
Appeal Decision

Site visit made on 22 August 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/W4223/D/17/3175121

Tamehead, 16 Buckley Drive, Denshaw, Oldham OL3 5RT

- 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 S Travis against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339568/17, dated 5 January 2017, was refused by notice dated 6 March 2017.
 - The development proposed is a part single, part first floor rear extension with projecting balcony.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development from the Council's refusal notice, rather than from the appellant's planning application form, as this more accurately describes the appeal proposal.

Main Issue

3. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Denshaw Conservation Area.

Reasons

4. The appeal site comprises a detached dwelling within an established residential area and overlooks a large pond to the rear. Within this part of Buckley Drive the dwellings are detached, are predominantly built with stone walls and slate roofs and are set within very spacious plots. Whilst the dwellings are not identical in terms of their design there is nonetheless a prevailing consistency in the use of materials, simple fenestration details and mainly pitched roofs. Rear extensions are generally simple in form and subordinate in scale. Collectively these attributes add positively to the distinctive character and appearance of the area and this part of the Denshaw Conservation Area (CA).
 5. I have carefully considered the reasons why the appellant wants to remodel the dwelling and to extend the dwelling at the rear. Such proposals include the demolition of the existing rear conservatory and the erection of a first floor rear extension with an asymmetrical pitched roof which would project downwards to a single storey rear addition in a similar position to the existing conservatory.
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6. The proposal would include both a balcony area as well as floor to ceiling windows at both ground floor and first floor levels. This would afford the occupiers of the dwelling improved views over the splendid pond area to the rear. The appellant has commented that the insertion of windows in the gable elevation of No 18 Buckley Drive, and the erection of a rear balcony, has diminished levels of privacy in the rear garden area. The appellant considers that this is another reason for remodelling the property and for wanting to improve views from the dwelling itself.
7. Whilst I acknowledge the reasons why the appellant wants the proposed extension, this has to be weighed against the impact of the proposal upon the character and appearance of the CA. When viewed from the rear gardens of the properties on Buckley Drive, and the public footpath on the other side of the pond, the dwellings in this area have simple pitched main roofs and any rear extensions/additions are subordinate in scale and are positioned below first floor window sill level. The rear first floor windows, and the essentially unbroken main roofs of the dwellings, are clearly visible from the aforementioned areas. There is a simple, pleasing and uniform consistency to the design of the rear of the dwellings in the immediate environment.
8. The proposal would include a rear roof shape and form which would be unsuitable when seen against the rear of the immediately surrounding residential properties. Furthermore, the roof would extend significantly above the eaves of the roof of the main dwelling and so would appear discordant and prominent in the context of this part of the CA. The extent of the proposed floor to ceiling windows, coupled with the provision of a balcony, would equally look out of place in the immediate locality and would have the effect of creating a dominant and out of keeping rear extension on the host property.
9. The appellant has referred me to examples of extensions elsewhere in the CA, but none are similar to the appeal proposal. In any event, I have determined this appeal on its individual planning merits. Overall, and for the reasons outlined above, I conclude that the proposal would cause harm to the host dwelling from a design point of view and that it would have a significantly jarring impact upon the character and appearance of the CA when viewed from the public footpath and from neighbouring rear gardens.
10. In the context of Paragraphs 133 and 134 of the National Planning Policy Framework (the Framework), I conclude that the harm to the significance of the CA is less than substantial; but I do not consider that there are any identified public benefits sufficient to outweigh that harm. I have considered the representations made by the appellant, including the desire to make better use of views from the rear of the dwelling, but such matters raised do not outweigh my conclusion on the main issue. The development would fail to preserve or enhance the character or appearance of the CA and would be contrary to the conservation and design aims of Policies 9, 20 and 24 of the Oldham Local Development Framework - Joint Core Strategy and Development Management Policies 2011 and the Framework.

Conclusion

11. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR