



Appeal Decision

Site visit made on 27 May 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

Appeal Ref: APP/W4223/D/24/3336397

79 Cambridge Street, Oldham, OL9 7BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Muhammad Waqas against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is HOU/351778/23.
 - The development proposed is rear dormer construction with gable build up, single storey rear extension and timber fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant wishes for amended plans that were submitted to the Council to be considered as part of this appeal. The amended plans represent a substantial difference. Furthermore, if I were to accept them this would deprive those who were entitled to be consulted on the application the opportunity to comment which would give rise to procedural unfairness.
3. Following the determination of the application the Council adopted the Places for Everyone Joint Development Plan Document 2022-2039 on the 21 March 2024. The parties were invited to make comments in light of the adoption of the document and I have had full regard for the comments made. The document is part of the development plan and consequently Policy JP-P1 is relevant to this decision in addition to policies 9 and 20 of the Oldham Local Development Framework 2011.
4. The description of the proposed works on the application form describes the development as 'proposed rear dormer construction with gable build up and single storey rear extension'. The Council's Decision Notice includes fencing as part of the development, as do the original plans submitted with the application. I have consulted both parties regarding an amendment to the description of the development to include the timber fence. Both parties agreed to the amendment and therefore on this basis I have determined the appeal on the basis that the development is 'rear dormer construction with gable build up, single storey rear extension and timber fence'.
5. There is a dispute between the Council and the appellant on whether there has been a change of use for part of the site due to the curtilage and ownership of the property. This is not a matter for me to determine in the context of this appeal.

Main Issue

6. The effect of the development on the character and appearance of 79 Cambridge Street and the surrounding area.

Reasons

7. The appeal site is an end of terrace building located on the corner of Cambridge Street and Stafford Street in an established residential area. Cambridge Street consists of mainly terraced properties with on road parking. The terraced properties are red bricked, two storey and the roofscape has a high level of uniformity. 79 Cambridge Street is located on the corner of Stafford Street. Stafford Street has a steep incline with a uniform building line.
8. The rear dormer and gable build up is prominent within the roofscape when viewed from both Cambridge Street and Stafford Street. The grey UPVC materials used in the development are not sympathetic to the traditional red bricked character of 79 Cambridge Street. The development is large and due to the build up of the gable this further draws the eye within the street scene. This results in an incongruous design that is harmful to the character of 79 Cambridge Street and the surrounding area.
9. There are examples of hip to gable extensions and rear dormers in Cambridge Street and the surrounding area, including 77 and 71 Cambridge Street, 31 Lynn Street and 38 Stafford Street. I do not know the circumstances which resulted in the construction of these developments. However, the rear dormers at 77 Cambridge Street and 31 Lyn Street are set back from the eaves and set down from the roof ridge, resulting in a subservient design. These developments therefore remain consistent with the prevailing character of each host property and the surrounding area. The dormers/gable walls at 71 Cambridge Street and 38 Stafford Street are isolated examples of development which is inconsistent with the prevailing character of each host property and the surrounding area.
10. The appellant argues that the hip to gable element of the development is in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015. This may be the case however this is not a matter before me to determine in the context of this appeal.
11. The single storey rear extension is set back from the front elevation of the property but projects further than the original side elevation of 79 Cambridge Street (No.79). The projection disrupts the building line along Stafford Street and draws the eye. Despite the set back, the prominence of the rear extension is exacerbated due to the incline of Stafford Street and results in harm to the character and appearance of the surrounding area.
12. I do not know the circumstances which resulted in the construction of the single storey rear extension at 80 Cambridge Street (No.80). However, the size and design of the side elevation is less prominent within the street scene than the development at No. 79. Therefore, the development at No. 80 remains consistent with the prevailing character of the property and the surrounding area.
13. The height of the timber fencing creates a sense of enclosure and is also exacerbated by the incline of the road resulting in an incongruous design that does not assimilate with the surrounding boundary treatments on Stafford

Street. The fencing draws the eye within the street scene and consequently, results in harm to 79 Cambridge Street and the surrounding area. Furthermore, the distinctive character of the area is not undergoing such significant change so as to justify this extension which appears at odds with the fairly unaltered terrace.

14. The appellant has stated that they would be receptive to a split decision. I do not consider a split decision to be appropriate due to the significant harm the individual elements have upon the character and appearance of No. 79 and the surrounding area.
15. In conclusion, the rear dormer construction with gable build up, single storey rear extension and timber fence would harm the appearance of 79 Cambridge Street and the surrounding area. Therefore, the development is contrary to policies 9 and 20 of the Oldham Local Development Framework 2011 and JP-P1 of the Places for Everyone Joint Development Plan Document 2022-2039. These policies seek to ensure developments are of a high level of design and assimilate with the local character of the area.
16. The development also conflicts with the National Planning Policy Framework which seeks to achieve well-designed and beautiful places.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
18. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR