



Appeal Decision

Site visit made on 24 February 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/W4223/D/19/3242274

99 Abbey Hills Road, Oldham, OL4 1RD

- 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 Naveed Hussain against the decision of Oldham Metropolitan Borough Council
 - The application Ref HH/343880/19, dated 7 September 2019, was refused by notice dated 4 November 2019.
 - The development proposed is described as 'retrospective application for erection of a single storey rear extension'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The development has already been partially constructed. I have dealt with the appeal on the basis that planning permission is sought for the development that has already been partially carried out.

Main Issue

4. The main issue is the effect of the proposal upon the living conditions of the occupants of No. 97 Abbey Hills Road with particular reference to light and outlook.

Reasons for the Recommendation

5. The appeal site comprises a two storey end of terrace dwelling with a yard to the rear where the development has been constructed along the side boundary with the neighbouring dwelling at No. 97. No. 97 benefits from a single storey rear extension and the back yards of both properties are stepped in nature such that they are at a higher level beyond the rear elevations of the extensions.
6. The development has been constructed in place of a store formerly present at this location. While the development is smaller in height than the store, it stretches further along the side boundary and results in built form bounding the majority of the lower level of yard at No. 97. The scale and proximity of the development

therefore result in an overbearing feature when viewed from the lower level rear yard of No. 97. Furthermore, when combined with the side elevation of the rear extension at No. 97, the development serves to enclose this section of the yard such that it is flanked by single storey height walls on either side. This further exacerbates the overly dominant nature of the development from the yard.

7. A window is present on the rear elevation of No. 97, adjacent to the boundary with the appeal site. The appellant has not contested the position of the Council that this window serves a habitable room and from observations on site I have no reason to disagree with the Council. It is acknowledged that due to the former store the outlook from this window was already somewhat diminished. However, due to its larger scale the development has served to further erode the outlook from this location. When looking in a north easterly direction the development restricts the outlook previously experienced and appears as a dominant feature. Furthermore, when combined with the rear extension at No. 97, it results in the overall outlook from this window being unacceptably reduced to a narrow corridor with built form on either side, creating an enclosed feeling.
8. For similar reasons it is considered that the proposal would result in an unacceptable loss of light at No. 97. The window along the rear elevation of No. 97 is a sizeable light source to a habitable room. As a result of the proposal it is immediately bounded by built form on either side, measuring the full length of the window and stretching out along the property boundaries, serving to diminish the level of light experienced from this room.
9. For the reasons given above, I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of No. 97 Abbey Hills Road with regard to light and outlook. Accordingly, it would fail to comply with Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (adopted November 2011) which seeks to protect the amenity of existing and future neighbouring occupants.

Other matters

10. The appellant has stated that the proposal is only visible from limited viewpoints and has been designed in a sensitive and appropriate manner that allows for an increase in floorspace but does not detract from the streetscene or surrounding character. These aspects of the proposal are acknowledged and represent examples of a lack of harm, which is a neutral matter that does not weigh in favour of the proposal.
11. Reference has been made to other examples of similar development in the surrounding area. However, this appeal is decided on its own site-specific circumstances and reference to other development nearby does not outweigh the harm identified above.
12. The appellant has stated that they constructed the development with the belief that it was permitted development. Notwithstanding that, a planning application was submitted for the development and the Council considered the scheme on that basis, as have I. Furthermore, whilst I note the appellant states that the neighbour may have initially indicated support for the proposal, the fact remains that a written objection was submitted and I have had regard to that.

Conclusion and Recommendation

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

V Lucas

INSPECTOR