



Appeal Decision

Site visit made on 28 June 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/W4223/W/22/3293395

161 Oldham Road, Springhead OL4 4QJ

- 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 Ms Rungrat Kanta against the decision of Oldham Council.
 - The application Ref HOU/347739/21 dated 17 October 2021, was refused by notice dated 13 December 2021.
 - The development proposed is the erection of a fire escape and railings leading to an access door on the first floor at the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit, a balcony and supporting structure was in place. The submitted plans show a smaller structure, around half the size of what is in place on site with a similar supporting structure. For clarity, I have dealt with the appeal based on the development proposed on the plans before me.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the living conditions of the occupiers of No. 2 Walkers Lane with regards to privacy and on users of the rear communal amenity space with regard to outlook; and (ii) the character and appearance of the building.

Reasons

Living Conditions

4. The appeal relates to a mid-terrace property with a ground floor commercial use and a residential use on the upper floor. The properties to the side along Walkers Lane and to the rear on Stanley Road are in residential use, some of which share a communal amenity area to the rear of the appeal property.
5. The appeal proposal would result in a balcony/landing area over part of a single storey rear outrigger. It would be accessed from the first-floor level of the appeal property by a modified window. The plans indicate that a gate would provide ladder access from the edge of the balcony, although ladders nor a staircase form part of the proposal.
6. The appellant seeks to provide a fire escape only and considers that the proposal would have no effect on the privacy of the occupants of No. 2. Although reference has been made to it not having a railing, the submitted

plans illustrate that it will be fully enclosed, and the railings are referenced in the description of development on the application form. Whilst I do not doubt the intended use as a means of escape in times of emergency, it would provide a level external space that could be used as an outdoor seating area. This balcony would be positioned almost directly adjacent to a first-floor window to No. 2 and the close-range views would give rise to harmful overlooking.

7. The elevated position of the fire escape structure would loom over the communal amenity area that serves a number of residential properties. As well as providing an area for refuse storage, the amenity space contained washing lines and chairs. As it is the only external area for these properties, it clearly performs an important function in contributing to resident's living conditions. The proposal would appear as a visually obtrusive addition and have an overbearing impact on this external space.
8. For the above reasons, I conclude that the proposed development would have a significantly harmful impact on the living conditions of the occupiers of No. 2 with regards to privacy and on users of the rear communal amenity space with regard to outlook. As such it would be contrary to Policy 9 of the Oldham Council Joint Core Strategy and Development Management Policies Development Plan Document (Joint DPD), which seeks, amongst other matters, to protect local environmental quality and amenity.

Character and Appearance

9. The appeal property is a modest two storey stone-built building set amongst other similar buildings. Although there is some variation in the appearance of the properties within the terrace, they utilise a similar palette of materials. The windows and doors are of regular proportions and aligned. This gives the terrace a homogenous and traditional character.
10. The proposal would be a simple functional structure, but its scale, extending across the width of the appeal property and its elevated positioning, in addition to its use of painted metal, would result in it being at odds with the otherwise traditional appearance of the appeal building. Although it would be smaller than a previous scheme that was refused planning permission, it would still be a large structure that would dominate the rear elevation of the appeal building and appear as an unduly obtrusive addition.
11. I therefore conclude that the proposal would harm the character and appearance of the building. As such, it would conflict with Policy 20 of the Joint DPD, which seeks, amongst other matters, high quality design. It would also be contrary to Paragraph 130 of the National Planning Policy Framework, which seeks design that is sympathetic to local character.

Other Matters

12. I note that the appeal proposal does not have a fixed staircase to allow escape from the platform and users would rely on ladder access. In the absence of further information on how in an emergency this would function, I am not convinced that this provides an effective means of fire escape. The appellant has also not provided any further information on any alternative solutions that have been considered and, in these circumstances, I only afford this matter limited weight which would not outweigh the harm I have identified in relation to the main issues.

Conclusion

13. The proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
14. For the reasons given above, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR