



Appeal Decision

Site visit made on 22 March 2023

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/W4223/D/23/3314885

74 Wellington Road, Greenfield, Oldham OL3 7AQ

- 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 Luke Rafferty against the decision of Oldham Metropolitan Borough Council.
 - The application Ref: HOU/349508/22 dated 23 July 2022, was refused by notice dated 27 October 2022.
 - The scheme is for raised wall to the front of property with integrated decking area (works already completed). Further works which have not yet been undertaken but have been including (sic) in drawings include sliding electric gates for drive way with brick pillars and a separate hinged access gate.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the original application form which differs from that used by the Council in their decision notice. However, in Part E of the appeal form it is stated that the description of development is the same as that used on the decision notice. Despite this, I consider that the description on the original application form is more accurate with regards the as yet incomplete installation of the sliding electric gates which are not retrospective as far as I can gather. Accordingly, I have used the description given on the original application form that I feel more accurately describes the proposal before me.

Main Issues

3. The main issues are the impact of the proposal upon the character and appearance of the area and upon the safe and efficient use of the highway.

Reasons

4. The appeal property is a relatively modern detached red brick house standing quite high above Wellington Road as the lay of the land slopes down towards it. The appeal property is located around the end of Wellington Road as the public right of way appears to extend through the recreation areas around the nearby Satellite Youth Centre. There is also a public footpath running uphill immediately adjacent to the property that links up to Beech Avenue to the rear.

5. Wellington Road runs along the lower end of the valley here where the land is relatively flat before heightening on one side. The street contains a mix of dwellings including terraces and larger Victorian detached houses before altering again to more modern houses and utilitarian buildings such as the Pavilion building opposite the appeal site. These buildings contain a mix of materials from red brick to natural gritstone and render.
6. For the most part the boundary treatments along Wellington Road are modest in scale and tend to be composed of low red brick or stone walls and piers with landscaping and trees giving a further softening appearance. There are some boundary treatments however, such as the palisade fencing around The Bungalow, which tend to create a more utilitarian appearance to this part of the road.

Effect of the Proposal Upon the Character and Appearance of the Area.

7. The scheme before me has undertaken to work with the terrace of the land and create more private amenity space to the front and side of the property due to its apparent lack of such space to the rear of the house. As a result, a new off white rendered wall with timber fencing has been constructed which has, in turn, resulted in a terrace level above the wall being created. The intention is to complete the scheme with metal sliding gates that would further secure the front parking area that are currently level with and open to the street.
8. I note the Council's general concern is less with the materiality of the wall and more due to the height and massing as well as the alteration of the character of the street through this proposal. In this regard I consider that the material of the wall and fencing are the elements that make it stand out. However, they are not displeasing because of this and they do tend to relate to the more Modernist style buildings and materials at this end of Wellington Road.
9. The key issue therefore is the compounded impact that would be created through the installation of further boundary treatments to this street side elevation and the perception of a high wall that the Council feel appears as a flat roof structure that is contrary to the pitched roof of the parent house.
10. In assessing this appeal, I did not perceive the structure as a flat roof building, rather the perception is one of a retaining wall structure where the lay of the land is compensated for through the construction of the terrace. The height and dominance of the wall is also somewhat alleviated by the integral planters and the light render material that does tend to reflect the Modernist buildings nearby.
11. With regards the fact that this is a flat roof structure, I do not accept that this terrace would be seen as some form of extension as it is clearly an ancillary terrace built for very practical reasons. Although the scale is different to that along the rest of Wellington Road, the visual relationship between this wall, the nearby Youth Centre and the Pavilion opposite all lend an element of continuity that mitigates any harmful visual impact.
12. As such I consider that, on balance, the extant wall and terrace meets the Council's Policy requirements as contained within the Joint Development Plan Document (JDPD) Policy 20 concerning visual amenity and design.
13. Coming to the as yet unimplemented sliding metal gates, I find that these would lead to something of a tipping of this balance however. Whilst perhaps

creating a perceived sense of security for residents of the property, the proposed gates would further disrupt the relationship between the property and its street frontage.

14. Such a gate would therefore create a harsher relationship to the street frontage and remove any possibility of natural surveillance upon the street. This in turn has the potential to make the risk of crime, or the fear thereof, much more likely through the perception that the street is gated and somehow unrelated to the buildings that adjoin and are part of it.
15. As such, although I find little harm through the already implemented terrace and walling, this combined with the proposed access gates would lead me to conclude that the proposals would lead to greater level of harm upon the streetscene that would fail to represent the high quality of design required by Policies 9 and 20 of the JDPD. It would also increase the fear of crime as highlighted in Policy 9 of the JDPD specifically.

Effect of the Proposal Upon Highway Safety.

16. I saw on my site visit that Wellington Road was a well used street by pedestrians seemingly moving along the road to and from the recreation grounds and canal beyond. Although the street appeared lightly trafficked by vehicles there were several cars parked that would lead me to the opinion that vehicles do use this stretch of road even though it is a no through road. I also consider that the likelihood of vehicles driving fast along this stretch would be limited.
17. Pedestrians do have the option of using a footpath on both sides of Wellington Road but the existing pier of the scheme would, I consider, impede to some extent the cross visibility between pedestrians and vehicles exiting the driveway for those using the footpath nearest the house. I consider that this situation would be made considerably worse were the scheme for metal gates to be carried out. Not only therefore would the gates and pier reduce visibility of any driver exiting the driveway, but it would also preclude visibility for pedestrians to be able to see an emerging vehicle.
18. In light of this, although I consider it unlikely for vehicles to be travelling at such a speed or frequency so as to be in danger of any impact through lack of visibility, I conclude that pedestrians would run a much greater risk of being in an accident here. This would be due to the lack of visibility caused by the piers and gates and the lack of space within which a driver or pedestrian could react to a reversing vehicle from the driveway when pedestrians are using the nearest footway to the house.
19. As such I conclude that the proposal would cause greater harm to the safe and efficient use of the highway and would run the risk of causing harm to the most vulnerable (pedestrian) road uses when using the footpath here. As a result the scheme would fail to meet the policy requirements of Policy 9 of the JDPD and would also fail to meet the requirements contained within the National Planning Policy Framework (NPPF).

Conclusion

20. Although I find only limited harm through the extant wall and terrace, the proposed railings and other changes would cause more serious harm to the character and appearance of the area and would have an adverse impact upon

highway safety. As such, for the reasons given above, and taking into account of all other matters raised, the appeal must fail.

A Graham

INSPECTOR