



Appeal Decision

Site visit made on 21 February 2024

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07.03.2024

Appeal Ref: APP/W4223/D/23/3334994

17 Spencer Street, Chadderton, Oldham, OL9 7JE

- 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 Tahir Mahmood against the decision of Oldham Metropolitan Borough Council.
 - The application Ref. HOU/351284/23 dated 11 July 2023, was refused by notice dated 18 October 2023.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 17 Spencer Street, Chadderton, Oldham OL9 7JE in accordance with the terms of the application, Ref HOU/351284/23, dated 11 July 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Layout, Sections and Location Plan: Drawing No ADL 03215658/2, Proposed Elevations, Roof and Site Plan Drawing No ADL 03215658/3 and Location Plan Drawing No ADL 03215658/4.
 - 3) The materials to be used in construction of the external surfaces hereby permitted shall match those used in the existing building.

Procedural Matter

2. In December 2023 the Government published its revised National Planning Policy Framework (the Framework). In this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework and that no party would be disadvantaged by such a cause of action.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on highway safety as a result of the loss of parking provision.

Reasons

4. The appeal property, 17 Spencer Street, (No 17) is an end semi-detached property sited in a group of seven dwellings within a modern development set back from Spencer Street. At the time that permission was granted for the housing development of the original site, permitted development rights for, amongst other things, extensions were removed. Access to the group of seven dwellings is derived from a private access drive from Spencer Street. The access drive is a no through road bounded at the eastern end, where No 17 is sited, by a small turning head and high brick wall. A tarmacked service strip, the status of which is unclear, separates the access drive from the hedge boundary to Spencer Street.
5. The proposal would mean the loss of the parking space(s) at the side of No 17. Whilst no swept path analysis has been provided, I saw on site the difficulty in manoeuvring an average sized car into this parking space such that it could leave the property in a forward gear given its width, the restricted nature of the turning head and the proximity of the wall. It appears to me that as a result of the modest space at No 17, reversing movements back towards the entrance of the private access drive to egress onto Spencer Street are likely in any event. However as a cul-de-sac with a relatively small number of properties deriving access from it, it is very lightly trafficked, and drivers would be likely to be moving at a slow speed and to exercise care when navigating it. Nor would the reversing manoeuvre take place over a significant distance. In such circumstances I do not find that such manoeuvres would unacceptably compromise the safe and free flow of traffic in this location to the detriment of other highway users. Nor, given such manoeuvres would take place over a private access, would the proposal have an impact on pedestrian and vehicular users of the public highway.
6. The proposal would inevitably result in a loss of off street parking in this location. However the use of the existing space for parking cannot be compelled and there is no information before me that this is required by a condition of any planning permission. It would be possible to park one car directly in front of the house and a smaller vehicle could in reality be parked in front of it towards the cul de sac head, although I accept that this may project beyond the confines of the appeal site. However in this location the private access drive only provides access to No 17 and would be unlikely to be used other than by residents or visitors to No 17. Moreover, I have no evidence that there is an existing problem with on street parking and it would appear from my site visit and the photographs provided that existing residents of No 17 use the private access drive for parking at the present time. Overall, whilst the proposal would see the loss of parking space(s) I do not consider that this would cause an unacceptable impact on highway safety.
7. The Council raise no concerns about the design of the proposal, nor are any concerns raised about the residential amenity of the occupiers of neighbouring properties. Having regard to the juxtapositioning of the properties in this area I concur with this assessment.
8. Overall, I conclude that the proposal would not cause an unacceptable impact on the safety of highway users. Therefore the proposal would comply with Policies 5 and 9 of the Oldham Development Plan Documents Joint Core Strategy and Development Management Policies (adopted 2011) which requires

development proposals to have regard to appropriate highway safety measures to ensure the safety of pedestrians, cyclists and other vulnerable road users and for development not to harm the safety of road users.

Conditions

9. In addition to the standard time condition, I have specified the approved plans as this provides certainty. I have also included a condition in relation to materials in order to provide a satisfactory appearance.

Conclusion

10. Subject to the above conditions and having regard to all matters raised, the appeal is allowed as set out in the formal decision notice above.

K Winnard

INSPECTOR