
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: 14 July 2025

Appeal Ref: APP/W4223/D/25/3359562

185 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 Mr Zahoor Ali against the decision of Oldham Metropolitan Borough Council.
 - The application reference is HOU/353167/24.
 - The development proposed is garden to driveway conversion with ACO drain system and dropped kerb.
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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 have amended the description in the banner heading above to remove reference to 'proposed existing' as contained on the planning application form as it is superfluous and not a description of development.
4. I observed on my site visit that the development has already been completed. Planning permission is therefore sought retrospectively, and I have made my recommendation on the basis of the development as constructed.

Main Issues

5. The main issues are the effect of the development upon the:
 - i) Character and appearance of the area; and
 - ii) Highway safety.

Reasons for the Recommendation

Character and Appearance

6. 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 extend the full width of the plots. Consequently, there is no single

discernible style of front boundary which strongly characterises this part of Frederick Street.

7. I acknowledge that a front boundary wall has been removed from the site and that this was a feature consistent with others nearby. Whilst the loss of the wall and the changes to the land level are regrettable, the character of frontages on Frederick Street has undoubtedly evolved over time. They are now more open and contain a greater degree of hardstanding, as is demonstrated in Figure 9 of the appellant's statement and as I observed during my visit. Even if some of the open frontages and off-road parking in the area are historic and utilised extensions to existing dropped kerbs, they nonetheless now form part of the character of the area. The Council has not provided any convincing evidence as to why I should not consider them as such. Given the overall mix of open and enclosed front boundaries in the area, the open frontage and hard surfaced parking area at the site assimilates with other frontages in the street scene. Viewed within this context, the development is not harmful to the character and appearance of the area.
8. In summary, the development has 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 development to respect and acknowledge the character and identity of the locality.

Highway Safety

9. The Council's Light Vehicle Crossing Policy (LVCP) (2024) appears to be a Highway Authority document rather than planning policy, such that it attracts 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 required to avoid vehicles overhanging the highway. The Council state that the depth of the driveway at the appeal site is 4.45m. This substandard measurement is not disputed by the appellant.
10. Whilst I acknowledge that a small or medium sized vehicle could be parked without protruding over the footway as shown in the photographs supplied by the appellant, larger vehicles would overhang the footway. This would present an obstruction, particularly for more vulnerable users of the footway including for example those with prams, wheelchair users and the visually impaired. It would be unreasonable to restrict the size or length of vehicle that could be accommodated on the driveway and it would not be enforceable.
11. In addition, I observed during my site visit that a high wall sits alongside the parking area of the appeal site. This severely restricts visibility for drivers emerging from the driveway and exacerbates the risk to users of the footway. The lack of visibility at the site adds to my concerns.
12. My attention has also been drawn to other driveways/parking forecourts of similar depth in the surrounding area. However, I am not aware of the full circumstances in which they were installed and whether they comply with the LVCP. In any case, they do not justify the site-specific harm identified which would increase risk to users of the footway.

13. In summary, the development has 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 amongst other things, seek to prioritise development which does not harm the safety of all road users, including pedestrians. It further fails to comply with the guidance set out in the LVCP which seeks to ensure the quality and safety of vehicle dropped crossings.
14. For the same reasons, the development conflicts with the National Planning Policy Framework, which requires developments to minimise the scope for conflict between pedestrians, cyclists and vehicles.

Other Matters

15. I have carefully considered the reasons that explain why the appellant has converted the garden to a driveway. I understand that the development has been carried out for reasons of personal and vehicle safety. However, whilst I sympathise with the appellant's situation, it is not clear what factors contributed to the collisions which have taken place previously within the street. I am not satisfied on the evidence provided, that the private needs of the appellant are sufficient to outweigh the harm identified to highway safety.

Conclusion and Recommendation

16. The development 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

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

M Clowes

INSPECTOR