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## 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: 5 November 2025

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**Appeal Ref: APP/W4223/W/25/3368181**

**Land to the rear of 16 Propps Hall Drive, Failsworth, Oldham M35 0LN**

- 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 Anthony O' Hara against the decision of Oldham Metropolitan Borough Council.
  - The application Ref is FUL/346290/21.
  - The development proposed is new build dwellings – 2 x 3 bed detached properties.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues for this appeal are:
  - the effects of the proposed removal of trees on the character and appearance of the area; and,
  - the effects of the proposed dwellings on highway safety.

### Reasons

*The effects of the proposed removal of trees on the character and appearance of the area.*

3. The site comprises an irregularly shaped plot located to the rear of retail units on Propps Hall Drive. The majority of the site is covered by a mix of trees and shrubs and split into two by a public footpath that is overgrown with vegetation. Dwellings are located to the south and west of the site with industrial uses to the north.
4. The area immediately surrounding the frontage of the site is primarily residential in character alongside the retail units with a primary school on the opposite side of Propps Hall Drive. The vicinity is also characterised by lines and clusters of mature trees on Propps Hall Drive, Clive Road and Marlborough Drive.
5. The proposed development would result in the total loss of trees on the site. The application was not supported by a tree survey or arboricultural impact assessment to consider the condition of the trees to be removed, their contribution to the character and appearance of the area or possible mitigation. Whilst the site is set back from Propps Hall Drive and to the rear of the retail units, it is visible from Propps Hall Drive due to the large gap between the retail units and dwellings that is made up of the access road to the site and an open area of grass verge. The trees on the site are prominent in the streetscape due to the gap on Propps

Hall Drive as well as their height. Trees on the site are also visible from Clive Road at the eastern end of the retail units and Marlborough Drive to the west of the site and are reflective of the wider character of trees dispersed across the vicinity.

6. Although the trees on the site are not protected, due to their size, prominence and relationship with other trees in the vicinity, I consider them to make a positive contribution to the character and appearance of the area that would be harmed by their total loss. Policy JP-G7 (Trees and Woodland) of the Places for Everyone Joint Development Plan Document (PfE DPD) 2024 requires development that would result in the loss of trees, to replace them on the basis of two trees for each tree lost or to provide other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value of the local area. The policy identifies a preference for on-site provision in this regard. The policy does not state that it should not apply to private land or that it only applies to woodland rather than trees.
7. Based on the evidence before me, the proposed development would not replace any trees to be lost. The appellant's Statement of Case states that the trees are not of amenity value but that the imposition of a landscaping condition would allow the character to be carefully considered, enabling compliance with Policy JP-G7, if deemed applicable.
8. No details regarding the drafting of the condition have been provided, nor has any consideration of the scope for mitigation. However, given the extent of tree coverage to be lost on the site, it is not clear to me how any subsequent landscaping scheme secured by a condition would result in the net enhancement in the quality and character of the treescape on-site. Furthermore, no indication has been provided regarding the scope for off-site mitigation. Even if a suitable condition could secure off-site mitigation for the loss of trees, I do not consider that this would address the harm to the character and appearance of the site and surrounds.
9. Accordingly, the proposed development would be contrary to Policy JP-G7 of the PfE DPD 2024. I also find conflict with paragraph 136 of the National Planning Policy Framework (the Framework) that recognises the important contribution of trees to the character and quality of urban environments and states that existing trees should be retained wherever possible.

### *Highway safety*

10. The site fronts onto the bend of an existing single carriageway access road with no footpaths. This road connects to Propps Hall Drive to the south and the rear of the adjacent small retail units to the east. However, the road is closed off at its junction with Propps Hall Drive with a barrier which restricts its use. Double yellow lines are present on both sides of the junction of the access road with Propps Hall Drive.
11. Propps Hall Drive provides for relatively frequent two-way traffic with footpaths on both sides. A small layby provides parking for the row of small retail units. A primary school is located on the opposite side of the road from the junction with the site. A second primary school is located around the corner with access off Clive Road. A zebra crossing is in situ for pedestrians crossing Propps Hall Drive between the retail units and primary school. Further along Propps Hall Drive to the

west are residential properties, several of which have off-street parking with driveways. Elsewhere in the vicinity, including on Marlborough Drive and Clive Road, on-street parking is utilised.

12. The proposed development of two dwellings would include a total of four off-road parking spaces with two spaces for each dwelling fronting onto the single carriageway access track. Whilst there would be space on site to park four vehicles, due to the layout of the proposed parking spaces and limited width of the carriageway, it is unlikely that vehicles would be able to enter and leave the site in a forward-facing gear. As such, I consider it likely that vehicles would reverse into the public highway and that this would prejudice traffic flows and highway safety on Propps Hall Drive. Reversing vehicles would also encounter pedestrians crossing the junction which may also risk the safety of pedestrians.
13. Other dwellings on Propps Hall Drive with off-street parking may also not facilitate vehicles entering or leaving the driveway in a forward-facing gear. However, these properties pre-date the current policy context. Furthermore, the driveways present on Propps Hall Drive are generally the length of a single vehicle and face directly on to the highway. In contrast, the access road between the proposed parking and the junction with Propps Hall Drive is longer and provides a greater opportunity for vehicles to build up speed. Furthermore, visibility for vehicles exiting the access road is limited when looking west by the boundary fencing of the adjacent bungalow. The bungalow and associated fencing would also obscure the view of vehicles exiting the site for pedestrians walking along the pavement in an easterly direction which would exacerbate safety issues further. The fence of this bungalow is outside of the site and so visibility improvements through boundary treatment design could not be achieved.
14. Moreover, I am mindful of the presence of two primary schools and retail units in the immediate vicinity that would indicate a large volume of both vehicle and pedestrian movements on Propps Hall Drive, particularly during school drop off and pick up times. This serves to emphasise the need to ensure highway and pedestrian safety.
15. The appellant's Statement of Case refers to guidance in the Manual for Streets which indicates that there is no single best solution to providing car parking and that a combination of on-plot, off plot and on-street will often be appropriate and that this mix of approaches is prevalent in the vicinity. The appellant also indicates that the proximity of the site to nearby services and amenities would mean that many trips would be undertaken by non-motorised users. Whilst both of these points may be correct, the proposed development includes provision for four parking spaces with no restrictions on their use and that would jeopardise highway and pedestrian safety for the reasons given above.
16. Safety concerns regarding possible conflicts with an increase in pedestrians due to the proposed development and vehicles delivering goods to the rear of the retail units using the access road to the site have also been identified. The Council notes that the absence of a footpath on the access road would contribute to these safety concerns. Based on my observations during my site visit and evidence before me, it does not appear as though the access road for the proposed dwellings is currently used for deliveries as it is closed off with a barrier. However, the barrier is not present on the proposed site layout and so I would expect it to be removed to allow access for the dwellings if constructed.

17. I'm also aware that a similar scheme was approved on the site some years ago. However, this was prior to the current policy context regarding highway safety and I make this decision based upon the current proposals and policy.
18. For the reasons above, I conclude that the proposed development would conflict with Policy JP-C8 (Transport Requirements of New Development) of the PfE DPD 2024 which prioritises safe and convenient access to the site and buildings for all users. The development would also conflict with Policy 9 (Local Environmental Quality and Amenity) of the Oldham Joint Core Strategy and Development Management Policies Development Plan Document 2011 that states that the Council will ensure that development does not harm the safety of road users.
19. In addition, I conclude that the proposed development would be contrary to paragraphs 116 and 117 of the Framework as there would be unacceptable impacts on highway safety and the scope for conflict between pedestrians and vehicles is not minimised.

### **Other Matters**

20. The proposed development would provide two additional dwellings that would contribute towards the housing needs of the area. It would also improve the short section of the public right of way that passes through the middle of the site. The development may also offer a benefit via improvements to natural surveillance. I attach little weight to these benefits and they would not outweigh the harm that I identify above.

### **Conclusion**

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

*M James*

INSPECTOR