



Appeal Decision

Site visit made on 19 April 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2022

Appeal Ref: APP/W4223/D/22/3293562

4 Sharon Avenue, Grasscroft, Oldham, OL4 4HP

- 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 Anthony Morrison against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/346372/21, dated 1 March 2021, was refused by notice dated 21 January 2022.
 - The development proposed is a single-storey side extension to the north elevation; new balcony including extending the existing balcony to south elevation; and render and feature stone to external walls.
-

Decision

1. The appeal is allowed and planning permission is granted for a single-storey side extension to the north elevation; new balcony including extending the existing balcony to south elevation; and render and feature stone to external walls at 4 Sharon Avenue, Grasscroft, Oldham, OL4 4HP in accordance with the terms of the application Ref HOU/346372/21, dated 1 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan – scale 1:1250; Existing and Proposed Floor Plans – Dwg No. 214/1/21; Existing and Proposed Elevations – Dwg No. 214/2/21; Site Plan, Location Plan and Roof Plan – Dwg No. 214/3/21; and 3D Images – Dwg No. 214/4/21.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the details shown on the approved plan titled Existing and Proposed Elevations - Drawing No.214/2/21, dated February 2021, prior to the commencement of the development, an alternative privacy screen featuring obscure glazing to a minimum of level 3 on the Pilkington scale shall be submitted to and approved in writing by the Local Planning Authority. The approved screen shall be erected in full accordance with the approved details prior to the balcony being first brought into use. It shall be retained as approved at all times.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of number 2 Sharon Avenue, with particular regard to privacy.

Reasons

3. The appeal property is a detached dwelling, which is situated within a relatively spacious plot in a residential area. Sharon Avenue rises up towards number 4 and, as a result, it sits at a higher level than the neighbouring house at number 2 Sharon Avenue.
4. The proposal is for two separate elements. A single-storey side extension is proposed on the northern side of the property. It would provide an additional bedroom and en-suite. The Council has no objection to the extension, which is similar to an earlier proposal that was approved in 2014. The extension would reflect the character of the existing dwelling in terms of its scale, design and materials. Consequently, I have no reason to disagree with the Council's assessment.
5. The second part of the proposal is to create a balcony on the southern side of the property, projecting 3m from the side wall of the dwelling. The balcony would be an extension of an existing balcony/terrace, which is at the front of the dwelling. The plans include a 'privacy' screen containing toughened obscure glass. However, the screen would be relatively low in height.
6. The Council contends that the use of the proposed balcony would result in an unacceptable degree of overlooking, or at least a perception of overlooking, into number 2 Sharon Avenue. Development Management Policy 9 of the adopted Oldham Local Plan (LP) states (amongst other things) that the Council will seek to ensure that new development does not cause significant harm to the amenities of neighbouring occupants. In this case, the Council considers that there would be harm and, therefore, conflict with Policy 9.
7. During my site visit, I was able to view the relationship between the appeal property and number 2 Sharon Avenue by looking out from the large floor to ceiling living room window on the side of the property. Although the balcony would reduce the separation distance between the two dwellings, the view would be similar. The current view from the living room is also uninterrupted, although there are no clear views into the main habitable room windows of number 2, due to the separation distance and angular relationship. Nevertheless, the erection of privacy screening on the balcony would prevent or restrict any overlooking. This is covered by a condition attached to the appeal decision.
8. For these reasons, I consider that the proposal would not be unacceptably harmful to the living conditions of the occupants of number 2 Sharon Avenue. Consequently, the proposal would not conflict with the provisions of the LP.

Conditions

9. The Council has suggested conditions in event of the appeal being allowed. I have included these in my decision. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.

10. Notwithstanding the details on the submitted plans, the Council has suggested a condition requiring the further submission and approval of privacy screening to the balcony. I consider this to be necessary in order to prevent overlooking onto number 2 Sharon Avenue.

Conclusion

11. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR