



Appeal Decision

Site visit made on 23 September 2025

by M James BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/W4223/W/25/3368519

63H Heron Street, Oldham OL8 4LP

- 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 Yasmin Sharif against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is FUL/354201/25.
The development proposed is a change of use from garage/storage to self-contained flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the living conditions of future occupants of the proposed flat in relation to outdoor amenity space, bin storage, noise and odour.

Reasons

Living conditions of future occupants

3. The site includes a single storey garage currently used for storage with existing hardstanding surrounding the plot. Also within the site and immediately to the east of the garage is the rear of a butchers shop facing onto Wellington Road with a residential flat above. The existing first floor flat is accessed via an external staircase with associated bin storage for the flat adjacent. There is an existing gated access for the site onto Heron Street to the front of the garage with a small courtyard area that would be shared by the proposed flat, butchers shop and the existing flat above.
4. The rear of the butchers shop includes an external door and extractor fan and is separated from the side elevation of the garage by a narrow alley that leads to the rear of the garage. A small outbuilding with storage for bins for the existing ground floor property also occupies the space between the butchers and garage.
5. The proposed development is for a change of use of the garage / storage building to a self-contained residential flat. A single storey front extension to the garage would extend the building further into the courtyard between the garage and gated access.
6. The proposed plans (drawing number A102) show that bin storage for the proposed flat would be located in the same area as the existing bin storage to the rear of the butchers shop. This drawing also indicates that a door and windows

would be proposed to the front of the flat and windows to the rear. No windows are shown on the proposed plan for either side elevation and so no windows would be directly facing the rear of the butchers shop. The proposed plan also indicates that the courtyard area to the front of the flat would be used for car parking.

7. The proposed development would reduce the area of hardstanding on the plot by extending out into the frontage courtyard. This would reduce the amount of amenity space that is already shared between the butchers and the existing flat above. Whilst the proposed plans identify an area for bin storage for the proposed flat, this area is already used for bin storage for the butchers as well as a shed. This would further reduce the amount of amenity space in what is already a confined area.
8. The reduction in the frontage courtyard area and the inclusion of car parking in this space may also serve to restrict access to place bins outside of the properties for collection if a car was parked.
9. A one-bedroom flat would not generate the same need for outdoor space as a larger family home and the National Design Guide (2024) and National Planning Policy Framework (the Framework) both support a context-led approach to residential design recognising that flexibility should be applied when bringing underutilised brownfield sites into use when they contribute to housing supply, visual improvement and local regeneration objectives. However, I do not consider that the space provided would be conducive to the suitable living conditions of future occupants. This is due to the reduction in outdoor space that the proposed extension would bring about alongside the need for additional bin storage in an already confined space that would be shared with the butchers shop.
10. Harm is also identified in relation to both noise and odour arising from the butchers shop with a rear door close to the proposed bedroom window. Whilst the proposed bedroom window would not be facing directly onto the rear of the butchers shop, it would be in close proximity to it. As such, I consider that the living conditions of future occupants would be harmed by noise and odour emanating from activities at the butchers shop.
11. I note that the appellant considers that the proposed development does not adjoin any Class E or industrial premises with significant odour or noise and that the surrounding properties are predominantly residential. In addition, no representations from the Council's Environmental Health department were made in relation to the application. Based on observations on my site visit, the butchers shop appears to be operational. Whilst I did not experience significant noise or odour issues during my visit, I consider it likely that such issues would arise periodically depending on the activities at the butchers shop due to its proximity to the flat.
12. No assessment of noise or odour or detailed consideration of these issues has been provided. I note that the appellant would be willing to accept the imposition of a condition requiring the submission and imposition of appropriate sound insulation measures should any concerns arise. However, no further details are provided by the appellant or the Council and I consider it unlikely that such measures would address noise impacts experienced, particularly if windows at the flat were open. As such, I conclude that the proposed development would cause significant noise related harm to future occupants.

13. For the reasons above, I conclude that the proposed development would be contrary to Policy 9 of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document 2011, as it would cause significant harm to the amenity of future occupants.
14. I also conclude that the proposed development would conflict with paragraph 135 of the Framework, which amongst other criteria, requires a high standard of amenity for existing and future users. In relation to the National Design Guide's recognition of the need for flexibility in bringing brownfield sites forward, this is not at the expense of good design. The guide also calls for all private and shared external spaces to be of a high quality, convenient and that function well. I do not consider that the outdoor amenity space would meet these criteria.

Other Matters

15. The proposed development would be of benefit in supporting the housing needs of the area. The appellant highlights that the flat is in a sustainable location close to public transport and essential services. I concur with this statement. However, I attach little weight to the addition of one dwelling in a sustainable location and this would not outweigh the harm identified above.

Conclusion

16. For the reasons given above, the appeal is dismissed.

M James

INSPECTOR