
Appeal Decision

Site visit made on 3 October 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 9 October 2017

Appeal Ref: APP/W4223/D/17/3179524
1A Scholes Street, Chadderton OL9 8LN

- 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 Ghulam Rasool against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339923/17, dated 17 March 2017, was refused by notice dated 11 May 2017.
 - The development proposed is a 2-storey side extension and new higher garden wall and new gates.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) highway safety on Butler Green, with regards to the proposed access arrangement.

Reasons

Character and appearance

3. The appeal property is part of a prominent semi-detached pairing (1a and 1 Scholes Street) on the corner of Scholes Street and Butler Green. The property has a spacious front and side garden. A further semi-detached pairing (3 and 3a Scholes Street) is next to Nos 1a and 1. There is a stagger between Nos 1a and 1 and Nos 3 and 3a. None of the dwellings have been extended to the side. Facing the appeal site is the South Chadderton Methodist Church and its open grassed frontage. To the rear of the site is the Owd Tatts public house.
4. Although the church and the appeal site are on opposing corners of Scholes Street, they collectively form a spacious character around the south-west side of the junction. Hence, the appeal site has an important role in maintaining this characteristic.
5. In 2015 the Council granted planning permission for a two storey side extension¹. This followed amendments to the scheme by the appellant. The development that is subject of this appeal was also amended by the appellant before the Council refused planning permission. This scheme proposes a

¹ Council Application Ref: HH/336510/15

compromise insofar as the proposed extension's width, between the 2015 approval and the appellant's original proposal.

6. However, any side extension would, to some degree, imbalance the semi-detached pairings of Nos 1a, 1, 3 and 3a. Even so, the proposed extension would occupy a substantial proportion of the dwelling's side garden. Added to this, the extension's ridge line and first floor would only be marginally set below and back from that of the host dwelling. They would offer little benefit.
7. Given the width of the extension, its scale, massing and design would result in a disproportionate and dominant form of development that would harm the balance of the semi-detached pairing beyond that of the 2015 approval. The effect of this would be clear when viewed from both directions on Butler Green due to the site's prominent location. This would lead to a significant adverse impact on the visual amenity and character of the area surrounding the junction. While the site's landscaped side boundary would partly obscure the proposed extension, it is not continuous and the proposal would extend above the landscaping, and forward of the building line of the church. This landscaping is also likely to be affected by the proposed works to increase the height of the side boundary. As such, it would not respond to local character, and it represents poor design. It would not therefore accord with paragraphs 58 and 64 of the National Planning Policy Framework (the Framework).
8. Whilst I recognise 2015 approval, this was for an extension that would not extend as far into the spacious side garden. I have, considered the appeal scheme on its own planning merits, including the extra living space that the extension would offer on the ground and first floors. This would no doubt benefit the family's current living environment and well-being.
9. Drawing these matters together, I conclude that the proposed development would have a significant adverse impact on the character and appearance of the area. This harm, in my view, clearly outweighs the modest benefits that the proposal would offer. As a result, the scheme would not accord with Policies 9 and 20 of the Oldham Development Plan Document – Joint Core Strategy and Development Management Policies (DPD) along with Framework paragraphs 58 and 64. Jointly these policies seek, among other things, developments to be of high quality design to reflect local character and distinctiveness, so that they do not have a significant, adverse impact on the visual amenity of the surrounding area.

Highway safety

10. The appeal site has an existing vehicular access from Butler Green to the rear of the dwelling. This is on a bend. Butler Green is a classified road that is well used by vehicular and pedestrian traffic. Double yellow lines extend along both sides of the road. A bus stop is opposite the flank boundary of the appeal site. Brick pillars are either side of the access. Within the site is a large area of hard standing to the side and rear of the dwelling. A detached garage faces the access from Butler Green. A canopy extends between the garage and the footway that lines Butler Green.
11. The proposed gates would be the same height as the existing brick pillars. They would extend across the back of the pedestrian footway along the south-west side of Butler Green. Although the footway is roughly 3 metres deep, any vehicle entering or leaving the appeal site would, when the gates are closed,

extend over the footway and into the road. Vehicles would therefore cause a temporary obstruction in the road, while the gates are opened or closed. As a result, other road users would need to manoeuvre around the stationary vehicle. This would involve the use of the both sides of the road and manoeuvres would potentially be into oncoming traffic on a bend. As Butler Green is a well-used classified road used as a bus route, this would increase the risk of accidents, which has the potential to cause a severe effect on the safety of road users.

12. Vehicles would also completely block the use of the footway on this side of the road. Consequently, pedestrians passing in either direction may decide to walk into the road and around the stationary vehicle. This further exacerbates the risk of accidents occurring between multiple road users, travelling at and manoeuvring at different speeds and potentially in opposing directions. The proposal would not, due to this significant harm, offer a safe and suitable access for all persons in accordance with Framework paragraph 32.
13. On this issue, I conclude that the proposed development would result in significant harm to highway safety on Butler Green, with regards to the proposed access arrangement. This would be contrary to DPD Policy 9 and Framework paragraph 32; which together seek a safe and suitable access for all persons so that development does not harm the safety of road users.

Other matters

14. I note no representations have been received, and the appellant has made attempts to find a solution that satisfies both their needs and the Council's. However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its merits in accordance with the development plan, unless material considerations have indicated otherwise.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR