



Appeal Decision

Site visit made on 2 May 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2023

Appeal Ref: APP/W4223/D/23/3316620

2 Jarvis Street, Oldham OL4 1DT

- 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 Nurgis Siddiq against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/350193/22, dated 22 November 2022, was refused by notice dated 18 January 2023.
 - The development proposed is a front dormer.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Ms Nurgis Siddiq against Oldham Metropolitan Borough Council. This application will be the subject of a separate decision.

Preliminary Matters

3. From the evidence submitted, and from my site visit, the proposed development has commenced. However, this has no bearing on my assessment of the development before me.

Main Issue

4. The main issue is the effect of the front dormer on the character and appearance of the existing property and the surrounding area.

Reasons

5. The appeal property is an end terrace dwelling with its front elevation facing Jarvis Street. The gable end, albeit wider than the front, is a secondary elevation situated on the back of the pavement on Latimer Street. The dwelling is prominent on the corner of both roads but forms part of the street frontage of the short terrace on Jarvis Street.
6. The opposite end of Jarvis Street to the appeal property is enclosed by detached two-storey buildings which have different design, scale and character to the terraces. The area is an urban part of Oldham that is characterised predominantly by close-knit traditional terraced housing which has a regular rhythm and is attractively designed. The terrace on Jarvis Street retains its traditional features, rhythm and design and makes a positive contribution to the character and appearance of the area.

7. The dormer, which has been erected to the front of the appeal property, is flat roofed and, although it is set back from the eaves and set in from the gable end of the host dwelling, extends to almost the full width of the roof slope. The massing of the dormer has resulted in the introduction of a large structure on the roof. The dormer is visually intrusive as it draws attention away from the traditional features and proportions of the appeal property. It is an overly dominant and top-heavy feature on the front elevation which is disproportionate to the scale of the existing dwelling.
8. The front dormer is the only one on the short terrace on Jarvis Street and has, therefore, introduced a new feature onto this terrace. This has an adverse effect on the character and appearance of the host property, the short terrace and the street scene on Jarvis Street.
9. I acknowledge that the appeal property is an end terrace and, as such, the dormer can be seen from Latimer Street. However, the front dormer is seen as part of the street scene of Jarvis Street rather than Latimer Street. The front dormer is also viewed alongside the rear dormer, which, even if I accept that the rear dormer has been built under permitted development, results in the two additions to the roof dominating the existing building. The building appears as three storeys when viewed from Latimer Street.
10. My attention has also been drawn to other dormers in the surrounding area which I saw during my visit. Although there are perhaps some front dormers of a comparable size to the appeal scheme on Latimer Street, most of the front dormers in the immediate area are smaller and set further back from the eaves. Moreover, other examples of poor design do not persuade me to consolidate the area with further incongruous development.
11. The dormers on Latimer Street are also not as prominent as the appeal scheme and have become part of the rhythm of the roofscape. I have also not been provided with any substantive evidence to show why, or if, the front dormers were approved. Moreover, the properties along Latimer Street can still be viewed as two storey terraces with rooms in the roofs served by dormers which is therefore different to the appeal scheme.
12. Although the existing front dormers may have changed Latimer Street, they have not altered Jarvis Street or changed the character of the wider area. The other streets in the immediate area do not have the same number of front dormers as Latimer Street and have, in the main, retained the terrace character and front roof slopes. The other dormers referred to by the appellant, including other dormers on Jarvis Street, are primarily to the rear of properties and are therefore not comparable to the appeal proposal.
13. Notwithstanding the local support for the design, the introduction of a front dormer on the short terrace on Jarvis Street adds a new and disproportionate addition to the roofscape. This is not a case where dormers are lost within the length of the terrace, nor a case where dormers are already present on the terrace. The adverse effect on Jarvis Street, in turn, results in harm to the character and appearance of the wider area, even though there are other dormers in the area.
14. For these reasons, the front dormer has an adverse effect on the character and appearance of the existing property and the surrounding area. It is, therefore, contrary to Policy 9 and Policy 20 of the Oldham Local Development

Framework, Development Plan Document – Joint Core Strategy and Development Management Policies, November 2011 which, amongst other matters, seek to ensure that development does not have a significant adverse effect on the visual appearance of an area; and promotes high quality design that reflects the character of an area.

Other Matters

15. The appellant has advised that the front dormer is required to provide a suitable sized bedroom for the needs of their family. However, I have little evidence before me that the bedroom in the front of the roof space, as previously approved, would have been excessively small and contrived and would not have functioned as a bedroom. The preferences of the property owner for a larger bedroom does not outweigh the harm identified above.
16. The appellant has also referred to discussions with Planning Officers within the Council, the support within the National Planning Policy Framework for pre-application dialogue, and that they only proceeded with the scheme following positive advice. Whilst pre-application advice is not binding it is clearly unfortunate if the final outcome does not reflect the advice given. However, the evidence before me shows a clear justification for the final decision. Nevertheless, I have identified harm as detailed above.
17. I also acknowledge that local support for the dormer includes comments that it does not impact the neighbours in terms of overlooking or loss of light. However, the Council did not include the effect on living conditions of neighbouring residents within the reasons for refusal and as such this is not a matter of difference between the main parties. I therefore afford this neutral weight.
18. That the traffic along Jarvis Street is only generally associated with the residents of the properties on Jarvis Street and that the property is not listed nor within a conservation area are neutral matters in considering the appeal. None of the matters raised above therefore outweigh or alter my conclusions on the main issues.

Conclusion

19. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR