



Appeal Decision

Site visit made on 22 August 2023

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2023

Appeal Ref: APP/W4223/D/23/3320332

6 Wyndale Drive, Failsworth, Oldham M35 0PY.

- 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 Emma Prinn against the decision of Oldham Council.
 - The application HOU/350495/23, dated 9 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is loft conversion to semi-detached property. New roof to match that of neighbours property with dormer window to the rear aspect.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has raised considerable concerns regarding the process and procedure by which the Council reached its decision. These matters are not before me and my decision will be based on a consideration of the planning circumstances of the case only. If the appellant wishes to pursue her procedural concerns she should make a complaint through the Council's complaints procedure and if necessary to the Local Government Ombudsman.

Main Issues

3. The main issues are whether the proposed development would have an adverse impact on:
 - The character and appearance of the host dwelling and its surroundings; and
 - The present and future living conditions of the neighbouring occupants at No 4 Wyndale Drive and No 249 Lord Lane in terms of overlooking and loss of privacy.

Reasons

4. The appeal property sits on the south side of Wyndale Drive and is one of a pair of semi-detached properties finished in brick with a tiled roof. Both the appeal property and its semi-detached neighbour have been extended to the sides and with a similar side extension to No.4 the result is a tight relationship between No 6 and its neighbour on the corner plot to the west.
5. The appeal property has also been extended to the rear to two storeys under a hipped roof. Under the appeal proposals (which are a reworking of a previously permitted scheme for a smaller flat roof dormer (Ref HOU/349166/22)) the hipped roof would be removed and replaced with a flat roof dormer on top of a monopitch roof over the rear extension.

Character and Appearance

6. I have been referred to the fact that there is a wide range in style of extension within the area involving different roofscapes. However from my observations on the site visit there were no flat roof box dormers in the immediate vicinity and the few examples in the area were very much the exception rather than the rule. It is therefore surprising that the Council considered the original proposal for a flat roof dormer acceptable on top of existing large rear and side extensions. However the fact remains that there is a valid permission for a dormer.
7. The appeal proposal varies from the permitted scheme in a number of respects. The dormer would be centrally placed on the rear extension, would be wider by approximately 400mm and would have 3 windows rather than one. The result of the repositioning and increase in width means that to accommodate it the hipped roof on the side extension would have to be rebuilt at a steeper pitch than existing and with the existing front setback removed.
8. Inasmuch as the roof to the side extension on No. 8 (the attached neighbouring property) runs through as an extension of the main roof, the revision to the roof over the side extension to No 6 to run it through would be acceptable. However, the increase in the pitch of the hip would be more problematic. It has been put to me that the increase is minimal amounting to only a 6° increase. However the existing elevation drawing A1.2 is inaccurate compared with the earlier application drawings which show the existing pitch to the hip to be approximately 31°. The proposed elevation drawing A1.4 shows a pitch of 40° meaning the increase would in fact be around 9°. This combined with the increase in width means the proposed dormer will be more visible in views in from Wyndale Drive. Although the dormer is on the rear elevation, because of the orientation of Nos 6 and 8 to the road the dormer would be visible from the road and would be an incongruous and unattractive addition not in keeping with the character of the property and its surroundings.
9. I have been invited to conclude that the dormer centrally placed in the rear extension would be an improvement on the existing permitted scheme as it would be a more symmetrical addition. However, this advantage would be minimal and would be outweighed by the larger scale of the dormer now proposed and its increased visibility from Wyndale Drive.
10. The appellant has indicated a willingness to reduce the depth of the dormer extension by 0.5 metres. Whilst this might have been an improvement I am not convinced that this reduction in depth alone would be sufficient to make the proposal satisfactory. In any event no plans are before me showing this proposal and therefore a condition seeking to secure this would be unenforceable. The proposed dormer would be disproportionately large in the roofscape and whilst the appellant considers that a smaller dormer extension would not meet their needs the fact remains that this property has been extensively enlarged already. With any dwelling there is a limit to the degree of extension before this becomes disproportionate to the original house and what is now proposed would be a step too far in terms of its impact on the character and appearance of the house and its surroundings.
11. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings amongst other things and in these respects the proposal would fail. Policy 9 of the *Oldham Council Joint Core Strategy and Development Management Policies* (JCS&DMP) reflects the Framework in requiring that development protects and improves local environmental quality and does not have

a significant adverse impact on the visual amenity of the surrounding area and local townscape. Moreover Policy 20 looks to promote high quality design that reflects the character and distinctiveness of local areas and the supporting text to the policy makes it clear that well-designed buildings are ones where development is to an appropriate scale sensitive to the context including that of neighbouring buildings and the wider area. This proposal would be at odds with these policy objectives producing a development that would jar with the character and appearance of the host property and its surroundings.

Living Conditions

12. The arrangement of the properties at the end of Wyndale Drive where it joins Lord Lane is such that there is already extensive overlooking of neighbouring gardens both at ground level, as the intervening garden fences are low, and from the ground and upper floor windows in the rear elevations.
13. It is in this context that the introduction of the rear dormer needs to be considered.
14. Out of the three windows proposed in the dormer, one lights an ensuite which would be expected to be obscure glazed and the remaining two light one bedroom. Whilst the bedroom would overlook neighbouring gardens this is no different than already happens extensively on these tight-knit corner plots. There would be no overlooking of neighbouring windows only garden space.
15. I am not therefore persuaded that the overlooking would constitute any significant additional loss of privacy and therefore there would not be conflict with that element of Policy 9 of the JCS&DMP which seeks to ensure development does not cause significant harm to neighbouring occupants through impacts on privacy.

Other Matters

16. I understand the appellant's wish to increase the available accommodation for the family and for working from home thereby making sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling to provide additional accommodation would not therefore outweigh the harm to the character and appearance of the dwelling and surroundings as a result of the proposal.
17. It has been brought to my attention that the neighbouring occupants have not objected to the proposal. However, I must consider the impacts of the proposal for both present and future occupants and the fact that the present occupants have not objected does not mean the proposal would be acceptable or lead me to change my conclusion that the proposal would be detrimental to character and appearance as set out above.

Conclusion

18. In reaching my decision I have had regard to the matters before me and, notwithstanding my conclusion regarding the minimal impact on living conditions, for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR