

Appeal Decision

Site visit made on 28 June 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/W4223/D/22/3295882

7 Range Lane, Denshaw, Oldham, Lancs OL3 5RZ

- 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 Alan Hulme against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/347829/21, dated 20 October 2021, was refused by notice dated 11 February 2022.
 - The development proposed is Juliet balcony and double doors.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appellant has indicated that there is an error on the plan as it shows two ground floor windows whereas there is only one present. I have determined the appeal on this basis and from my observations on the site visit.

Main Issue

4. The main issue is the effect of the proposal on the host property and the Denshaw Conservation Area (CA).

Reasons for the Recommendation

5. The host property is a stone built detached dwelling set back from the road in a residential area. It is the end property of three similarly designed dwellings. It is located within the Denshaw Conservation Area which is characterised by traditional stone built dwellings along with a mix of more modern dwellings constructed of other materials.
6. The dwelling reflects the traditional vernacular of the area, with a slate roof and regularly proportioned window openings which have a distinctive horizontal emphasis. The addition of a Juliet balcony to the first floor would introduce a larger opening than the similarly proportioned existing window openings and would unbalance the regular rhythm of the dwelling. The glazed balcony would introduce a feature to the dwelling that is not in keeping with the character of the CA.

7. As a consequence, the proposal would significantly erode the contribution that the appeal property makes to the character and appearance of the CA. The proposal would neither preserve nor enhance the character or appearance of the CA in conflict with the statutory test set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. It is accepted that the proposed balcony would not be viewed from extensive viewpoints, and as a consequence I find that in terms of the Framework the harm caused to the CA's significance as a designated heritage asset would be less than substantial. The approach in paragraph 202 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that the harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward and accordingly the development conflicts with the aims of the Framework to conserve and enhance the historic environment.
9. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the host property and the CA, in conflict with Policies 9, 20 and 24 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document (2011). Amongst other things, these seek to ensure that development takes account of local character and preserves or enhances the character or appearance of Conservation Areas.

Other Matters

10. I am sympathetic to the needs of the appellant and the circumstances in which they find themselves. However, I am not persuaded, from the information before me, that the appeal proposal would be required for the continued use and enjoyment of the property.
11. The appellant has drawn my attention to examples Juliet balconies in the local area. No details of the planning history of these properties have been provided and I cannot therefore conclude that they are directly comparable to the scheme before me. The balcony at 3 Ridge Lane is on a brick built property of a more modern design, with larger window openings and therefore is not directly comparable to the appeal proposal. In any event I have determined the appeal on the site-specific circumstances of this case.

Conclusion and Recommendation

12. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

J Hunter

INSPECTOR