



Appeal Decision

Site visit made on 15 March 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/W4223/W/21/3286861

59 to 61 High Street, Uppermill, Oldham OL3 6AP

- 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 Iain Johnston against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/347375/21, dated 9 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is development of an unused courtyard area behind Park House. The basement would provide a commercial office space with an upper storey office. The second floor would provide domestic space to the apartment 59 A. The third floor would provide domestic accommodation and outdoor space to 59c.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form and appeal form identify the site address as '61 High Street'. However, it appears from correspondence dated 10 August 2021, the appellant confirmed that the site address was 59 to 61 High Street. I have dealt with the appeal on this basis, as it more accurately reflects the appeal site location.
3. The Council have only cited Policy 24 of the Oldham Local Development Framework, Development Plan Document – Joint Core Strategy and Development Management Policies, 2011 (JCS&DMP), in the reason for refusal. My attention has also been drawn to Policy 9 and 20 of the JCS&DMP, which appear to be most relevant to this appeal. Therefore, I have also considered the proposal against those additional policies.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Uppermill Conservation Area.

Reasons

5. The appeal site is located within the Uppermill Conservation Area (UCA). It comprises of a substantial three-storey building constructed of stone with a slate roof, occupying a prominent position on the corner of High Street and an access point leading to the wider St Mary's Gate. The building directly adjoins a stone archway on High Street which connects to the No.55 a 'former bank'. To the rear of the property is a public car parking area, play park, Uppermill

Library, and a wider courtyard development of historic three and four storey stone buildings, which forms St Mary's Gate.

6. The UCA was designated in April 1977 and occupies an extensive area, which encompasses High Street and the tight-knit network of streets which lead off from the historic core of the settlement. There are also several Listed Buildings nearby along High Street and St Mary's Gate. The UCA is characterised by well-preserved attractive stone and slate roof buildings with a commercial setting along High Street, and immediate to the appeal site the spacious open public areas leading to the river and surrounding St Mary's Gate.
7. The appellant identifies the appeal site as 'Park House', originally built in 1874, as a Victorian residence with farmland to the rear, it was subsequently sold to the Council, which has resulted in the surrounding land and buildings being significantly altered overtime. Given the extent of time, change is inevitable, and I would disagree with the assumption that this part of Uppermill is non-aesthetic, functional boxes. Nevertheless, the appeal site and surrounding buildings make a positive, and in some respects unique contribution to the character and significance of the UCA.
8. The proposal would result in a substantial four-storey extension to the rear of the property for additional commercial and residential space serving existing elements of the building. This extension would be excessive in terms of its overall scale and massing, it would appear overpowering to the simplistic original form of the building detail and the existing gable roofline. This would be exacerbated by the extension incorporating an excessively large flat roof dormer, and a significant number of openings. Further openings would also be added to the rear elevation resulting in a messy and negative window and opening hierarchy to the rear elevations of the building.
9. Furthermore, the proposed extension due to the cantilever design would overhang a considerable distance from the original rear building line, and when viewed directionally from those public areas of open space at the library, the upper part would appear rather oddly, and as an incongruous addition. Therefore, the extension would result in the prominent rear elevation, which is highly viewed within the public realm and from surrounding vantage points, being of little design merit with poor detailing.
10. Despite the resultant building being smaller in floor surface and extension height lower than No.55, proposed materials of stone and slate being welcome and a dominant material in the area. The extension would not be reflective, cohesive or complement the original building form and design, neither recognising the buildings heritage, contribution to the UCA or acknowledging adjacent historic properties. Moreover, the appearance of the building would be further worsened by the introduction of the garden roof terrace with glass balustrades sited above the existing flat roof dormer, which would be uncharacteristic with the area, and an unwelcome intrusion at high level on the host building.
11. As such, the overall architectural style, form, massing articulation of the proposal would not be sympathetic or represent high quality design or reflect local distinctiveness within the UCA and would be harmful to its character and appearance.

12. Taking the above points together, and mindful of the duties arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would fail to preserve nor enhance the character or appearance of the UCA and would not meet this duty, which sets out the desirability of preserving or enhancing the character or appearance of the conservation area.
13. For these reasons, the proposed development would cause harm to the character and appearance of the UCA. It would be contrary to Policies 9, 20 and 24 of the JCS&DMP. Taken together, amongst other things these policies seek to protect, conserve and enhance the architectural features, structures and settings, historic character and significance of the borough's heritage assets, and ensures development does not have adverse impacts on the visual amenity of the surrounding area, promotes high quality design and that it reflects the character and distinctiveness of local areas.
14. Whilst the harm to the heritage asset would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. The appellant has put forward the argument that the proposal would increase amenity space, create attractive family units and increase floor area, reduce noise from the High Street, provide weather shelter, increase jobs and improve/expand the commercial aspects of the business. As such, in my view these would only benefit occupiers of the proposal, and some minor economic benefits accruing from the construction period and a small number of jobs created due to the modest amount of additional commercial space including that of an already established business.
16. I have also had regard to the heritage benefits of the proposal which would result in the removal of some negative elements of the original building and rear paraphernalia by the alterations. Nevertheless, even if I were to consider such benefits, they would carry limited weight.
17. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. I have found that the public benefits would cumulatively attract modest weight and would not therefore outweigh the harm found to the significance and the weight to be given to the conservation of the heritage asset. Accordingly, I conclude the proposal would neither preserve nor enhance the character or appearance of the UCA.

Other Matters

18. The proposal includes additional works to the north elevation of a modest size extension, with an additional Velux in the southeast elevation. The Council do not appear to raise concerns regarding these parts of the scheme. Therefore, these elements of the proposal would appear subservient and sympathetic additions and would sit comfortably alongside the existing building. Thus, they would preserve the character and appearance of the host building, and of the

UCA. However, the absence of concern in this respect is a neutral factor which does not weigh in favour of the other elements of the proposal.

19. I acknowledge that the appellant wants to encourage growth in the area, they wish to improve the look of their property, improve vistas for occupiers, there is no impact to living conditions and the lack of objections from local residents, but these matters do not outweigh the harm I have identified.
20. The appellant suggests that the Council have been inconsistent and made inaccurate assertions, but these do not affect the precise circumstances of the appeal scheme. Furthermore, I have no substantive evidence that there is a shortage in suitable accommodation in the area or retail/commercial space and any anti-social behaviour or crime in the immediate area of the appeal site. In any event, the appeal is determined on its individual merits on the basis of the evidence before me.

Conclusion

21. The proposed development would be contrary to the development plan taken as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should not succeed.

KA Taylor

INSPECTOR