



Appeal Decision

Site visit made on 4 October 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/W4223/D/24/3349334
107 Green Lane, Oldham OL8 3BB

- 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 Mrs Sumayya Bibi against the decision of Oldham Council.
 - The application Ref is HOU/352241/24.
 - The development proposed is retrospective application for a two storey side/rear extension and erection of a shed to side elevation.
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Decision

1. The appeal is dismissed insofar as it relates to erection of a shed to side elevation. The appeal is allowed insofar as it relates to a two storey side/rear extension and planning permission is granted for a two storey side/rear extension at 107 Green Lane, Oldham OL8 3BB in accordance with the terms of the application, Ref HOU/352241/24, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Ground Floor Plan (Revised Plan); Proposed First Floor Plan (Revised Plan); Proposed Front Elevation (Revised Plan); Proposed Side Elevation and Proposed Rear/Side Elevation (Revised Plan); Proposed Rear Elevation, all dated Feb'20, revised 19.3.24.

Procedural Matter

2. The description of development in the heading above has been taken from the Council's decision notice as it is a more accurate description of the development before me than the description provided on the planning application form.
3. A two-storey side/rear extension has previously been approved by the Council (ref. HH/344521/20) and I observed on my site visit that it has been built other than in accordance with the approved plans. Notably, the first floor has been set back 0.5m less from the front elevation than approved, and the new bay window and front canopy now extends the full width of the extension. I further observed that a single storey shed structure has been constructed to the side elevation of the appeal property. The application was made retrospectively and I have duly determined the appeal on this basis.

4. The Council have raised no issue with regards to the changes to the approved two-storey rear/side extension and I have no reason to form a different view on this matter. Because the shed constructed to the side elevation is clearly severable, both physically and functionally, from the changes to the approved two-storey side/rear extension (I have described above), I intend to issue a split decision in this case.

Main Issue

5. The main issue in this case is the effect of the shed to the side elevation on the character and appearance of the host dwelling, and wider Garden Suburb Conservation Area.

Reasons

6. No.107 Green Lane (No.107) is one of a semi-detached pair of dwellings which front the corner of Green Lane and Fields Way. No.107 falls just within the eastern boundary of the Garden Suburb Conservation Area, significant as an attractive, tree-lined planned residential estate to the south of Hollins Road.
7. No.107 has a reasonably high brick boundary wall (around 1.9m in height) which aligns with the front elevation of the new two-storey side extension and then projects east along the side boundary (with Green Lane) up to double gates. A single storey shed structure has been constructed between the flank elevation of the host dwelling and this boundary wall. Whilst the structure may not be physically attached to the flank, it abuts it, and appears as a further extension to No.107.
8. The shed structure is higher than the brick piers of the boundary wall and has been designed with a mono-pitch roof which slopes up from the boundary. Because of its height and design, I observed that part of the side wall, the fascia boards and the roof are very visible from Green Lane. I note the appellant's comments that, because of the Council's intervention, the shed is not fully completed yet. However, I find the alignment and materials used for the fascias and the proposed firestone rubber roof finish (as described on the proposed plan) would not appear of high quality, detracting from the appearance of the host dwelling.
9. Rather than appearing well built, I observed that the shed structure appears somewhat temporary in its construction. Combined with its height above the boundary wall, it appears an incongruous and unduly prominent addition in the streetscene, when travelling in either direction on Green Lane. This causes significant harm to the attractive, well planned character and appearance of the streetscene and wider conservation area.
10. I have had careful regard to the benefits arising from the storage shed, in terms of additional space for the appellant's family, but these would not outweigh the significant harm I have identified above. I therefore conclude on the main issue that the shed to the side elevation would cause harm to the character and appearance of the host dwelling and to the wider Garden Suburb Conservation Area.
11. Consequently, the proposal conflicts with Policy JP-P1 of the Places for Everyone Joint Development Plan Document (2024) (PfE) which requires new development to respect character and identity of the locality in terms of design, siting, size, scale and materials used. It would further conflict with PfE Policy

JP-P2, Policy 24 of the Oldham Joint Core Strategy and Development Management Policies (2011) and the guidance in the National Planning Policy Framework (the Framework) which seeks to positively conserve, sustain and enhance the historic environment and heritage assets, including conservation areas.

Conditions

12. In attaching conditions to this decision, I have had regard to the tests set out in paragraph 56 of the Framework. Given that the two-storey side/rear extension is built, there is no need to attach a standard time limit condition or control the use of materials. However, for the avoidance of doubt and in the interests of certainty, I have imposed a condition specifying the approved plans insofar as they relate to the two-storey side/rear extension only.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed in so far as it relates to the changes to the two-storey side extension, and dismissed in so far as it relates to the erection of a shed to the side elevation.

R. Jones

INSPECTOR