



Appeal Decision

Site Visit made on 10 August 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021

Appeal Ref: APP/W4223/W/21/3274384

56 Greenbridge Lane, Greenfield, Oldham OL3 7JR

- 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 Victoria Kilgannon against Oldham Metropolitan Borough Council.
 - The application Ref FUL/345516/20 is dated 21 September 2020.
 - The development proposed is the renovation/extension to existing retail unit to provide continued use of retail unit and provision of residential development above.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application for planning permission on two grounds. I have had regard to this statement in framing the main issues.
3. During the course of the Council's consideration of the planning application revised proposals were received from the appellant. The Council has considered the proposals and provided comments upon them within its statement. Additionally, other parties have had an opportunity to comment upon the changes and therefore I conclude that no party would be prejudiced by my consideration of the revised proposals. I have proceeded on this basis.
4. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). In the interests of natural justice both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. The main parties did not have any comments on this matter.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the locality
 - the living conditions of prospective occupiers with particular regard to outlook and daylight

Reasons

Character and appearance

6. The site accommodates a vacant flat-roofed commercial building which lies close to the junction of Greenbridge Lane with Chew Valley Road (A669). The building is finished in formal coursed stone block with a rendered side elevation and extensions added to the rear. The unit has split level floors on account of its position on a steeper inclined section of the road. Externally, the plot incorporates a side driveway and areas predominantly covered by hard surfaces.
7. The building is attached to a stone terrace made up of residential properties and a beauty salon. The terrace's principal elevation faces on to Chew Valley Road which is characterised by stone and slate terraces with occasional individual community buildings, often converted to housing. Greenbridge Lane is a quieter road of gabled semi-detached and detached dwellings, community and commercial buildings. The majority of buildings are finished in stone and slate; however, some limited introduction of brickwork, tiles and other materials has taken place.
8. The proposal includes the reconfiguration of the existing building incorporating an increase in height of the front façade with an increased number of openings. It would retain the shop element to the northern side of the elevation with a deeper fascia above. A gambrel slate roof incorporating vertical window inserts would be constructed over the enlarged façade.
9. A large part of the existing southern elevation and rear walls would be removed to extend the building's footprint and facilitate undercroft parking. Two additional storeys would be formed above. These extensions would utilise a mix of render and cladding finishes. Large glazed openings would be incorporated within a staggered rear gable including external screened balcony areas.
10. In the context of the nearby development, the proportioning of the proposed front façade would lie somewhere between the single storey proportions of the existing building and typical forms of 2-storey buildings in the vicinity. The increase in the height of the eaves would give rise to an alignment roughly halfway between the eaves and first floor levels of the adjoining building. This would result in a step in the eaves line between the appeal building and the attached end terrace.
11. Development on the western side of Greenbridge Lane corresponds to changes in levels as the road descends away from the junction. This results in the consecutive stepping of eaves lines along the row of individual buildings. In that setting, the eaves line would not appear at odds with the local character of development. However, the proportioning of the elevation provides little of the characteristic spacing between the upper and lower openings. Although the openings would retain a vertical emphasis characteristic of the majority of local buildings, the elevation would appear hunkered in comparison to the appearance of development found locally.
12. This effect would be emphasised by the greater ratio of roofscape to the frontage elevation. Notwithstanding the proposed use of natural slate to assimilate with other buildings, the tall roof, consisting of a two-stage pitch set behind the coping of the elevation, would contrast sharply with the prevalent traditional pitched roofs of the terraces and other dwellings. Moreover, it would be substantially more visible than the existing low flat roof.

13. The roof forms of the corner-turning units which flank the entrance to Greenbridge Lane incorporate hips with derived geometry to account for the angled form of the buildings. Whilst they retain single continuous pitches, the contrived sloping eaves line on the southern side of the building adjoining the appeal site appears awkward. The introduction of contrary roof pitches vertically and horizontally offset from the alignment of the neighbouring building and seen in conjunction with the truncated hip would result in a visually confusing juncture.
14. In combination, the scale and form of the roof taken with the uncharacteristic elevation proportions and misalignment of openings with neighbouring buildings would result in a poor degree of integration with the adjacent development. Located close to a prominent corner on a main road, the proposal would stand out as an incongruous form of development that would detract from both the Chew Valley Road and Greenbridge Lane street scenes.
15. In support of the proposal the appellant has referred me to new developments in the locality at Wimberry Close and Rimmond Close. These developments have variations in ridge and eaves heights and include dormer and gabled projections. However, in contrast to the proposal, the roofscapes are mainly gabled roofs with a single common pitch. Furthermore, there is generally greater alignment and consistency in the arrangement of openings even where they respond to level changes. I therefore find them distinct from the circumstances of the case, a case I have considered on its own merits.
16. For the above reasons, I find that the proposed extensions would constitute an incongruous form of development which would cause significant harm to the character and appearance of the locality. It would conflict with Policies 9 and 20 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies [2011] (LDF) which, amongst other things, seek high quality design of development which responds to the character and distinctiveness of the townscape and visual amenity of the area in which it is proposed.

