



Appeal Decision

Site visit made on 29 October 2024

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH November 2024

Appeal Ref: APP/W4223/D/24/3347142

92 Parkway, Chadderton, Oldham OL9 0AR

- 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 A Ali against the decision of Oldham Council.
 - The application Ref is HOU/352179/24.
 - The development proposed is two storey side and rear extensions and rear dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the planning application form and the Council's decision notice does not reflect the whole of the development carried out at the appeal site as shown on the submitted plans. As such, I sought the views of both main parties on a revised description. Noting that the words 'retention of' are not acts of development and have therefore been omitted, the revised description has been agreed and used in the banner heading above. I am satisfied that the revised description does not alter the development which is subject of this appeal but better describes the whole development shown on the plans in precise and concise terms. Consequently, I am satisfied that no party will be prejudiced by my use of it and it is the basis upon which I determine this appeal.
3. The extensions have been constructed. I am therefore considering this appeal retrospectively.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the host property and the area; and,
 - The living conditions of the occupiers of 90 Parkway and properties on Burnley Road, with particular regard to outlook, daylight/sunlight and privacy.

Reasons

Character and appearance

5. Parkway is a residential area predominantly characterised by two storey semi-detached properties of a similar age, materials and character. However, the appeal site (No 92) is located close to the junction with Burnley Lane and

Cathedral Road, which includes detached dwellings. A detached dormer bungalow sits directly opposite No 92. The area in the immediate vicinity of the appeal site is therefore relatively varied in character and appearance, although the use of red brick in the construction of the properties and boundary walls is prevalent.

6. The appeal property, together with the attached neighbour at 90 Parkway (No 90) incorporate a ground floor bay window and are set back from Parkway behind a low brick wall, small front garden and drive.
7. The cumulative scale of the extensions to No 92 are substantial. It has been extended to the side with a two storey addition that incorporates a hip-to-gable roof and is flush with the main front elevation of the property. A small gap remains between the side wall of the extension and the boundary with properties along Burnley Lane. At the rear, No 92 incorporates a two storey flat roof extension across the full width of the dwelling and a large flat roof dormer on the rear roof slope of the original property.
8. Visibility of the rear extension and dormer from public vantage points is limited to gaps between pairs of semi-detached dwellings on Parkway and, as such, it is seen only when glimpsed against the backdrop of surrounding built form. However, views of the rear additions are more apparent from adjoining gardens and from the rear windows of surrounding properties. Nevertheless, due to the distance to surrounding properties and the degree of variation in sizes and styles of rear extension, particularly along Burnley Road, the extension at No 92 does not appear as an unduly harmful form of development within the private realm.
9. Notwithstanding the appearance of the rear extension in the wider locality, it is an addition to the rear of the dwelling of significant flat roof scale which, together with the large dormer, results in a considerable box-like profile that engulfs the rear profile of, and bears no relation to, the original dwelling. Although the rear garden area of the appeal property is substantial and the rearward projection of the extension is modest, the rear extension represents poor design in this particular case as it fails to integrate well with the form of the original dwelling and appears as a substantial and unsympathetic later addition. Thus, the rear extension, in combination with the dormer, is harmful to the original form and appearance of the host dwelling.
10. In relation to the side extension, No 92 sits close to the entrance to Parkway but is set back from the street behind a driveway and the boundary wall to the side of 465 Burnley Lane (No 465). I observed that there was a high hedge above the boundary wall that partially screens the side extension of the appeal property when entering Parkway. Although most of the semi-detached properties in the immediate surrounds have a hip roof, due to their location, Nos 90 and 92 are not viewed in the context of a row of similar properties.
11. Given these factors, the gable roof of No 92 is not visibly harmful to the streetscene, particularly as the bungalow opposite the appeal site also incorporates a gable roof. Furthermore, the width of the side extension is not disproportionate to that of the original dwelling and the fenestration details match the existing, albeit with the absence of a bay window. While the extension does not include a set-back from the front wall of the original dwelling which would have minimised the scale of the extension, the attached garage at No 90 is similarly not set back and does not include a bay window.

Therefore, the design of the side extension does not unbalance the pair of semi-detached dwellings nor the streetscene.

