

Appeal Decision

Site visit made on 27 September 2017

by Mrs A L Fairclough MA BSc(Hons) LLB(Hons) PGDipLP (Barrister) IHBC MRTPI

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

Decision date: 6 December 2017

Appeal Ref: APP/W4223/D/17/3179117
68 Incline Road, Oldham OL8 4QW

- 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 Imran against the decision of Oldham Metropolitan Borough Council.
 - The application Ref: HH/340056/17 dated 10 April 2017 was refused by notice dated 6 June 2017.
 - The development proposed is described as a 'double side and rear extension, single rear and rear loft conversion'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the host dwelling and the locality.

Reasons

3. No 68 is an end terraced property and is located in an area of similar dwellings. It is located at the junction of Incline Road with School Street and it has front, side and rear gardens. As such it appears highly visible in the streetscene.
 4. The proposed development includes a 2-storey side extension which would project some 3m sideways towards School Street. It would also include a rear single storey extension which would project 3m into the rear garden. The scheme also incorporates a first floor element which would allow for the proposed dormer extension.
 5. Given the scale and massing of the proposed side extension, it would result in a disproportionate and dominant form of development that would appear incongruous and would harm the character of this end terraced property. The effect of this would be clear when viewed from School Road/Byron Street in both directions due to the appeal site's prominent location.
 6. Whilst a boundary fence would obscure part of the rear single storey extension element, the 2-storey element and the roof form of the single storey extension would be highly visible. In addition, the way the mono pitched roof abuts the
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dwelling by following the cill lines of the existing first floor windows appears incongruous would be visible above the fence and as such would also be prominent in the streetscene.

7. Moreover, the proposed side extension would project forward of a well-defined building line on the street with the side elevations of Nos 1 and 2 Farrand Road and the loosely followed building lines of No 77 Incline Road and Nos 2-22 (even) School Road. This would result in a narrowing of the street in this location which would be harmful to the streetscene also. Furthermore, the addition of a large box-like dormer on the existing rear roof slope would also create a discordant and prominent addition, which would be highly visible from School Street. This would lead to a significant, adverse impact on the character and appearance of the host building and the streetscene.
8. I note that the appellant states that permission was given for an extension at the appeal dwelling in 2013. The appellant indicates that this permission was different to that before me. However, that planning permission has lapsed and therefore, this carries no weight in terms of a fallback position.
9. I acknowledge that the appellant wishes to extend his house to accommodate his large family which includes several generations. He also asserts that Oldham has a policy to create large houses for the Asian Community. Although not referred to by the parties, 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 and foster good relations between people who share a protected characteristic and people who do not share it.
10. The appellant and his family are people who currently share a protected characteristic for the purposes of the PSED. In my view, these protected characteristics would not be sufficient to outweigh the overall harm to the character and appearance of the host dwelling and the locality. Thus, I have been mindful of this duty and my decision fairly reflects the group of people involved.
11. The appellant has raised concerns regarding how the planning application was handled particularly after the appellant believed he had reached an agreement with the Council officers regarding the appeal scheme. However, the way the Council has dealt with the originating planning application is not before me. I am required to deal with each appeal on its own merits in the light of current policy. I have done so in this case.

Conclusion

12. Therefore I conclude that the proposed extensions would have a significant, adverse impact on the character and appearance of the host dwelling and the locality. Whilst it would improve the living space within the appeal dwelling this would not outweigh the harm to the dwelling or the locality. Thus the proposed development would conflict with Policies 9 and 20 of the *Oldham Local Development Framework – Development Plan Document-Joint Core Strategy and Development Management Policies* (2011) as well as paragraphs 58 and 64 of the *National Planning Policy Framework*. These policies require, among other things, that new development should be of high quality in terms of design to reflect local character and distinctiveness, so they do not have a

significant, adverse impact on the visual amenity of the surrounding area.
For the reasons given above, the appeal is dismissed.

Mrs AL Fairclough

Inspector