



Appeal Decision

Site visit made on 15 February 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2021

Appeal Ref: APP/W4223/D/20/3263606
60 Brook Street, Chadderton OL9 0HW

- 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 Ahmed Hussain against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/345313/20, dated 13 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is double storey side with single storey rear extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon:
 - i. The character and appearance of the surrounding area; and
 - ii. The living conditions of the occupiers of 54 Brook Street, having regard to privacy.

Reasons

Character and appearance

3. The appeal site relates to a two-storey dwelling located on a corner plot, at the end of a short terrace. The area to the side of the dwelling is enclosed and has a neutral impact upon the character of the area due to the presence of the single storey, detached garage.
4. The proposed extension would be similar to that recently built at 56 Brook Street (No 56), at the opposite end of the terrace, in terms of its scale, design and siting to the boundary. I observed on my site visit that there are numerous examples of dwellings which are adjacent to the carriageway and footway.
5. The side elevation of the proposed extension would be directly alongside the back lane. Although the scheme would to a small degree reduce the spaciousness of the area, the open space to the west of the site would help to maintain the sense of spaciousness and openness of this part of Brook Street. Furthermore, given the extension at No 56, other dwellings within the local area adjoin the carriageway, there is not a clear building line to the side highway and the presence of the existing garage, the scheme would not have an unacceptable impact upon the character and appearance of the area. The

extension would also appear broadly symmetrical with the extension at No 56 and thus its height and depth would not appear at odds with the character of the area.

6. For these reasons, the proposal would not have a significant adverse visual affect upon the character and appearance of the surrounding area. Accordingly, in this regard, the scheme would comply with Policies 9 and 20 of the Oldham Local Development Framework: Development Plan Document – Joint Core Strategy and Development Management Policies (2011) (LP) which seek, amongst other matters, to ensure new development does not have a significant, adverse impact on the visual amenity of the surrounding area. It would also comply with the National Planning Policy Framework (the 'Framework') which requires new development to be sympathetic to local character.

Living conditions

7. The two-storey element of the scheme includes a window to the rear elevation which would serve a bedroom which would face towards No 54's private outdoor space. I observed on my site visit that No 54 currently has a shed to the rear of the modest garden. However, there is no guarantee that the shed would remain in perpetuity and the shed only occupies part of the rear section of the garden.
8. At present there is a level of overlooking from the existing rear windows of the appeal property. Similarly, given the urban location, within the local area there is a degree of mutual overlooking between properties. Nonetheless, the scheme would result in a significant and materially greater degree of overlooking of No 54's private outdoor space because the proposed bedroom window would be in close proximity to the common boundary and would directly face the garden. Accordingly, the scheme would result in less privacy for the whole garden given the modest size of the garden and the development would result in a material loss of privacy for the occupiers of No 54.
9. The appellant has suggested that the bedroom window could be fitted with obscure glazing which could be conditioned. Based on the evidence presented, I do not consider that this would be a practical solution because it would result in low quality accommodation for the occupiers of No 60 as there would be no other windows serving this bedroom and in any event there would still be a perception of overlooking from users of No 54's garden.
10. The first-floor window of the built extension at No 56 overlooks No 54's front garden rather than the main private amenity space. Thus, the proposed bedroom window cannot be directly compared to No 56's extension.
11. For the reasons given above, the development would result in the living conditions of the occupiers of No 54 being adversely affected, having regard to privacy. Consequently, the scheme would conflict with Policy 9 of the LP which seeks, amongst other matters, to ensure new development does not cause significant harm to the amenity of neighbouring occupants. It would also not comply with the Framework which requires new development to provide a high standard of amenity for existing users.

Other considerations

12. It has been brought to my attention that the Council has recently approved an amended scheme at the appeal site. The approved application would not have a harmful effect upon No 54 as it does not include the two-storey rear extension element which is proposed in the appeal scheme. Therefore, the approved scheme does not alter my findings set out above.
13. I acknowledge that the development would provide additional living accommodation for the appellant and their family, however this does not outweigh the harm identified.

Conclusion

14. Although I have found that the development would not have a harmful affect upon the character and appearance of the surrounding area, the scheme would have an unacceptable effect upon the living conditions of the occupiers of No 54. For those reasons, the appeal should be dismissed.

L M Wilson

INSPECTOR