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## Appeal Decision

Site visit made on 8 September 2020

**by M Cryan BA(Hons) DipTP MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 October 2020**

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**Appeal Ref: APP/W4223/W/20/3248465**  
**95 Failsworth Road, Failsworth M35 9NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Tom Gilbert against Oldham Metropolitan Borough Council.
  - The application Ref HH/344267/19, is dated 6 December 2019.
  - The development proposed is described as 'a new single storey front roof, single storey side and rear extensions following the demolition of adjoining/party wall to neighbouring half of garage along with the conversion of loft space'.
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### Decision

1. The appeal is dismissed and planning permission for a new single storey front roof, single storey side and rear extensions following the demolition of adjoining/party wall to neighbouring half of garage along with the conversion of loft space is refused.

### Procedural Matters

2. The description of development used in the banner heading and formal decision above is taken from the appeal form. I have used that wording for clarity in preference to the description on the original application form, which was longer and included technical information which was not descriptive of the development.
3. The Council had not determined the planning application prior to the appeal. However, it indicated that the application would have been refused due to the effect of the development on the character and appearance of the surrounding area.
4. Since the application was submitted, the Council has granted planning permission for an amended scheme ('the alternative permission')<sup>1</sup>, and therefore the greater part of the appeal proposal in fact already has planning permission. The only substantial elements which form part of the appeal proposal which are not also part of the alternative permission are that part of the extended kitchen/dining/living room at the south east corner of the rear of the building, and that part of the pitched roof overhanging the proposed garage/store at south west corner of the front of the building. I have considered the differences between the two schemes in assessing the alternative scheme as a fallback position later in my decision.

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<sup>1</sup> LPA Ref: HH/344267/19

5. At the time of my site visit, it was apparent that a considerable amount of building work to implement the alternative permission had already been carried out, and as a consequence, the 'existing' drawings provided in respect of the appeal before me no longer show the appeal property accurately.

### **Main Issue**

6. The main issue is the effect of the proposed development on the character and appearance of the area.

### **Reasons**

7. The appeal relates to a modern detached house and its garden, sitting alongside a similar pair of semi-detached houses. The prevailing form of development in the immediate surroundings is modern detached houses of various sizes and styles. Originally a two-storey dwelling, at the time of my site visit the appeal property was being altered under the alternative permission, and the loft had been converted to living accommodation by the addition of rooflights and tall windows at the apexes of the gable ends.
8. The appeal site lies within the Woodhouses Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196). The wider Conservation Area is characterised by linear terraces of small dwellings in both modern and traditional designs set back from the road with short front gardens, although the focus of the Conservation Area is Ashton Road and Medlock Road a short way to the south of the appeal site.
9. The proposed scheme as a whole would include a single storey wrap-around front, side and rear extension running across almost the full width of the plot, to create an expanded and remodelled kitchen/dining/living room where the previous garage stood. There would also be an infill at the south west corner to create a remodelled porch and a new small garage/store room. Most of the roof of the ground floor extension would be flat, and it would overhang the rear garden at an angle. The north side extension and the front and side porch/garage would have pitched roofs. The proposal also includes the aforementioned loft conversion, to create an additional bedroom with ensuite bathroom.
10. The development would result in a substantial increase in the property's built footprint and mass. At the rear, the ground floor extensions would be of such a size that the original house would be overwhelmed and, when seen from neighbouring properties it would appear lost in a sea of flat roof. From the front, the various heights and projections of the pitched roofs would give the property an ungainly and discordant appearance. The appellant describes the scheme as an attempt to 'slightly modernise' the house by adding some modern touches. I disagree with that assessment. The proposed extensions and alterations would dominate the original building, and would result in the dwelling appearing over-large for its modestly sized plot.

11. The loft conversion, which has in any event already been implemented under the alternative permission, is in keeping both with the scale, design and appearance of the host property and the wider area, and I consider that this part of the development would be acceptable. However, a lack of harm in this regard does not outweigh the other harm I have identified in considering the entirety of the proposal.
12. The alternative permission represents a fallback position for the appellant, and as the loft conversion element has already been built and preparatory work carried out for other parts of the scheme, there is clearly a very real prospect of it being built in full. However, the alternative permission is smaller at both front and rear than the scheme now before me, with a smaller area of flat roof at the rear, and a less prominent projecting pitched roof at the front south west corner. As a result, the development allowed by the alternative permission would be less substantial and less discordant, and so less harmful, than the proposal now before me. I therefore ascribe limited weight to this fallback position.
13. The appellant has referred to the presence of a house across the road from the appeal site which was approved and built three or more years ago and which he considers is not in keeping with the area. However, as further identifying details have not been provided and there are several large modern houses nearby, I cannot be entirely sure as to which property he is referring. In any case, I do not have information about how other developments in the area came to be approved, and I have of course reached my decision on the basis of the evidence before me.
14. Overall, the development would be detrimental to the character and appearance of the area, and therefore would not preserve or enhance the character and appearance of the Conservation Area. In the Framework's terms, the harm to the Conservation Area's significance as a designated heritage asset would be less than substantial, in view of the appeal site's location on the edge of the Conservation Area. However, there are no identified public benefits arising from the proposal which would outweigh this harm.
15. I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policies 9 and 24 of the 2011 Oldham Local Plan, which seek to ensure that development proposals do not have an adverse impact on the local townscape, and that heritage assets are protected, conserved and enhanced. For the same reasons, the proposal fails to accord with the provisions of the Framework which seek to protect and conserve heritage assets.

## **Conclusion**

16. For the reasons given above the appeal is dismissed.

*M Cryan*

Inspector