



Appeal Decision

Site visit made on 11 December 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/W4223/D/24/3348859
150 Chadderton Way, Oldham, OL1 2EW

- 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 Aysha Khanom against the decision of Oldham Council.
 - The application Ref is HOU/352570/24.
 - The development proposed is a rear two/single storey extension and dormer.
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Decision

1. The appeal is dismissed insofar as it relates to a rear two/single storey extension. The appeal is allowed insofar as it relates to a dormer and planning permission is granted for a dormer at 150 Chadderton Way, Oldham, OL1 2EW in accordance with the terms of the application, Ref HOU/352570/24, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the original building.

Procedural Matter

2. The Council is satisfied that the proposed rear dormer is acceptable and as above, I confirm that the appeal is allowed insofar as it relates to the dormer. Taking this into account, the main issues in this case are as set out below.

Main Issues

3. The main issues in this case are the effect of the proposed rear two/single storey extension on the character and appearance of the area; and its effect on the living conditions of the occupiers of Number 148 Chadderton Road, with regards to outlook and daylight.

Reasons

Character and appearance

4. The appeal dwelling is a two storey mid-terrace dwelling located in a residential area characterised by the presence of two storey terraced and semi-detached dwellings.

5. The appeal dwelling comprises a Victorian red brick and slate-built terraced house built to the edge of the pavement. To the rear, the dwelling has a back yard and like neighbouring back yards in the same terrace, this is separated from the rear of new-build terraced properties by a ginnel.
6. During my site visit, I observed there to be a number of single storey rear extensions to dwellings in the same terrace as the appeal property. Consequently, single storey extensions rising slightly above rear boundaries comprise a common feature to the rear of Chadderton Way in this location.
7. In contrast, there are very few first floor rear extensions. There is one, a somewhat ramshackle addition, at the end of the terrace closest to the appeal property; and a pair of extensions, built together and therefore dissimilar to the proposal before me, towards the opposite end of the terrace.
8. The general absence of extensions at first floor level contributes to a sense of uniformity, which itself is reinforced by the presence of a modern terrace of partly-built new-build dwellings to the rear of Chadderton Way.
9. The proposed single and two storey rear extension would result in a very large addition relative to the size of the host dwelling. I find that the overall height, length and volume of the proposal would lead it to appear as an unduly large and overbearing development.
10. The harm arising from the above would be exacerbated as a result of the proposed rear extension drawing attention to itself as an incongruous feature, unlike any other extension to the rear of the terrace within which the appeal dwelling is located. As such, the proposal would draw undue attention to itself and would detract from the uniform attributes of the surrounding area.
11. Taking all of the above into account, I find that the proposed rear extension would harm the character and appearance of the area, contrary to the National Planning Policy Framework and to the Places for Everyone Plan (2024) Policy JP-P1, which together amongst other things, protect local character.

Living conditions

12. The proposed development would project to the rear alongside the shared rear boundary with Number 148 Chadderton Way. I find that the combined impact of the height, projection and immediate proximity of the proposal would result in it looming above No 148's back yard to an overbearing degree, such that it would unduly dominate the outlook to the rear from this neighbouring dwelling.
13. Further to the above, as a result of its immediate proximity and height, especially in the area closest to No 148's rear elevation, I consider that there would be a shadowing effect and consequently, a reduction in the amount of daylight reaching the rear of No 148. In the absence of any substantive evidence before me to the contrary, I find this to be a factor which adds to the harmful impact of the proposal.
14. Taking all of the above into account, I find that the proposed rear extension would harm the living conditions of the occupiers of Number 148 Chadderton Way, with regards to outlook and daylight, contrary to the National Planning Policy Framework and to Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies

(2011) Policy 9, which together amongst other things, protect residential amenity.

Conditions

15. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition controlling materials is necessary in the interest of local character.

Other Matters

16. In support of the proposal, the appellant refers to other developments elsewhere. However, there is nothing before me to demonstrate that any of these examples are so similar to the proposal before me as to provide for direct comparison.
17. Notwithstanding this and in any case, I have found above that the proposed rear two/single storey extension would result in significant harm and this is not a factor that is mitigated by the presence of other developments elsewhere.

Conclusion

18. For the reasons given above, the appeal succeeds insofar as it relates to a dormer but it does not succeed in respect of a rear two/single storey extension.

N McGurk

INSPECTOR