
Appeal Decision

Site visit made on 18 December 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 3rd January 2018

Appeal Ref: APP/W4223/D/17/3181675

16 - 18 Bridson Street, Oldham, Lancashire OL4 1NW

- 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 Shamroz against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/340287/17, dated 24 May 2017, was refused by notice dated 20 July 2017.
 - The development proposed is the construction of dormer at rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the appeal form indicates that the reason for the appeal is that the local planning authority refused prior approval of permitted development rights, it is clear from the other documentation that the appellant did not apply for prior approval but for planning permission. As such, the reason for the appeal must be that the local planning authority refused planning permission for the development. I have therefore determined the appeal on this basis.
3. The appellant has indicated that he considers the dormer could be constructed under permitted development rights. However, whether this is the case or not is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to the Council to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
4. The decision notice lists 5 plans that were taken into account by the Council when determining the application but only 4 plans were submitted by the Council as part of the appeal. Having clarified matters with the Council, they have confirmed that the reference to Dwg SM-PP-04 23-5-2017 was an error, and that this plan did not form part of the application. I have therefore determined the appeal on the basis of the 4 submitted plans. The Council has raised concerns regarding the accuracies of these plans and I have addressed these concerns as part of the main issue.

Main Issue

5. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site consists of two mid-terraced properties that have been altered internally to form a single dwelling. The houses within the row all have a two storey outrigger which together with the outrigger on the adjacent property forms a shared rear gable feature. No 16 shares its outrigger with No 14 Bridson Street whilst No 18 shares it with the end terraced property which is addressed as No 14 Warcock Road. There is a rear alleyway between the terrace and a similar terrace that faces onto Fleet Street, but locked gates at either end prevent public access to this.
7. The proposed dormer would be sited on the roof plane of No 18. Although set down slightly from the ridge, it would occupy the majority of the roof slope making it an overly dominant feature on the roof. However, given that there are already similar dormers on properties in the terrace, and other large dormers on properties in the wider area, it would not appear out of character. In this regard my conclusions are the same as the Inspector on the previous similar appeal on the property¹.
8. Notwithstanding this, although not mentioned in the description of the development given by the appellant, the proposed rear elevation shown on Plan Dwg SM-PP-03 23-05-2017 appears to show a number of alterations to the existing roof of both No 16 and 18. In particular the eaves of both the main roof and that of the outrigger are shown to be lower, the height of the outrigger is increased to be the same as the main roof, and the pitch of the roof on the outriggers is greater. I observed that the addition of dormers to other properties had not required such changes to be made to their respective roofs. As a result, such an alteration to the roof would be an uncharacteristic and incongruous feature, and would spoil the regular rhythm of the terrace. These changes would be visible in views of the rear of the terrace possible from Warcock Road, as well as from houses in the vicinity. Consequently they would be detrimental to both the character and appearance of the host property and the surrounding area.
9. Given the lack of any reference to such changes to the roof in any of the rest of the appellant's submission, it is unclear whether they are actually proposed or whether they are inaccuracies within the submitted plans. The latter is considered to be a realistic possibility as there are other inaccuracies and inconsistencies on the submitted plans. These include: inconsistencies in the width of the outriggers as shown on the existing, and proposed, rear elevations on Dwgs SM-PP-02 and 03; and inaccuracies in the height of the outriggers shown on Dwg SM-PP-02 which are shown as being the same height as the ridge, whereas I observed them to be set down from this.
10. This level of uncertainty with the plans is not a matter that can be resolved by condition. In the absence of an accurate set of plans, and certainty over exactly what is proposed, a view cannot be reached that the scheme would not adversely affect the character and appearance of the area. In these circumstances, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR

¹ Appeal Reference APP/W4223/W/16/3161191