12. However, the absence of a set-back necessitates a good match of materials to those used on the original dwelling in order to ensure a consistent visual transition between old and new materials on a publicly visible elevation. That has not occurred in this case. The visual appearance of the brick used for the extension bears little resemblance to the colour or texture of the original brick. The external wall materials have an entirely different visual appearance to, and do not harmonise with, the external materials of the existing dwelling. The vertical line of pointing between the extension and the original house and the disjointed coursing between the two exacerbates this difference. For this reason, although the scale and design of the side extension is acceptable, the materials used on the front elevation harm the character and appearance of the host dwelling and the area.
13. While I appreciate that an exact brick match for the front elevation would be unlikely given the time elapsed since the original dwelling was built, my site observations confirmed that a number of the properties in the vicinity have extensions that have been constructed in materials of a similar colour to those found on the dwellings that they are attached to. The appellant suggests that permitted development rights would allow the front elevation of the property to be rendered and this would be his intention in future. Even if that were the case, there are no plans to that effect before me nor any certainty that would happen.
14. To conclude on this main issue, the rear extension, when taken together with the large rear dormer has an adverse effect on the character and appearance of the host dwelling. In addition, the wall material used on the front elevation is significantly at odds with that used on the original building.
15. Consequently, overall, the development harms the character and appearance of the host dwelling and the area. It conflicts with Policy JP-P1 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, 2022 to 2039, March 2024, which, amongst other matters, requires development to respect the character and identity of the locality in terms of design, siting, size, scale and materials. There is also conflict with Section 12 of the National Planning Policy Framework (the Framework) which seeks that development is of high quality, good design.

Living conditions

Outlook

16. The rear extension is close to the boundary with No 90. The extension at No 92 does not extend significantly beyond the ground floor rearward built limits of No 90 due to an existing single storey extension at No 90. At first floor, the extension at No 92 projects beyond the rear first floor window at No 90. However, that window is set in from the boundary, and due to the northerly orientation of the extension in relation to the window and its flat roof design, no undue loss of light or outlook for occupants of No 90 occurs.
17. The appeal property is located to the south of 463 Burnley Lane (No 463) and No 465. The side extension projects towards the rear garden boundaries of

these properties. Given the pitch roof garage located within the garden of No 465, parallel to the extension, only the first floor of the extension at No 92 and the flank wall of the dormer are visible to occupants of No 465. The extensions at No 92 do not significantly diminish either the outlook, daylight or sunlight reaching the garden or rear-facing windows at No 465. This is because of the existing garage, boundary vegetation, the slightly higher land level of No 465 compared to the appeal site and the remaining open aspect that is attainable along Parkway.

18. There is a small single storey rear extension at the rear of No 463, beyond which is a south-facing garden with a pergola at the end of the garden. I have carefully considered the effect of the extensions on the outlook of residents of No 463 as well as the levels of sunlight and daylight in relation to overshadowing when occupants would be in their garden or in the rooms at the rear of the dwelling.
19. Whilst the flank elevation of the extension is appreciably closer and higher than prior to No 92 being extended, it does not span across the whole of the rear boundary of No 463 and is set away from the boundary. For these reasons, and due to the flat roof design of the rear extension and the intervening boundary fence, it does not appear overly dominant.

Daylight / sunlight

20. The Council's officer report is not clear in relation to overshadowing and neighbouring properties. On the one hand, the distance between the extension and the rear elevation of properties on Burnley Lane is stated as 12m, which, as set out in the officer report, the Council find acceptable. However, the officer report also states that the combination of the extensions are overbearing and cause overshadowing.
21. In my view, due to the orientation and proximity of No 92 to the south, some loss of sunlight to the garden of No 463 would have already occurred late in the day during winter months when the sun is low in the sky. However, as a result of the hip to gable roof alteration, its two storey height and the additional rearward projection of the extension, further loss of sunlight to the garden is likely to occur from late afternoon for some months of the year. I observed at my site visit, albeit a snapshot in time, on a relatively sunny day at mid-day in late autumn that sunlight clearly reached windows at the rear of No 463 but did not reach the rear-most part of the garden.
22. The extensions are set back from the boundary with No 463 and do not extend across all its rear garden. Taking into account the built form and orientation of the properties, whilst the extension is likely to cast a shadow over much of the rear-most part of the garden of No 463 later in the day for much of the year, the existing boundary fence similarly casts a shadow in this part of the garden for parts of the day and year. On the basis of the information provided and what I saw at my visit, while the extensions cast a shadow over the rear-most part of the garden, I am satisfied that the extensions do not greatly overshadow the remainder of the garden or rooms within No 463. There is no compelling evidence before me to conclude that the extensions at No 92 result in an unacceptable reduction in daylight or sunlight.

