



Appeal Decision

Site visit made on 5 December 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/W4223/D/23/3323610

42 Wakefield Drive, Chadderton, Oldham, Lancs OL1 2PT

- 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 Shakil Begum against the decision of Oldham Council.
 - The application Ref HOU/348050/21, dated 11 November 2021, was refused by notice dated 15 March 2023.
 - The development proposed is a single storey rear extension with roof terrace.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal was described on the application form as an extension to form a garden room and balcony garden. However, I note that the Council, and the appellant on their appeal form, have described the proposal as a 'single storey rear extension with roof terrace'. Given the proposal before me, and for consistency, I have utilised the latter description.
3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.
4. In addition to the above, the Council has adopted the Places for Everyone Joint Development Plan Document For Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford And Wigan 2022 to 2039 (Adopted 21 March 2024) (the JDPD). Following the adoption of the JDPD, Policy JP-P1 of the JDPD has superseded Policy 20 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Strategies (2011) (the 'LP'). I have received the views of the main parties on the implications of the JDPD for the proposal and I have determined the appeal based on the adopted policies in the JDPD referred to by the Council.
5. 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.

Main Issues

6. The main issues are the effect of the proposal upon the character and appearance of the area and upon the living conditions of the occupants of 40 and 44 Wakefield Drive with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

7. The appeal property is an end terrace two-storey dwelling located on Wakefield Drive, Chadderton. It forms part of a terrace of three dwellings from nos. 38 to 42. The surrounding area is residential and is characterised by terrace rows and semi-detached dwellings. The appeal property backs onto the A627 Chadderton Way.
8. The proposed garden room and balcony garden will extend almost the full width of the appeal property at the rear. It would incorporate a flat roof to serve as the balcony, with a glazed balustrade. The submitted plans suggest that the balustrade would be 1.8 metres high by the rear external wall of the host dwelling and would reduce to around 1.1 metres in height at its rearmost point.
9. The extension would be readily visible from Chadderton Way, which also incorporates a pedestrian walkway. The appeal property sits at an elevated position from this highway and the extension would appear as a prominent and incongruous addition which would detract from the appearance of the host dwelling, the terrace and surrounding area. This is particularly the case given the scale of the extension and the inclusion of the roof terrace and the glass balustrades around the balcony garden.
10. In coming to the above view, I acknowledge that there are other single storey extensions in the area. However, none of these are of the scale of the proposal nor do they include a roof terrace.
11. Consequently, I find that the proposal would harm the character and appearance of the area and would conflict with Policy JP-P1 of the JDPD which amongst other matters seek to ensure that new development respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

Living conditions

12. The appeal development would result in the majority of the existing garden at the host property being lost, albeit that the proposal would include a roof terrace.
13. However, given the juxtaposition between the appeal property and the rear gardens of both 40 and 44 Wakefield Drive, the elevated nature of the roof terrace would allow a significant amount of overlooking to both of these garden areas. As a result of this, it would lead to a significant loss of privacy to the occupiers of these dwellings.
14. Whilst the proposed obscure glazed balustrade screens would provide some mitigation to this loss of privacy, given that the balustrade would only be around 1.1 metres high at the rear of the extension this would not prevent overlooking from the roof terrace.

15. The appellant has stated that the adjoining property, No. 40, has planning permission for a two-storey extension which would go all the way to their rear fence and if this was built there would be no garden to overlook. However, I have not been provided with any details of this extension, nor is there any guarantee that this would be built. As such, I can give this very little weight in my decision.
16. Considering all of the above, I find that the proposal would result in unacceptable harm to the living conditions of the occupants of 40 and 44 Wakefield Drive as a result of a loss of privacy. Consequently, it would conflict with Policy 9 of the LP which, amongst other matters, seeks to ensure that development does not cause significant harm to the amenity of existing or future occupants of neighbouring properties.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Forrett

INSPECTOR