Planning Inspectorate

Appeal Decision

Site visit made on 15 April 2025 by T Morris BA (Hons) MSc

Decision by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/W4223/D/25/3359198
181 Frederick Street, Oldham OL8 4DH

- 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 Rafia Begum against the decision of Oldham Metropolitan Borough Council.
- The application reference is HOU/353146/24.
- The development proposed is front garden to driveway conversion.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I observed on my site visit that the development has already commenced on the site though it does not appear to be completed. Planning permission is therefore sought on a partly retrospective basis. I have made my recommendation on the basis of the submitted plans.

Main Issues

4. The main issues are the effect of the proposed development upon the:

   i) Character and appearance of the area; and

   ii) Highway safety.

Reasons for the Recommendation

Character and Appearance

5. The appeal site comprises a semi-detached dwelling situated within a predominantly residential area. The street scene is characterised by a mix of open and enclosed frontages, including low brick boundary walls and open driveways, some of which are wide extending the full width of the plots. Even if the street once comprised a greater degree of enclosed front boundaries, open driveways now nonetheless form part of the character of the area. Consequently, there is no single discernible style of front boundary which strongly characterises this part of Frederick Street.

6. Whilst I accept that a front boundary wall has been removed from the site, the open frontage and hard surfaced parking area at the site assimilates with other similar

frontages in the street scene. Even if some of the open frontages and off-road parking in the area are historic and use extensions to existing dropped kerbs, the character of frontages on Frederick Street has undoubtedly evolved over time. Viewed within this context, the development is not harmful to the character and appearance of the area.

7. In summary, the proposal would have an acceptable effect on the character and appearance of the area. It complies with Policies JP-P1 and JP-C8 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan (DPD) (2024), which amongst other things, require that development respects and acknowledges the character and identity of the locality.

Highway Safety

8. I am referred to the Council's Light Vehicle Crossing Policy (LVCP) (2024). It appears to be a Highway Authority document rather than adopted planning policy such that it attracts a reduced weight. It nonetheless provides important guidance that is material to my consideration. It states that the minimum depth of parking areas should be at least 5m deep from the back of the pavement to the front of the building. This is to avoid vehicles overhanging the highway. The Council states that the length of the driveway at the appeal site is 4.75m. This figure is not disputed by the appellant.

9. Whilst I accept that a small or medium sized vehicle could be parked without protruding over the footway, there is the potential that larger vehicles could use the driveway. This would present an obstruction within the footway, particularly for more vulnerable users of the footway including for example those with prams, wheelchair users and the visually impaired. Furthermore, I observed that the gatepost pillars at the site also restrict visibility for drivers emerging from the driveway, exacerbating the risk to users of the footway. Whilst the appellant suggests that the existing gate pillars would be removed, the submitted plans are not sufficiently clear in this regard, and this would also have implications for the character and appearance of the area.

10. I acknowledge that the LVCP allows for a reduced minimum driveway depth of 4.7m for a residential property in the event that the applicant can demonstrate, via a vehicle logbook, that the vehicle would not overhang onto the highway, including the footpath, and cause an obstruction. However, the logbooks provided do not confirm the length of the vehicles which would park at the site. Moreover, there is no mechanism before me to restrict existing or future occupiers of the property to vehicles of a maximum size. This matter does not therefore overcome my concerns in respect of the increased risk to pedestrians and motorists, which I note are shared by the Highway Authority.

11. My attention has also been drawn to the approval of a similar application at 175 Frederick Street. However, no details of this have been provided and so I am not aware of the full circumstances of the case, such that I am unable to consider it comparable. This does not affect my findings.

12. In summary, the development would have an unacceptable effect on highway safety. It conflicts with Policy 9 of the Oldham Council Development Plan Document – Joint Core Strategy and Development Management Policies (2011) and Policy JP-C8 of the DPD, which seek to prioritise development which does not harm the safety of all road users including pedestrians. It would further fail to comply with the

guidance set out in the LVCP which seeks to ensure the quality and safety of vehicle dropped crossings.

13. For the same reasons, the proposal would conflict with the National Planning Policy Framework which states that developments should ensure that safe and suitable access to the site can be achieved for all users and create places that are safe which minimise the scope for conflict between pedestrians, cyclists and vehicles.

Other Matters

14. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability is a relevant protected characteristic to which the PSED applies.

15. I have been advised that some occupants of the dwelling have disabilities and that a driveway would improve their quality of life by providing direct safe and accessible parking. However, I have not been provided with specific information regarding the accessibility needs of the occupants. The supplied plans are basic, and it is not clear whether the proposed gradient would provide suitable access to the dwelling. Neither is it clear that the occupants would be unable to access a vehicle if parked on the street, a short distance from the front door of the dwelling. The information provided is insufficient to demonstrate that the harm to highway safety would be outweighed by the personal circumstances of the appellant's family. Having carefully considered the benefits of the proposal, dismissal of the appeal would be a proportionate response to the well-established planning objectives of ensuring highway safety.

16. Furthermore, I appreciate that the development is sought in the interests of safety and security. However, this need has not been substantiated by any detailed evidence. Therefore, these matters do not justify the development since, for the reasons I have explained, it would give rise to harm in the context of the highway safety element of the main issue.

Conclusion and Recommendation

17. The proposal conflicts with the development plan as a whole and there are no other material considerations, which would alter this finding. I therefore recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Clowes

INSPECTOR