



Appeal Decision

Site visit made on 3 December 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/W4223/W/21/3277694

1 Richmond Avenue, Royton OL2 5RH

- 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 Sean Higginson (SLH Home Design LTD) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/345656/20, dated 14 October 2020, was refused by notice dated 23 June 2021.
 - The development proposed is: 'first floor extension to form extension to existing clinic'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description in the decision notice in the interests of brevity due to the length and content of the description on the application form.
3. The appellant has provided plans of an alternative proposal in addition to that which was refused by the Council. However, an appeal should not be used to evolve a proposal, and it is important that my assessment of a scheme is on the basis of essentially what was considered by the local planning authority. For that reason, and as the changes proposed are integral to the scheme as a whole and change it substantially, I cannot in the interests of fairness have regard to the alternative scheme. To do so may deprive those who would have had a legitimate expectation of making representations, the ability of so doing.

Main Issue

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

Reasons

5. The appeal property is located in a predominantly residential area comprising of a mix of twentieth century flats and terraced housing. These buildings tend to consist of long predominantly flat fronted blocks with blank gables and long unbroken roofs. The blocks are laid out perpendicular to one another, interspersed by roads and green space, which alongside the simple appearance of the buildings, gives an ordered and coherent pattern to the streetscene. Extensions are rare, but those present tend to be single storey and small scale. Flat roofs are present on the existing buildings, however these are generally very small subsidiary additions, such as porches and first floor walkways, to the main blocks.

6. The appeal property is located at the end of a three storey residential block on a prominent corner at the junction of Flake Lane with Richmond Avenue. The building has had numerous extensions and consists of a ground floor shop including a large flat roofed extension which wraps around the front and side elevations of the building with the main access from Richmond Avenue. Whilst covering a large floor area, its single storey nature nonetheless helps to minimise the effect on the existing building. A three storey extension and an attached perpendicular two storey extension with an adjoining lean-to single storey extension are located to the rear of the main block. The ground floor element of this is partly occupied by a clinic which is accessed from Flake Lane via a further single storey dual pitched roofed extension.
7. In summary, it is proposed to extend at first floor level above the single storey clinic extension and the wraparound flat roofed shop extension. Two dual pitched roofs would be constructed over the central part of the structure presenting a pair of gables to the Flake Road elevation. Flat roofed elements are proposed to the front and rear, set back from single storey flat roofed sections that would be retained.
8. This would create a complicated, bulky and oppressive structure that, would dominate the existing block in a prominent position within the streetscene. Given its scale and height, it would be highly imposing within its setting and at odds with the prevailing character of the area. I note also that the resultant building would be set much closer to Flake Lane than is the case of either block of properties either side.
9. The large expanses of tall glazing throughout the first floor gables would add to the discordant appearance of the structure. Furthermore, the stepped flat roofs presented to Flake Lane and the expansive balcony extending towards Richmond Avenue would be highly prominent and incongruous elements of the structure that would fail to reflect the character of the area.
10. I acknowledge that the appellant has worked with the Council to try to find a design solution to allow for the expansion of the business. I also accept that there would be economic benefits to this proposal in the form of job creation and supporting an existing business. This weighs in favour of the proposal. I also note the letters of support for the scheme.
11. Nonetheless, for the above reasons, the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with Policies 9 and 20 of the Oldham Local Plan (2011). These policies seek to support high quality design and ensure development avoids an adverse effect on character and appearance. For the foregoing reasons the scheme would also conflict with the approach in paragraph 130 of the National Planning Policy Framework.

Other Matters

12. The appellant has raised concerns in relation to the time taken for the Council to determine the planning application and the lack of contact during that time period. However, those are procedural matters that do not affect the planning merits of the case, which I have assessed on the basis of the evidence before me.

Conclusion

15. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant considerations I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR