/3174855

Granby Arms, 28 High Street, Uppermill, OL3 6HR

- 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 R Scholes against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/339676/17, dated 26 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is retrospective application for timber retail kiosk (Class A1) for the sale of ice cream.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is described as retrospective. However, the submitted drawings propose to move the appeal kiosk a metre back from its current position, so that it is recessed from the front elevation of the Granby Arms. Accordingly, I have determined the appeal based on the proposed location, rather than the current location, of the kiosk.

Main Issues

3. The main issues are whether the development would, firstly, prejudice highway safety and, secondly, preserve or enhance the character or appearance of the Uppermill Conservation Area.

Reasons

Highway Safety

4. High Street is a classified road that forms a busy main route through the centre of Uppermill. The footway is narrow in this location, being 1.25 metres in width according to the submitted drawings.
5. The kiosk would be positioned at the rear of a private forecourt that could accommodate a small que of customers. However, the forecourt is also occupied by tables and is used for the storage of wheelie bins, which restrict the amount of queuing that can be accommodated. During busy times, queuing could back up onto the footway, which is narrow in this location. Accordingly, any queuing onto it would create an obstruction that could lead to people stepping out into the road in order to get past. This would be a

significant safety concern as High Street is a busy main road. The sale of ice cream is also likely to appeal to parents and children in particular, and the provision of such a limited queuing area next to a busy main road would be an additional safety concern.

6. Whilst the kiosk may have operated during part of 2016 without incident, that is a relatively short time period against which to assess its impact. Separately, I accept that the position of double yellow lines, and a free car park opposite, would serve to limit any illegal parking associated with the development.
7. For the above reasons, I conclude that the development would prejudice highway safety. It would therefore be contrary to Policy 9 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (2011). This policy seeks to ensure, amongst other things, that new development does not harm the safety of road users.

Conservation area

8. The appeal site is located within the Uppermill Conservation Area, which encompasses the historic core of the settlement. The significance of the conservation area stems from its large number of well-preserved buildings and spaces that reflect the growth of Uppermill as an industrial settlement during the 19th Century.
9. The Granby Arms is an attractive stone fronted property that clearly makes a positive contribution to the wider conservation area. The appeal kiosk is positioned at the entrance to a passageway leading to the rear of the pub. It is currently in a prominent position fronting onto High Street.
10. The appeal kiosk is painted in the same colour as the door and window surrounds to the Granby Arms. This helps to minimise the impact of the kiosk on the appearance of the building. Whilst its timber construction is at odds with the otherwise stone frontage of the building, the proposed re-siting of the kiosk would significantly reduce its prominence. It would not be visible in longer views along the street, and would be recessive in appearance. In my view, it would not result in any harm to the conservation area in this position.
11. For the above reasons, I conclude that the development would preserve the character and appearance of the Uppermill Conservation Area. It would therefore accord with Policies 20 and 24 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (2011). These policies seek to ensure, amongst other things, that development is appropriately designed and does not adversely affect heritage assets. The development would also be consistent with guidance in the Framework relating to designated heritage assets.

Other Matters

12. Whilst the kiosk may provide a source of revenue to the pub, there is no evidence before me regarding its importance to the future viability of the business. Accordingly, I can only attach limited weight to this consideration.
13. Any benefit that would be provided to the tourist economy of the area would also be modest in my view.

Conclusion

14. For the reasons set out above, I conclude that the development would prejudice highway safety. Whilst it would preserve the character and appearance of the Uppermill Conservation Area, and provide employment to a seasonal worker, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR