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## Appeal Decision

Site visit made on 17 July 2023

**by Chris Couper BA (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> 8<sup>th</sup> August 2023**

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**Appeal Ref: APP/W4223/D/23/3319509**

**107 Green Lane, Oldham, Lancashire OL8 3BB**

- 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 Mrs Sumayya Bibi against the decision of Oldham Council.
  - The application Ref HOU/349979/22, dated 29 September 2022, was refused by notice dated 16 February 2023.
  - The development proposed is described as a boundary brick wall, imprinted concrete driveway and metal black gates.
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### Decision

1. The appeal is allowed and planning permission is granted for a boundary brick wall, imprinted concrete driveway and metal black gates at 107 Green Lane, Oldham, Lancashire OL8 3BB in accordance with the terms of the application, Ref HOU/349979/22, dated 29 September 2022, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan at 1:1250 scale, and plan at 1:100 scale depicting proposed new boundary wall and drive.

### Procedural Matter

2. The submitted plan of the 'proposed new boundary wall & drive' shows a 1.86 metre high wall with 2 metre high pillars and patterned wrought iron gates towards the eastern end of the site's Green Lane frontage, and a 0.8 metre high wall with pillars and an entry drive on the remainder of the frontage. Other than the gates, those features are already in place.
3. Whilst it was originally intended to insert PVC boarding between the pillars above the lower section of wall, that is not what is depicted on the amended plans, nor what has been carried out on site. I have therefore dealt with the appeal on the basis of the retention of the existing development as depicted on the amended plans, and the insertion of the proposed gates.

### Main Issues

The main issues are the effect of the development on:

- the character and appearance of the host property and the area, including whether it preserves or enhances the character or appearance of the Garden Suburb Conservation Area; and

- the safety of highway users.

## Reasons

### *Character and appearance*

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance. The National Planning Policy Framework ('Framework') sets out that great weight shall be given to the conservation of designated heritage assets, such as conservation areas, and that harm to their significance requires clear and convincing justification.
5. In seeking to preserve or enhance the character or appearance of conservation areas, Policy 24 of the Oldham Joint Core Strategy and Development Management Policies DPD (2011) ('OJCS') reflects the statutory test, and is consistent with the Framework.
6. The appeal site lies just within the Garden Suburb Conservation Area ('GSCA'). The GSCA is a residential estate, characterised by houses with many similar design features typical of their era, and which are set back from the tree-lined roads. I observed that some have open frontages, whilst others typically have low level boundary walls or hedgerows. This contributes to the GSCA's open-plan and verdant character.
7. The appellant claims that the walls the subject of this appeal replaced 2 metre high fence panels. However, the Council disputes that, and maintains that photographs from 2020 and Google streetview images show no boundary fence. As I have limited and conflicting evidence on this matter, I have dealt with the proposal before me on its planning merits.
8. Given its low height, the western section of wall does not appear out of place. Whilst the eastern section of wall is taller than other nearby front boundary features, it has been constructed in red brickwork to match the host, and with attractive detailing, such as blue engineering bricks and white coping, to add visual interest. This helps to assimilate it with the remainder of the property.
9. Moreover, its limited length is seen against the backdrop of the host dwelling's much taller brick flank wall, which angles away from the road, but whose corner almost abuts the pavement. In that context, in streetscene views, this boundary wall helps to break up the rather unalleviated solid expanse of the host's flank.
10. Consequently, on this particular plot, at the edge of the GSCA, the walls do not appear incongruous, and they have not had a significant impact on the area's predominantly open character. For similar reasons, and given their open construction, the proposed wrought iron gates, would not have a harmful impact.
11. The scheme has therefore preserved the character and appearance of the GSCA. On this issue it does not therefore conflict with OJCS Policy 24, or with the Framework. Neither does it conflict with the more general requirement for high quality design in the Framework and in OJCS Policies 9 and 20, and for proposals which respect local character and do not have a significant adverse impact on visual amenity.

*The safety of highway users*

12. The Council states that the new driveway, located towards the western edge of the site, does not require planning permission. Consequently, it does not object to that part of the scheme, and whilst I have had regard to a representation by an interested party, I have no reason to disagree with that conclusion. However, it continues that the taller section of wall has severely reduced visibility for users of the existing rear driveway.
13. For her part, the appellant states that the rear driveway is not in use, and that it will be removed. Given the presence of the new driveway to the front, along with its width and convenient location relative to the property's entry door, I agree that it is likely to be the main vehicular access and parking area for the property, as intended by the appellant.
14. The gates towards the rear are located on the inside of a bend. Given the pillars and walls either side, drivers emerging through them would have limited visibility of pedestrians using the pavement. However, drivers would typically emerge from here cautiously and at very low speeds. Moreover, this part of Green Lane is a cul-de-sac, which would appear to carry only a modest volume of traffic, and travelling slowly. The presence of a grass verge also ensures that drivers emerging from here would have reasonable visibility of traffic travelling eastwards on Green Lane.
15. Consequently, even if these gates were to be occasionally used for vehicular access, I am not persuaded, on the basis of the limited evidence before me, that this would have a harmful impact on the safety of highway users.
16. Thus, on this issue, the scheme does not conflict with that part of OJCS Policy 9 which states that development shall not harm the safety of road users, nor with paragraph 111 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

**Conditions and Conclusion**

17. In the event that the appeal is allowed, the Council has suggested a matching materials condition, but as the walls have already been constructed, and they match the host property, that is unnecessary. However, as the proposed patterned wrought iron gates had not been installed at the time of my visit, I have imposed the suggested condition requiring that the development be carried out in accordance with the approved plans.
18. Summing up, I have found that the scheme has preserved the character and appearance of the GSCA and that, on the basis of the evidence before me, it has not harmed the safety of highway users. Consequently, having regard to all other matters raised, the appeal is allowed.

*Chris Couper*

INSPECTOR