Living conditions

17. In addition to retaining the small retail unit, the proposal would create 4 one-bedroomed apartments providing open-plan living spaces with separate bedrooms and bathrooms. The main living spaces would be served by the large glazed openings in the proposed rear elevation. The bedrooms for three of the units would have dedicated windows facing the street, however, the bedroom of apartment 2 would be reliant on 2 windows in the flank elevations of a projecting bay to the northern side of the building.
18. It is unclear from the plans whether these would be full-height openings, however, despite their position on the northern side of the building, they would provide the habitable room with sufficient natural daylight and a degree of outlook. The view from the window facing towards the angled rear wall which forms part of the wider forward element of the building would be substantially enclosed. However, the rearward view would overlook a wooded area surrounding a commercial building beyond the rear boundary of the site. Although this would be flanked by the remainder of the rearward elevation of the proposed building, it would provide adequate outlook from within the room.

19. Accordingly, I find the proposal would deliver a suitable standard of living conditions for prospective occupiers. It would therefore comply with the requirements of Policy 9 of the LDF as it seeks to protect the amenity of future occupants of the development from adverse impact including access to daylight.

Other Matters

20. I note the concerns of nearby residents in relation to the potential effect of the development on nearby residential occupiers. The proposed arrangement of windows would be such that only limited views across neighbouring properties would arise. Views from secondary windows, those serving bathrooms and views from the balcony areas could be restricted by planning conditions without prejudice to the living standards of prospective occupiers. I therefore find that any losses of privacy to dwellings and their associated garden areas would be limited in the circumstances of the case.
21. The increase in height of the building would lead to some additional overshadowing of the closest neighbouring gardens behind the terrace on Chew Valley Road. However, given the orientation of the gardens this would be limited to early hours. It would not therefore be to such an extent to cause significant harm to the living conditions of neighbouring occupiers in that regard.
22. The proposal includes parking facilities accessed from the side driveway. The arrangement would allow vehicles to enter and leave the site in a forward gear. The visibility on exit is limited to the north on account of the close proximity of the building and its position immediately to the back of the pavement on the western side of Greenbridge Lane. However, given the commercial use of the site and potential for staff and service vehicles to utilise the driveway without the ability to turn within the site; I find there would be no greater impact on highway safety or capacity in the locality.
23. According to the Council, it is unable to demonstrate a 5-year housing land supply. Consequently, footnote 8 of the Framework applies which engages Paragraph 11 d). In the circumstances of the case there are no policies in the Framework that protect areas or assets of particular importance and which provide a clear reason for refusing the development as set out in para 11d) i). Therefore, consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (para 11 d) ii of the Framework).
24. As set out above, I have found harm to the character and appearance of the locality. Given buildings are designed to last tens of years, I afford this harm significant weight.
25. The proposal would provide the benefit of four small units of accommodation. This would contribute to housing delivery in the borough; however, it would only make a small contribution in helping to address the scale of overall housing supply shortfall. It is therefore a benefit of limited weight.
26. The scheme would re-use a vacant site whilst retaining a small commercial unit in an accessible location close to services and facilities. However, this attracts only limited weight as it is accepted in principle that the site is suitable for

residential redevelopment, and this is not necessarily dependent solely on the scheme before me. The absence of objections from statutory consultees is not a benefit in favour of the development.

27. Taking the above points together, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development does not therefore apply.
28. I note the frustrations of the appellant in regard to the various discussions with the Council and subsequent requirements for scheme amendments. However, this is not a matter for this appeal which I have determined on its own merits.

Conclusion

29. Notwithstanding that I have found in favour of the appellant in regard to the living conditions of prospective occupiers, the proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR