
Appeal Decision

Site visit made on 5 June 2020

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal Ref: APP/W4223/D/20/3245015

Kinders Lodge, Kinders Lane, Greenfield, Oldham OL3 7BJ

- 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 Alex Flanagan against the decision of Oldham Council.
 - The application Ref HH/343873/19, dated 1 September 2019, was refused by notice dated 30 October 2019.
 - The development proposed is replacement conservatory.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site forms part of a grade II listed building, identified on the list description as Kinders Lodge. Section 1 (5) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) advises that the listing includes any object or structure fixed to the building. I am not aware that an application for listed building consent for the works has been made. I have nevertheless considered this application for planning permission on its own merits.

Main Issues

3. Section 66 (1) of the Act requires the decision maker to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural interest it possesses.
4. The main issue in this case is, therefore, whether the proposal would preserve the special interest of the listed building.

Reasons

5. Dating from the early 19th century, the listed building's special interest lies principally in its age and architectural detailing. The listed building is three storeys high with two symmetrical wings on either side which are thought to have been added at a later date. The building, which is now in use as several separate residential properties including the appeal property, is constructed in stone, with an Ashlar frontage. A characteristic feature of the building is the regular fenestration pattern which includes 5-light windows on the three-storey section and 3-light windows on the side wings. All windows are recessed with stone mullions.
6. The building is set at an angle to the road behind an area of open space which is landscaped, and which provides vehicular access and parking space. The

frontage of the building is prominent from the road. That part of the building to which the appeal relates has been extended at the side by way of a two-storey side extension, garage and conservatory. It is proposed to replace that conservatory with another of a different form and design, constructed in upvc.

7. The existing conservatory, which is a prominent feature, appears to have been in place for a number of years. The proposed replacement structure would be larger in terms of its footprint and would see the introduction of bi-fold doors across the frontage, and subsequent increase in the amount of glazing. The extensive use of slate blue coloured upvc, a non-traditional material, which tends to be bulkier, smoother and flatter than timber, would have modern and less refined appearance at odds with the fenestration of the original part of the building. Consequently, the proposed conservatory would be more intrusive than the existing structure and would be an imposing and dominant feature that would detract from the front elevation of the listed building. As such, the proposal would not preserve the special interest of the listed building.
8. For the reasons set out the proposal would not meet the statutory requirement of the Act and would be contrary to DM Policy 24 of the Joint Core Strategy and Development Management Development Plan Document which also requires that development preserves or enhances the special interest and setting of Listed Buildings.
9. The approach in the National Planning Policy Framework is that where a development would cause less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against any public benefits.
10. No public benefits have been identified in support of this case. Consequently, public benefits do not outweigh the harm I have identified, harm which in accordance with the advice in the Framework, and weighty statutory requirement of the Act, carries great weight.
11. Although there is little evidence before me, I have taken into account the appellant's argument that the proposed structure would be more practical than the existing. Be that as it may, such private benefit would not outweigh the harm I have identified.
12. For the reasons outlined above, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR