



Appeal Decision

Site visit made on 24 May 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/W4223/D/23/3316807

6 Huddersfield Road, Delph, Oldham OL3 5EG

- 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 Haddican against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/350137/22, dated 10 November 2022, was refused by notice dated 30 December 2022.
 - The development proposed is rear dormer addition to existing loft conversion and Juliet balcony.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the New Delph Conservation Area (NDCA).

Reasons

3. I have a statutory duty under s72(1) of The Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, paragraph 189 of the National Planning Policy Framework (the Framework), which is a significant material consideration, advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
4. The property to which the appeal relates is a two-storey mid-terrace dwelling constructed of stone under a slate roof. The property has traditional sash windows to the front and rear, finished in a traditional cream colour. A single storey lean-to extension has recently been added to the rear, constructed of upvc with a grey finish.
5. As indicated above, the site is located within the NDCA. I have not been provided with a character appraisal of the area. From my observations of the area, the NDCA derives its significance from its historic and architectural interests. The buildings are a mix of mainly two and three-storey detached and terraced properties with dual-pitched roofs. Many of the buildings have retained their original features and have been well maintained, repaired and/or restored. The buildings are constructed primarily of stone. The older properties are roofed with flag stones; others mainly have slate roofs. Other features

include stone cills and headers, timber sash windows and timber doors and door frames. Chimneys are present on the older buildings.

6. Only a small number of properties within the NDCA have dormers. Those that do exist are primarily small scale, proportionate and subservient to the original building. Some of the buildings have conservation style roof-lights. Several of the properties have replaced timber window frames with plastic ones, which detract from the general high quality of the materials used in the NDCA.
7. The proposed dormer would be very large in proportion to the host dwelling. It would span the entire width of the property and would be constructed up to the roof ridge and very close to the eaves on the rear of the property. Hence, the entire slope of the rear roof pitch would be replaced with a large oblong form structure, which would almost totally enclose an existing stone chimney.
8. The style, sizes and shapes of the proposed glazed openings, ie a window and glazed doors behind a Juliet balcony with glass balustrade, bear no resemblance to the original window openings on the property. The external materials proposed are very modern, ie grey standing seam cladding on the elevations and grey upvc window frames. I appreciate that modern materials may be acceptable within CAs. However, this would depend on many factors, not least that the size and scale of the structures they are used on are proportionate in their context.
9. Bearing the above factors in mind, overall, I consider the design, size, scale, and appearance of the proposed dormer would significantly harm the character and appearance of the host property. As such, it would significantly harm the character and appearance of the NDCA.
10. The proposal would therefore neither preserve nor enhance the character or appearance of the NDCA. Consequently, it would not satisfy the statutory duty set out in s72(1) of The Planning (Listed Building and Conservation Areas) Act 1990. Nor does it accord with policies 20 and 24 of the Local Development Framework Development Plan Document: Joint Core Strategy and Development Management Policies, 2011, or heritage policies within the Framework. Collectively, and among other things, these policies require development to respond positively to the character of the surrounding area and preserve or enhance the character of CAs.

Heritage Balance, Planning Balance, and Conclusion

11. Regarding paragraph 202 of the Framework, I consider the proposal would result in less than substantial harm. Nonetheless, as advised in paragraph 199 of the Framework, I am required to give considerable importance and weight to the conservation of designated heritage assets. In such circumstances, the Framework advises that the harm should be weighed against any public benefits resulting from the proposal. However, the appellant has not proffered any public benefits that would arise from the proposal.
12. The appellant has put forward other considerations to weigh in the planning balance. The appellant wishes to fully utilise the domestic area created in the roof space shortly after purchasing the property. This would be a private benefit; and as the planning system operates in the public interest, I attach little weight to this matter.

13. The appellant has drawn my attention to examples of dormers within several CAs in the Oldham area, ie New Delph, Delph, Saddleworth and Uppermill, and pointed out that the terrace immediately north-east of the appeal terrace has one property with a dormer in the rear roof slope and one with a dormer at front. I do not have the full details of either of the examples the appellant refers to. I do not know, for example, when they were constructed, whether the CAs had been designated at the time of them being constructed, whether any were constructed under permitted development rights, or whether any have been constructed without the relevant permission(s). Consequently, I cannot be certain that any of the sites referred to are directly comparable to the site/case before me. Furthermore, regarding the 2 dormers referred to in the neighbouring terrace, both are substantially smaller than the proposed dormer and subservient to the dwellings they relate to. For these reasons, I attach limited weight to the existence of the other dormers referred to.
14. The appellant contends that as the roof ridge height of the 3 properties in the terrace north-east of the appeal property is around 4ft higher than the ridge height of the appeal property, the dormer would be mostly hidden on one side. Additionally, it is suggested that Midgrove is not a frequently used thoroughfare. However, having observed people using Midgrove during my site visit, and having walked around the lane to observe the site from various locations along it, I hold different views to the appellant. I consider the proposal would be very visible from several points along Midgrove, and that the lane appears to be used more than what I would consider to be an infrequent basis. Consequently, I attach little weight to this matter.
15. The appellant notes that the proposed materials were chosen to complement the rear porch. I appreciate that this may be the case. However, firstly, I do not know if the rear porch has planning permission or if it has been constructed under permitted development rights. Regardless, even if it is lawful, it doesn't automatically follow that similar materials used for the rear porch would be suitable for development on the roof. I therefore attach little weight to this aspect.
16. Bearing all the above in mind, in my view there are no other considerations that outweigh the harm to the character and appearance of the NDCA I have found. Consequently, there are no considerations that would lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR