



Appeal Decision

Site visit made on 3 October 2023

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/W4223/D/23/3327193

5 St Marks Avenue, Royton, Oldham OL2 6NL

- 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 Mark Harrington against the decision of Oldham Metropolitan Borough Council.
 - The application Ref: HOU/350635/23 dated 9 March 2023 was refused by notice dated 18 May 2023.
 - The application is for demolition of existing single store side and shed and replacing with side extension to existing end terrace comprising two storeys and loft.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in early September 2023 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

Main Issues

3. The main issues are; a) the effect of the proposal upon the character and appearance of the area, b) the effect of the proposal upon the living conditions of neighbours and c) the impact of the proposed development upon the mature cherry tree to the front of the property.

Reasons

4. The appeal property is a two storey end of terrace property. The terrace to which the property belongs exhibits some well thought out design characteristics and the whole terrace appears to have been intentionally created as one linear form with simple but effective architectural features, such as concrete porches, that give it interest and a simple but effective overall form. Similarly, the properties opposite vary between single and two storey houses and give a pleasing rhythm and consistency to the streetscene where they would appear to have been a clear design intent.

5. The properties also use simple materials and symmetry in order to create what I consider is a good example of mid 20 century post war development based upon the best of the Garden City Tradition.
6. The proposal before me seeks to construct a two storey side extension to the end of this terrace form along with a rear dormer extension facing onto a small dirt track lane that serves the rear of the houses here. This would be facilitated through the removal of an older store and shed structure in order to create a large, double aspect living room and three further bedrooms within the first floor and loft storey of the extension. The proposed extension has been reduced in width but would still extend to at least a third of the width of the existing house.

Effect of the Proposals Upon the Character and Appearance of the Area

7. I consider that the main issue in terms of the impact of the proposal upon the character of the area is concerned with the rear dormer. However, I also note the Council's concerns with regards the two storey side extension that they feel is too large.
8. In terms of the size of this extension I consider that it is too large to be considered a subservient addition, simply because it dramatically extends the footprint of the existing house and because it only offers a fairly tokenistic set back from the front elevation. As a result, the proposed extension would not only introduce a small but irregular break into this fine terrace but it would also appear to extend the terrace itself to such a degree as it would appear to encroach upon other neighbouring properties.
9. As such, the character of the streetscene would be harmed, not only through the poor tokenistic set back and small lean too roof to the front, which would undoubtedly cause harm to the simple linear form and design of the terrace, but also through the further extending of a two storey built form here and the near doubling of the footprint of the existing house.
10. There would also be a second, cumulative impact which would come from the rear dormer feature which would be a very large structure upon what is, currently, an unarticulated rear roof form. Even though this structure has been reduced in size, the scale of the box dormer and its proximity to eaves and ridge, would create a highly dominant structure upon the rear roof slope here. It is also true to say that the distinctive gable of the terrace form would be eroded through the presence of such an asymmetrical and dominant addition to the roof.
11. Although the proposed dormer would be tile hung this would not be sufficient enough to mitigate the harm caused by the scale, massing and poor design of this proposed feature.
12. In light of this, the proposed design appears contrived and fails to respond to the simple, but effective character of this area that it obtains from its existing buildings. Although I consider that there could be ways to extend this property in ways that could mitigate this impact, I consider that the proposed dormer extension, along with the size, extent and contrived details of the proposed side extension would cause harm to the unique and simple streetscene here. As such the proposal would conflict with Policies 9 and 20 of the Oldham Local Plan.

Effect of the Proposal Upon the Living Conditions of Neighbours

13. As mentioned above, the proposed extension would extend the line of this terrace to such an extent as to partially enclose the existing gap between this terrace and its neighbours. This is important because the existing terrace is a stand alone element of refined detail that requires space around it. The revised plans did withdraw the proposed extension to around 9.4m from the rear elevation of number 3 St Mark's Avenue however and this appears to have considerably lessened any potential impact upon this property.
14. However, the proposal would still substantially increase the built form here and bring it much closer to the rear windows of its neighbours. Although the two storey element would be read in a similar fashion to that of the existing gable end, except closer, the proposed dormer would more harmfully enclose the outlook from number 3 through encroaching high above the roof slope to such an extent as to cause a harmfully dominant impact upon the living conditions of neighbours.
15. As such the dominance and proximity of this dormer extension would be contrary to Policies 9 and 20 of the Oldham Local Plan.

Impact of the Proposal Upon the Mature Cherry Tree to the Front of the Appeal Site

16. To the front of the appeal property there is a well established mature cherry tree. The proposals intend to retain this tree and I consider that it contributes in a positive manner to the character and appearance of the street scene here. The proposal would however extend within close proximity to this tree and would intend to install a car parking space alongside it.
17. The Council's arboricultural officer has raised concerns with regards the impact of proposed construction upon this tree and its root protection area (RPA). They have also suggested that there could be pressure placed to remove the tree due to it being close to the front windows of the proposed new living room.
18. Although there may be ways to enable this tree to thrive for the longer term and to construct this extension, I have no evidence before me as to the precise means or methods through which the Appellants would do this. As such I am unable to make an accurate judgement upon the potential impact upon this tree.
19. Although I do consider that the double aspect of the proposed living room would lessen the impact upon the potential loss of daylight into this room caused by the tree, I consider that, without evidence to the contrary, that this tree could be put at risk as a result of this development being so close to it. As such the proposal would be in conflict with Policy D1.5 of the Council's Unitary Development Plan.

Conclusion

20. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal

A Graham

INSPECTOR