Privacy

23. Views of rear gardens in the area are obtainable from windows in the extension and dormer. Although there are several first floor rear-facing windows at No 92, the main outlook from No 92 is towards its rear garden. From my site visit, no views directly towards the rear garden or rear facing windows were obtainable from the first floor windows of the extension towards No 463 and views from the closest dormer window to this property were obscured by the flat roof of the extension. First floor windows on the gable of the side extension serve bathrooms and are obscurely glazed with top-hung openings, thus no overlooking of surrounding properties arises.
24. Given its position adjoining No 90, parts of this rear garden can be seen from the rear extension's windows. In addition, due to the projection of the extension and its proximity to the boundary of 461 Burnley Lane, (No 461) views were possible towards this garden and its conservatory, although views to both these plots from the dormer were partially masked by the extension.
25. However, the rear window in the host building before the extension was erected would have provided views of the adjoining plot and neighbouring gardens. With the surrounding area being relatively built-up, some mutual overlooking is not unusual. Consequently, the level of overlooking of No 90 and properties on Burnley Lane from the rear extension and dormer is not unacceptable.
26. To conclude on this main issue, the development does not harm the living conditions of the occupiers of No 90 and properties on Burnley Road, with particular regard to outlook, daylight/sunlight and privacy. Accordingly, it does not conflict with Policy 9 of the Oldham Local Development Framework, Development Plan Document – Joint Core Strategy and Development Management Policies, adopted November 2011. This requires, among other things, that development does not cause significant harm to the amenity of existing or future neighbouring occupants through impacts on privacy, safety and security, noise, pollution, visual appearance, access to daylight or other nuisances.

Other Matters

27. Planning permission¹ (the approved scheme) has previously been granted for extensions to No 92. This scheme was for a two storey side extension, part two storey/ part single storey rear extension and rear dormer. I am satisfied it would comprise a realistic fallback position in the event that this appeal was dismissed. For significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out, but it would also need to be more harmful than what would be allowed by the scheme for which permission is sought. As a result, an element of planning judgement is involved in that assessment process.
28. The side extension constructed at No 92 is marginally wider than the approved scheme, has different fenestration and door arrangement on the side elevation and does not include a bay window on the front elevation. However, for reasons given above, I find that no significant harm arises in relation to these aspects of the development.

¹ LPA Ref: HOU/350883/23 approved 3 July 2023

29. The dormer differs from the approved scheme in that it is marginally wider and positioned slightly closer to the eaves of the main roof. Two additional small windows have also been inserted to the dormer. However, the increased size of the dormer alone is negligible when seen in combination with the two storey extension, due to it being recessed within the original roof slope. I also find for the above reasons that no significant harm arises in relation to overlooking of neighbouring properties from the additional windows.
30. The two storey rear extension extends across the full width of the original dwelling and the side extension, and projects approximately 20cm² further than the approved scheme. The first floor of the approved scheme is set in considerably from the boundary with No 90. However, as set out above, even though the first floor now extends to the boundary, no significant harmful consequence arises upon the living conditions of occupants of No 90 as a result. Nevertheless, it is clear that the size of the extension has increased when compared to the approved scheme and I have found harm to the character and appearance of the host property as a result.
31. Despite finding harm, the approved scheme would similarly mask much of the original dwelling. In addition, the approved scheme includes a haphazard arrangement of windows on the rear elevation of different sizes and alignment. The set in at first floor also creates two flat roof stepped variations in heights at the rear that serves to emphasise the first floor element of the extension. In the appeal scheme, the windows, although increased at first floor, have vertical alignment which better relates to the arrangement of windows on the dormer. While the form of the extension is box-like, the design has consistency in its composition, unlike the approved scheme. Therefore, the approved scheme would be more harmful to the character and appearance of the host dwelling than the appeal scheme. The fallback position is a material consideration of significant weight.
32. I have considered all other matters raised by interested people, including but not limited to parking, noise and biodiversity. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters. Concerns have also raised concerns that the works have been undertaken without complying with the previously approved scheme. However, Planning Practice Guidance³ advises that a local planning authority can invite a retrospective application as the appropriate way forward to regularise the situation. Interested parties have had the opportunity to comment on the development.
33. While I note comments in favour of the development, this is a neutral matter rather than one that carries positive weight in favour of the development.

Planning Balance and Conclusion

34. For the reasons given above, I find the development does not harm the living conditions of the occupiers of 90 Parkway and properties on Burnley Road, with particular regard to outlook, daylight/sunlight and privacy. I also find the fallback position is a material consideration of significant weight that would justify the scale and design of the appeal scheme. However, these factors do not outweigh the harm I have found with regard to the character and

² Appellant's figure provided in Appeal Statement

³ Paragraph: 012 Reference ID: 17b-012-20140306 Revision date: 25 04 2024

appearance of the host building and the area by the use of inappropriate external wall materials on the front elevation.

35. The proposal conflicts with the development plan, and there are no material considerations of sufficient weight that would indicate a decision other than in accordance with it.
36. The appeal is therefore dismissed.

A Veevers

INSPECTOR