



Appeal Decision

Site visit made on 26 May 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/W4223/D/20/3244143

16 Whitstable Close, Chadderton, OL9 9LX

- 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 Mujahid Ali against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/343596/19 dated 1 July 2019, was refused by notice dated 21 October 2019.
 - The development proposed is a rear two storey 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. From the location plan provided it appears that the elevations of the dwelling have been incorrectly described on both the existing layout and proposed layout plans. The elevation described in these plans as the west elevation appears to be the north east elevation of the dwelling, and the elevation described as the east elevation appears to be the south west elevation.

Main Issue

4. The main issues are
 - (i) the effect of the development on the character and appearance of the building and the surrounding area; and
 - (ii) whether the proposal would provide satisfactory living accommodation for current and future occupants with particular regard to light.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises an end of terrace two storey dwelling located in the cul-de-sac of Whitstable Close. The surrounding area is characterised by its residential nature comprising properties arranged at right angles to one another in close

proximity. A level of consistency exists between the dwellings in terms of scale and design.

6. The proposal relates to the erection of a two storey extension to the rear of the appeal property, with three rooflights. Two additional first floor windows are also proposed along the front elevation of the house.
7. The proposal would be constructed from external materials to match the existing brickwork at the dwelling. It would represent a considerable increase to the property, resulting in a level of built form with dimensions that would not respect the scale or massing of the building. It is acknowledged that the first floor of the proposal would not include windows in order to address the Council's reasons for refusing a previous iteration of the scheme. It is further acknowledged that the Council did not object to the massing of the previous iteration of the scheme, and that the appellant has not changed the dimensions of the proposal. Nonetheless, the proposal would result in a wide expanse of solid brick running along the majority of the rear elevation of the building at first floor level. This would appear as an awkward addition to the dwelling, at odds with its residential nature and failing to reflect the character of the property.
8. Due to the scale of the proposal and the prominent position of the property at the turning circle of the cul-de-sac, the windowless first floor level of the extension would be visible from within Whitstable Close. Here it would be experienced alongside both the front and rear elevations of the surrounding residential properties present. Although the elevations of these properties are not identical, they retain a certain level of consistency in terms of their massing and positioning relative to the other dwellings.
9. The addition of the proposal would introduce a sizeable feature and fail to respect the settlement pattern present. Furthermore, while the level of glazing on surrounding elevations differs between properties, the proposal would represent the largest expanse of solid brick wall at this level visible from the turning circle, with the windows on the ground floor level of the proposal screened by the fencing present. In this respect it would be an incongruous feature that fails to reflect the predominant character of the immediate area or the appearance of the surrounding dwellings in this location. While the appellant has referenced a gable wall with a large area of brickwork, this is not present in such a prominent position as the appeal site, and represents a smaller area of solid brick than the proposal.
10. For these reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it would fail to comply with Policies 9 and 20 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies.

Amenity

11. The proposal would accommodate three bedrooms in the first floor of the rear extension, each of which would be served by one roof light. This roof light would be the only source of daylight for these rooms. Limited information has been provided by the parties with regard to the roof lights, and no daylight study has been submitted.

12. The appellant has referred to a previous appeal decision¹ as evidence that bedrooms with rooflights as the only source of daylight could give rise to adequate living conditions. While consistency in decision making is an important consideration, I do not have all of the evidence submitted as part of that appeal before me and each case must be decided on its own merits.
13. Nonetheless, in accordance with the submitted plans each window at the property would be not less than one tenth of the floor area of habitable rooms, and the appellant has suggested that a condition could be attached to any planning permission granted such that the type of rooflight would be approved by the Council. Furthermore, due to the position of the rooflights and the reduced potential for the daylight levels to be obscured as a result of this elevated nature, the proposed rooflights would represent an adequate source of daylight for these rooms. Accordingly, the proposal would provide satisfactory living accommodation for current and future occupants with particular regard to light. As such, it would comply with Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies.

Other matters

14. The personal circumstances of the appellant are also acknowledged, whereby the proposal would bring about much needed additional living accommodation for the appellant's growing family. However, personal circumstances will seldom outweigh more general planning considerations and the matters raised in this instance do not attract sufficient weight in planning terms to override the harm that would arise.

Conclusion and Recommendation

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

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, the appeal is dismissed.

Richard Clegg

INSPECTOR

¹ APP/G5180/W/17/3177788