
Appeal Decision

Site visit made on 10 January 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/W4223/D/21/3284436

5 Brook Street, Chadderton, OL9 6NN

- 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 Jamal Uddin Ahmed against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/347071/21, dated 14 June 2021, was refused by notice dated 2 August 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether or not the proposal would provide adequate living conditions for the occupiers of the host property with particular regard to private outdoor space.

Reasons

3. The appeal property is a semi-detached house. The plans show that the rear garden was partially occupied by a detached garage, but at the time of my site visit this had been demolished and the rear boundary fence removed. Nonetheless, even when a garage was present, although modest in size, the rear garden area was capable of providing a reasonable private outdoor space for the dwelling.
4. The proposed rear extension would extend the entire length of the rear garden and much of its width, leaving only a 'corridor' around 1m wide between it and the common boundary with No 7 to provide any private outdoor space for the property. Whilst I have not been made aware that the Council has any minimum standards for gardens, this would be a very small area of outdoor space with little meaningful use other than to allow the passage of people.
5. The appellant has suggested that the outdoor space at the front of the property would overcome the loss of the rear garden. However, this area opens directly onto the pavement and so would not provide any private outdoor space as is the case with a rear garden.
6. I observed an extension of similar proportions at the rear of No 9. However, this property occupies a larger corner plot and so still has a useable private garden area at the rear and side of the house. In addition, the 2 storey rear extension at No 1, which extends the full width of this dwelling, does not

extend the full depth of the plot and so it retains a small but useable garden area adjacent to the garage. This would not be the case with the appeal scheme.

7. Consequently, I consider that the proposal would not provide acceptable living conditions for the occupiers of the host property with particular regard to private outdoor space. It would therefore conflict with Policy 9 of the *Oldham Joint Core Strategy and Development Management Development Plan Document (adopted November 2011)* which requires that developments should not cause significant harm to the amenity of the occupants and future occupants of the development or existing or future neighbouring occupiers.
8. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR