



Appeal Decision

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 13 August 2025

Appeal Ref: APP/W4223/C/24/3356267

Land at 8 Fernlea Avenue, Chadderton, OLDHAM, OL1 2QH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Finuara Begum against an enforcement notice issued by Oldham Metropolitan Borough Council.
 - The notice was issued on 24 October 2024.
 - The breach of planning control as alleged in the notice is: The raising of the roof of the dwelling on the Land to accommodate the erection of a rear dormer that is not Permitted Development. The raising of the roof was refused planning permission by the Council (HOU/349861/22) and subsequently dismissed at appeal by the Planning Inspectorate (APP/W4223/D/23/3314299).
 - The requirements of the notice are to:
 - a) Permanently lower the height of the roof to its original ridge line so that it is uniform with the other terraces on the street; and
 - b) Ensure that once the roof is lowered, the dormer is also lowered and beneath the original ridge line and that it complies with the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

2. Considering the matter at appeal it was not necessary to carry out a site visit and I have made my decision based on the written evidence submitted during the appeal process.

Appeal on ground (f)

3. The issue is whether the requirements of the notice are excessive to achieve the purpose(s) of the enforcement notice. Section 173(4) of the Town and Country Planning Act, 1990 indicates that there are two purposes which the requirements of an enforcement notice can seek to address. The first is to remedy the breach of planning control that has occurred and the second to remedy any injury to amenity which has been caused by the breach. In this case the purpose behind the notice is to remedy the breach of planning control.
4. The appellant contends that the works undertaken were carried out with careful planning and execution and guided by professional architects and builders. Albeit, no Building Control Inspections were carried out. The appellant advises that she no longer has contact with the builders and is therefore unsure how to proceed. She believes that the dormer has enhanced her home and contributed to the overall aesthetics and value of the neighbourhood. She suggests that the addition of decorative ridge tiles/inserts could further enhance the property and lowering

the ridge height and dormer roof, as required by the notice, is excessive. Furthermore, the development has the support of neighbours, and their signatures have been provided in support of the development. She points out that there are numerous nearby homes which have similar height dormers without facing enforcement action and considers the Council to be inconsistent in their decision making and decision to instigate enforcement proceedings.

5. I recognise that the works were undertaken in good faith and on the understanding that the development was not in contravention of any regulations. However, that is a private matter to be resolved with the architect/builders and not a matter for my consideration in this appeal.
6. In the absence of an appeal on ground (a), general planning considerations cannot be considered when determining an appeal on ground (f), and the notice cannot be varied to attack its substance. In addition, although many neighbouring residents support the appeal, it can be seen from the previous Inspector's decision¹, that he too was concerned about the increase in the property's ridge height, and the harmful effect the development has had on the character and appearance of the host property and surrounding area.
7. There are therefore no lesser steps available which would achieve the statutory purpose behind the notice, and the appeal on ground (f) fails.

Conclusion

8. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal fails and the enforcement notice is upheld.

Elizabeth Pleasant

INSPECTOR

¹ APP/W4223/D/23/3314299