The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/W4223/W/19/3226960
Land at High Street/Hill End Road, Delph, Oldham OL3 5HW

- 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 Rod Lawson against the decision of Oldham Metropolitan Borough Council.
- The application Ref HH/340889/17, dated 23 January 2018 by the Council, was refused by undated notice.
- The development proposed is demolition of existing toilets and construction of detached garage.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application site address is different on the application and appeal forms to that on the Council's decision notice. I have used the former, as the only building on the site is a toilet block which would not normally have an address. As different postcodes are also given, I have used that most recently provided.

Main Issues

3. The main issues are the effect of the proposal on (a) the character or appearance of the Delph Conservation Area, with particular regard to trees, and (b) highway safety.

Reasons

Character and appearance

4. The appeal site is a modest area of landscaped open space, with public access, containing a small number of mature trees with full crown coverage of the site. The site slopes diagonally, following the inclines up both High Street and Hill End Road. At the northern corner is a path and steps; to the east there is a small and discreetly sited public toilet building. Beyond, and outwith the site, is an existing domestic garage at higher level. The site is prominent, being located at a key road junction. The appeal proposal would result in erection of a garage building over the footprint of the toilet building, provision of vehicular access on the steeply sloping Hill End Road, and tree removal.

5. This maturely landscaped open space makes a welcome and significant contribution to the Delph Conservation Area, with the Council's Character

Appraisal highlighting the relatively few trees in the core of the village and the contrast of soft landscaping with the dense village core. A primary objective of the Character Appraisal includes retention of trees which are important to the character of Delph. Whilst submissions refer to a tree survey and arboricultural report, I have not been provided with these. Nonetheless, it is clear from the submitted drawings and my observations on site, that the proposed access surfacing would result in the direct loss of the large tree along Hill End Road. Additionally, encroachment of the proposed garage further into the root system of another large tree, centrally located, would put that tree at risk. In the absence of justification for loss, or methodology for protecting roots, given the small size of the site and the limited number of existing trees, the loss of even one or two trees would significantly diminish the character of the open space and the wider locality. In these circumstances, replacement trees would not provide acceptable mitigation.

6. The appellant suggests public benefits in terms of public safety, upgrading the unsympathetic building in line with Character Appraisal objectives, and highway safety. However, my observations on site were that the trees looked healthy, and I have not been provided with any evidence to demonstrate otherwise. Upgrading should not be at any cost and, given my below findings on highway safety, none of the purported public benefits would outweigh the harm found to the character and appearance of the conservation area.

7. I conclude that the proposal would fail to preserve the character or appearance of the Delph Conservation Area and, in the words of the National Planning Policy Framework (NPPF), would cause 'less than substantial' harm to its significance as a designated asset. In the absence of any public benefits to outweigh this harm the proposal would conflict with Policies 9 and 24 of the Oldham Local Development Framework, saved Policy D1.5 of the Oldham Metropolitan Borough Unitary Development Plan, and the NPPF. Together these require development to be appropriate within its context, and within its natural and historic environments, amongst other matters.

Highway safety

8. The drawings showing the proposed development are not adequately detailed. Proposed levels are not shown, neither are groundworks which would be necessary to accommodate the development on or within sloping ground, particularly given the level base shown on the submitted elevations. Notwithstanding this, my observations on site indicated that, given the lack of turning area and the non-perpendicular layout of the access, reversing onto or from this steep and relatively narrow road, in close proximity to a junction, would be a dangerous manoeuvre. Whilst the traffic on this road may be light, the number of proposed movements may be limited, and any drivers may be exercising due care, the harm I have found is potentially exacerbated by the uncertainty over groundwork levels, and whether sufficient visibility will be available to the east of the access.

9. Reference is made to previous similar planning permissions in the locality, however I have not been provided with details of these and, in any case, I must determine the appeal on its merits. Notwithstanding the intention to use the driveway for access only, it is clear only one vehicle could park on the driveway; the drawings indicate a second would overhang the footway, with resultant risk to pedestrians. The benefits and convenience of off-road parking

would not outweigh the harm I have found, even considering loss of off-street parking elsewhere.

10. Accordingly, I conclude that the proposed development would result in significant adverse impact on highway safety. As such, the proposal would be contrary to Policy 9 of the Oldham Local Development Framework and the NPPF which, in respect of this issue, together require that development does not harm the safety of road users.

Other matters

11. Any covenants restricting use of the land are private matters that are outwith my jurisdiction, as is delegation of determination by the Council. I have considered all other matters raised including support from third parties; status of the land as brownfield, previously developed land; reduction in car-related crime; benefits to tourism; provision of electric car charging units; and provision for cycles. However, none of these matters are determinative such that they would outweigh the harm I have found above.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR