

Appeal Decision

Site visit made on 31 October 2025

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/W4223/D/25/3373430

13 Jowett Street, Oldham, OL1 4JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sheraz against the decision of Oldham Metropolitan Borough Council.
 - The application is reference HOU/354823/25.
 - The development proposed is a retrospective application for an outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made retrospectively for development mainly constructed.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the character and appearance of the host property and the area and (ii) the living conditions of the occupiers of No.15 Jowett Street in terms of their outlook.

Reasons

Character and appearance

4. The appeal property is a two storey, brick built, end of terrace dwelling located in a predominantly residential area with a mix of other terraced houses and semi-detached bungalows. It has a relatively long, rear amenity area abutting Tilton Street and within which the appealed outbuilding is sited, being located at the end of its amenity area and parallel to Tilton Street.
5. The other properties forming the terrace also have similar rear amenity spaces, arranged parallel to that of the host property and they include outbuildings alongside the appeal building, though they are noticeably lesser in height.
6. The appealed outbuilding is approximately 10 metres long by 3 metres wide and has a flat roof with a height of about 2.85 metres. Submitted finishes include a brick plinth, similar in appearance to the host property, and with smooth, beige timber cladding above, with powder coated windows and doors and with a dark flat roof. On my site visit, I was able to note that the brick plinth had not yet been added and the upper part was not beige.

7. The proposed use is for ancillary storage and as an open plan leisure area for use in association with the host property.
8. The outbuilding is highly visible from the adjoining Tilton Street, and by its size, height, and its flat roof, it has a dominant and incongruous appearance which fails to assimilate well with the character and appearance of the area.
9. I appreciate that there are other outbuildings parallel to it and to which I have referred, but these are sited somewhat further away from the public domain, and by their lesser heights, appear subordinate in scale to their host properties when compared to the outbuilding which is the subject of this appeal.
10. The appellant has suggested that a landscaping condition to include boundary hedging would soften the impact of the outbuilding, but this would take some time to mature, and, in any event, may not endure forever. I do not consider that it would be sufficient to overcome the incongruous and dominant impact of the outbuilding upon the character and appearance of the host property and the wider area.
11. The appellant considers that the outbuilding is almost permitted development and might be made so by a condition limiting its height. Objectors assert that the outbuilding is being used for business purposes. I have determined the appeal on the basis that it is to be used for domestic storage and for leisure uses in association with the host property, and not for business purposes.
12. I am mindful of advice in Procedural Guide: Planning appeals – England 2025¹ that *‘the appeal process should not be used to evolve a scheme’ and that ‘it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage’*. It also advises that *“if an applicant thinks that amending their application proposals will overcome the local planning authority’s reasons for refusal they should normally make a fresh planning application”*. In this case, I cannot effectively seek to determine a different proposal by way of the imposition of a condition.
13. Therefore, for the above reasons, I conclude that the outbuilding does not accord with policy JP-P1 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024 (PfE), which aims to protect and conserve the character and appearance of areas within which development is proposed, or with policy 9 of the Oldham Local Development Plan Document 2011 (LP), or chapter 12 of the National Planning Policy Framework 2025 (the Framework), which have the same aims.

Living conditions of the occupiers of No. 15 Jowett Street.

14. The appealed outbuilding is detached and separated from the existing dwellings at Jowett Street by several metres, located at the end of the amenity space and where it adjoins other similar structures in adjoining gardens.

¹ Procedural Guide: Planning appeals – England (<https://www.gov.uk/government/publications/planning-appealsprocedural-guide/procedural-guide-planning-appeals-england>)

15. By its distance from No.15 Jowett Street and by its single storey height, I do not consider that the proposed extension would have an unduly oppressive or overly dominant effect upon the outlook of the occupants of the property.
16. Therefore, I conclude that the outbuilding does not conflict with policy 9 of the LP which aims to prevent harm to the amenities of existing and future neighbours, or with chapter 12 of the Framework which has the same aim. PfE policy JP-P1, and as quoted by the LPA as a reason for refusal, is less pertinent in this regard, excepting that it requires a high level of amenity for outdoor environments, which in this case, would not be significantly affected in terms of outlook.

Conclusion

17. While I have concluded that the proposed development would not have a materially harmful impact upon the living conditions of adjoining occupiers in terms of outlook, I have nevertheless concluded that it would have a significantly adverse impact upon the character and appearance of the host property and of the area as a whole.
18. There are no material planning considerations that indicate that the application should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

INSPECTOR

S. Hartley