The Planning Inspectorate

Appeal Decision

Site visit made on 2 February 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/W4223/D/22/3309491
9 Honey Hill, Oldham, Lees, OL4 5DP

- 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 Miss Chelsey Jade Millington against the decision of Oldham Metropolitan Borough Council.
- The application Ref HOU/349583/22 dated 3 August 2022, was refused by notice dated 27 September 2022.
- The development proposed is first floor extension above an existing ground floor extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon i) the character of the host dwelling, wider streetscene and terraced row and ii) the amenity of neighbouring occupiers with regard to overbearing and oppressive impact.

Reasons

Character of the area and wide streetscene

3. The appeal site is a mid-terraced property located on Honey Hill which is within a residential area. The site is located between South Hill and Woodend Street and is located on a slope which results in the appeal site being higher than the properties to the South (where the front elevation is visible) but lower than those to the North. The site levels are particularly notable within the appeal site garden where I noted that engineering works have been undertaken which has created a terraced garden due to the sloping site.

4. The appeal site benefits from an existing single storey, flat roofed, extension. As a result of this extension and the garden works I noted that upon exiting the property through the rear patio doors, users are immediately presented with steps up to the first terraced level which is roughly half way up the existing rear extension in height. When stood on this level there are clear views of the roofs of the terraced row. Whilst No. 7 Honey Hill (no.7) is slightly lower than the appeal site and No. 11 Honey Hill (no. 11) the pitched roofs are uniform with consistent dormer windows to the rear. The appeal site is quite unique in its setting but I find that the roof pitch and window arrangement are notable characteristics of the row within which the appeal site stands.

5. The proposal seeks to add a first-floor rear extension onto the existing flat roofed extension. The proposal would retain the existing ridge height of the

host dwelling and project out matching the projection of the existing ground floor extension. Cumulatively this would result in a notable, flat roofed and box-like, extension to the rear across two storeys which would dominate the host dwelling and result in an awkward relationship between the remaining roof structure and dormer window which would remain for the bathroom. I find that the proposal would not only be detrimental to the character of the host dwelling but that it would also be detrimental to the character of the modest terrace row within which the appeal site stands as it would appear in stark contrast to the immediate setting visible from neighbouring properties.

6. I find the proposal would be limited in views within the wider streetscene (i.e. the surrounding roads) from what I saw during my site visit due to a combination of the general location in the centre of other built form, vegetation and general site topography but I find that it would be visible in some views from the walkway between South Hill and Woodend Street as a notable block to the rear of the terraced row. Even if the proposal had not been visible from any vantage point, it should be kept in mind that appearance is the outward, visible, qualities whereas character is the sum of all the qualities which distinguish an area. In this case I find the proposal would be contrary to the qualities which distinguish the area, in this case a modest row of terraced dwellings with consistent roof forms as described.

7. The proposal would be contrary to Oldham Development Plan Document 2011 (DPD) Policy 20 which requires proposals to make a positive contribution to the street scene and be of appropriate scale and sensitive to its context.

Amenity of neighbouring occupiers

8. At the time of my site visit I did not find that the terraces off Woodend Street, whilst higher than the appeal site, to be overbearing given the distance away from the appeal site garden. The proposal would not result in negative impact upon the residential amenity of no. 7 for the reasons set out in the Council's assessment with which I have no evidence before me to conclude differently; however, the proposal would be directly on the boundary with no. 11 with the extension being directly East of no. 11. The Council's reasoning is not based upon overlooking but instead matters of oppressiveness and overbearing impact with regard to no. 11.

9. The height of the proposal would be consistent with the existing ridge height of the host dwelling and would be combined with projection along the boundary with no. 11. I find that this would be oppressive for the dormer windows at the adjacent property even taking into account that the closest window is frosted and, presumably, a bathroom. In addition I find it would cast a shadow over the garden, particularly in the morning, and exacerbate the existing enclosure likely experienced by no. 11 as a result of the existing boundary fencing along the appeal site which is higher than the existing single storey extension. A first floor extension, along the boundary, to ridge height of the appeal side would be both dominant and overbearing for no. 11 due to the substantial height which would be visible when stood within their garden.

10. The proposal would be of notable height and projection immediately adjacent to the site boundary shared with no. 11 and, for the reasons outlined above, I find that it would not be consistent with the residential amenity aims of DPD Policy 9. This policy seeks to ensure that development does not result in

significant harm to the amenity of existing and future neighbouring occupants though other nuisances, in this case overbearingness and oppressiveness.

Other Matters

11. I note a comment in support of the proposal and a lack of objection from the Parish Council, however, a lack of objection of a neutral consideration. Had the proposal been acceptable in other regards a construction management plan could have been conditioned to ensure the construction work and material preparation was managed in a way which would have avoided materials being left in Woodend Street.

12. I am mindful that the appellant states the proposal is required to create an extra bedroom for their growing family, however, these personal circumstances do not in this case outweigh the harm I have identified in relation to the two main issues above.

Conclusion

13. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR