
Appeal Decision

Site visit made on 6 November 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 29th November 2017

Appeal Ref: APP/W4223/W/17/3180421

20 Chadderton Fold, Chadderton, Oldham OL1 2RR

- 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 Philip Brownstein against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/338705/16, dated 10 June 2016, was refused by notice dated 14 March 2017.
 - The development proposed is a new detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposal on the living conditions of No 19 Chadderton Fold with particular regard to outlook and light.
 - If the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. The appeal site lies within the Green Belt. Paragraphs 89 and 90 of the Framework set out the forms of development which are not inappropriate within the Green Belt. The Framework establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless it meets one of a limited number of exceptions listed in the paragraph. Policies 1 and 22 of *Joint Core Strategy and Development Management Policies Development Plan*

Document (adopted November 2011) (CS) seek to maintain the Green Belt boundary, and in such areas only allow developments that do not conflict with national policies on Green Belt.

4. The proposed new dwelling would not be for any of the forms of development listed in paragraph 89 of the Framework. I therefore conclude that the proposal would be inappropriate development, which according to paragraph 87 of the Framework is, by definition, harmful to the Green Belt.

Openness

5. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development. The site forms part of the garden area and hardstanding associated with No 20 /20a. Although it contains a couple of small sheds/outbuildings, and retaining walls, it is otherwise open land. The proposed development of a dormer bungalow on what is currently an undeveloped site would lead to a reduction in openness. As such there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Character and Appearance

6. The area surrounding the appeal site contains a mix of both houses and bungalows that vary in age, type and design. Whilst most houses face the road, the distance they are set back varies considerably, and other houses such as No 19 are perpendicular to the road. Due to the topography of the valley, some houses, including Nos 20/20a occupy an elevated position in relation to other houses. As such, the area has quite a random and diverse character and layout that reflects its location on the urban / rural fringe.
7. In this context, I am satisfied that the proposed bungalow, located to the rear of No 19 and at a significantly lower level than the host properties, would not appear incongruous or out of keeping. In fact, given the difference in levels that would exist between the proposal and Nos 20/20a, and the fact that they would have completely different access arrangements, the proposal would relate more to Nos 17 – 19, and so would not appear as uncharacteristic 'tandem' development.
8. The proposed dwelling would be located to the rear of the plot, with the majority of the garden space being at the front of the house. However, I observed that plot sizes in the locality varied significantly, with the majority being quite modest in size. Moreover, the unusual juxtapositioning of houses means that a number of properties are located in close proximity to neighbours and have their main garden space at the front and/or side rather than at the rear. Given this I consider that the proposal would not appear unduly cramped or the site over-developed. Nor would the limited space to the rear of the dwelling, or to the surrounding properties, appear out of character. The landscaping of the site could also be controlled by condition.
9. Consequently, I consider that the proposal would not be detrimental to the character and appearance of the area. As a result it would not conflict with Policies 1, 9, 11, and 20 of the CS which, amongst other things, require developments to have a high quality of design that respects local character and does not adversely affect the visual amenity of the area. Nevertheless, an absence of harm in this regard is a neutral factor.

Living Conditions

10. The rear elevation of No 19, a bungalow, abuts the site, and contains a number of windows. The blank side elevation of the proposed bungalow would be approximately 4m from the rear elevation of No 19. The outlook and light of No 19's windows is already compromised by their close proximity to a retaining wall on the site, and as they face north they receive little direct sunlight. However, the gable elevation of the proposed bungalow would be higher than this existing wall. Being in such close proximity to these windows it would undoubtedly dominate the outlook from, and have an overbearing impact on them, as well as further reducing the light they receive.
11. Therefore, I consider that the appeal scheme would unacceptably harm the living conditions of the occupiers of No 19 Chadderton Fold with particular regard to outlook and light. Accordingly it would conflict with Policy 9 of the CS which, amongst other things, requires that development does not cause significant harm to the amenity of existing or future occupiers.
12. The appellant has suggested that the garage which is the part of the proposal closest to the rear elevation of No 19 could be removed. However, no such proposal is before me. As such, I cannot properly consider the implications of any such change to the scheme.

Other considerations

13. In support of the appeal my attention has been drawn to a number of other developments that have been allowed in the Green Belt in the area. However, the Council have outlined that one of these predates Council records and so is not a recent development, and that each of the others were considered not to be inappropriate development in the Green Belt. As in this case I have concluded that the development would be inappropriate they are not directly comparable to the appeal scheme. Moreover, whilst it has been stated that the Greater Manchester Spatial Framework is proposing a significant amount of new housing within the Green Belt, as this is a draft document which is still subject to changes and alterations, I give this limited weight.
14. I note the personal circumstances of the appellant, and that for medical reasons a bungalow would be advantageous. However, I have not been provided with any substantive evidence to show that the appeal scheme represents the only way suitable accommodation can be found in the area. In any event, personal circumstances seldom outweigh more general planning considerations, and it is likely that the adverse effects of the development would remain long after the current personal circumstances cease to be material.

Conclusion

15. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt and to the living conditions of the occupiers of No 19 Chadderton Fold. The Framework requires that substantial weight is given to any harm to the Green Belt. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist,

and the proposal would conflict with the Framework and Policies 1 and 22 of the CS.

16. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR