

Appeal Decision

Site visit made on 9 May 2025

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/W4223/D/25/3361695

165 Stamford Road, Lees, Oldham, OL4 3NB

- 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 and Mrs R Mayes against the decision of Oldham Council.
 - The application Ref is HOU/353680/24.
 - The development proposed is construction of raised patio and side-screens and stepped access to rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The majority of the development the subject of this appeal has already taken place and is referred to below as “the development.”
3. A previous application for the construction of raised patio in rear garden with access steps was refused in July 2024¹. One of the reasons for refusal related to the loss of privacy to neighbouring occupiers.
4. The proposal the subject of this appeal includes 2m high side-screens. In this regard, the Council is satisfied that there would not be significant harm to the privacy of neighbours and consequently, the main issue in this case is that set out below.

Main Issue

5. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property comprises a mid-terrace dwelling situated in a residential area, notable for the presence of rows of housing constructed on the side of a hill.
7. The topography of the area is such that, from the rear, the ground floor of dwellings in the terraced row within which the appeal dwelling is located, appear to be set at

¹ Reference: HOU/352455/22.

first floor level. To the rear, properties in the row have a range of features, including gardens, garages and stores, located at ground level, below the level of the ground floor of dwellings.

8. During my site visit, I observed that some dwellings in the same terrace as the appeal dwelling have ground floor outriggers to the rear and also that there are two storey outriggers to the rear of dwellings at either end of the terrace. Some dwellings in the row tend to have simple steps leading down to rear garden level.
9. In addition, I also noted during my site visit that a number of dwellings have small patio areas outside ground floor rear doors which appear unobtrusive. In contrast to these generally small patio areas, the development the subject of this appeal appears large and obtrusive.
10. The development extends across much of the width of the host dwelling and projects for a considerable distance to the rear. The size of the patio combines with an additional stepped area and the overall height of the structure, well above the level of the garden below, to result in it drawing attention to itself as an unduly dominant feature, out of character with its surroundings.
11. Further to the above, I find that whilst the proposed 2 metre tall side-screens would reduce overlooking from the development, their appearance would further draw the eye as excessively tall and solid features projecting the full length of the patio. As such, they would add significantly to the dominant and incongruous appearance of the development.
12. Taking all of the above into account, I find that the development harms the character and appearance of the area, contrary to the National Planning Policy Framework and to Policy JP-P1 of the Places for Everyone Plan (2024), which together amongst other things, seek to protect local character.

Other Matters

13. In support of their case, the appellants refer to other developments to the rear of Stamford Road. Whilst I note the presence of a range of additions to the rear of the terraced row, these differ in size and form to the development the subject of this appeal and do not provide for direct comparison. Notwithstanding this and in any case, I have found that the development results in harm and hence the decision below.
14. The appellants draw attention to the amenity value of the development in providing a safe outdoor space. This is a factor that stands in favour of the development, but it does not outweigh the identified harm.

Conclusion

15. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR