



Appeal Decision

Site visit made on 6 February 2024 by T Bennett BA (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2024

Appeal Ref: APP/W4223/W/23/3329010

Musta Q, 7 Parkgate, Chadderton, Oldham OL9 0AW

- 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 Robina Ilyas against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/350285/22, dated 4 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is erection of a metal mesh canopy to front of building with a metal shutter to be locked at night, including metal pillars to hold the entire structure.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. For accuracy I have used the description from the decision notice, which has also been used on the appeal form and in the appellant's statement. In addition, the National Planning Policy Framework 2023 (the Framework) was published after the appeal was made. The parts most relevant to the appeal have not however substantively changed from the previous version. The main parties' position at appeal or their respective cases would not therefore be prejudiced by me not seeking further comments thereon from either.

Main Issue

4. The effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site relates to a convenience store within a parade of retail and takeaway units in a predominantly residential area. The units are set back from the road behind wide pavements with minimal built form forward of their front elevations. This contributes positively to a pleasant sense of spaciousness.
6. The metal canopy and shutters would extend out into the forecourt to the same depth as an existing ramp and handrail. Owing to its scale, depth and design the development would appear as a substantial and permanent structure

located prominently forward of the front elevation. This would be an incongruous addition, at odds with the spacious and open character of the surrounding area. This would result in unacceptable harm to the character and appearance of the area. Accordingly, it would conflict with Policy 20 of the Oldham Development Plan Document – Joint Core Strategy and Development Management Policies 2011 (DMP) in so far as it requires development to reflect local character.

7. Paragraph 225 of the Framework states that existing policies should not be considered out of date simply because they were adopted prior to the Framework. Policy 20 is consistent with the design quality and suitability aims thereof and therefore attracts significant weight.

Other Matters

8. The canopy would allow the display and sale of produce. This in turn would enable the business to expand, supporting the local economy and community. This is something that the Framework and Policies 14 and 16 of the DMP advocate. However, I am not persuaded that the proposal is the only manner in which these benefits could be achieved. Furthermore, I have not been provided with sufficiently compelling evidence as to why produce cannot be sold within the existing retail unit. I would therefore afford these matters limited weight.
9. Sustainable development as set out in the Framework has an environmental objective as well as an economic and social one. Paragraph 8 sets out that such gains should be sought jointly. Whilst the proposal would meet social and economic objectives, it would not enhance the quality of the built environment. The proposal would not therefore be sustainable development in terms of the Framework and the presumption in favour does not therefore apply.
10. Due to the distance of the proposal from residential properties and because pedestrians would not be impeded, the scheme would not be harmful to neighbouring living conditions or highway safety. However, the absence of harm is a neutral factor and attracts weight as such.

Conclusion and Recommendation

11. The appeal scheme conflicts with the development plan. There are no material considerations worthy of sufficient weight that indicate the decision should be made other than in accordance therewith. I therefore recommend that the appeal is dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR