



Appeal Decision

Site visit made on 29 June 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 June 2026

Appeal Ref: APP/W4223/C/25/3372628

97 Green Lane, Oldham, OL8 3BB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ijaz Ahmed against an enforcement notice issued by Oldham Metropolitan Borough Council.
- The notice was issued on 7 August 2025.
- The breach of planning control as alleged in the notice is 1) the erection on the dwelling on the Land of a front porch which has a ground area (measured externally) which exceeds 3 square metres and which therefore does not constitute permitted development pursuant to Class D (Porches) of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), and 2) the erection on the dwelling on the Land contrary to the requirements of planning permission HOU/352143/23 of a two-storey side extension which is unauthorised by virtue of being in line with the front elevation of the dwelling and not set back as required by condition no.2 and plan P/N000137 Revision B (Floor Plans – Proposed) of planning permission HOU/352143/23 .
- The requirements of the notice are to 1) make alterations to the unauthorised two storey side extension on the Land so that it is: a) in accordance with the drawing number P/N000137 approved by the planning permission granted under application HOU/352143/23; and b) faced in materials that match those used in the construction of the original dwellinghouse to comply with the requirements of condition No. 03 of application HOU/352143/23, and 2) either entirely remove the porch from the dwelling on the Land or alter the porch so that it constitutes permitted development pursuant to Class D (Porches) of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).
- The period for compliance with the requirements is within five months of the notice taking effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected and varied by: (1) the deletion of the words *"Town and Country (General Permitted Development) (England) Order 2015 (as amended)"* in sections 3(1) and 5(2), and their substitution with the words *"Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)"*, and (2) the deletion of the words *"The action specified in paragraph 5 above must be carried out within five months of this notice taking effect"* in section (6), and their substitution with the words *"The action specified in paragraph 5 above must be carried out within eight months of this notice taking effect"*. Subject to the correction and variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Notice

2. The wording of sections 3(1) and 5(2) of the notice are not quite accurate in so far that they should refer to the '*Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*'. The omission of the word '*Planning*' is a minor error. I am satisfied that a correction/variation to the notice can be made without injustice being caused to the main parties.
3. I do not find that there is a mismatch between the breach of planning control in section 3(2) of the notice and requirements 5(1)(a)/(b) of the notice. The breach alleged in section 3(2) of the notice refers to the development not being in line with the front elevation of the dwelling and not being in accordance with planning permission HOU/352143/23.
4. I acknowledge that the breach of planning control in section 3(2) does not refer specifically to the fact that the two-storey extension has not been built in matching materials. It is enough, however, that the breach of planning control refers only to the fact that an unauthorised two storey side extension has been built. Moreover, it would be enough that the requirements of the notice require compliance with planning permission HOU/352143/23.
5. In this case, the inclusion of additional precision in terms of requiring the materials to match in accordance with condition No. 03 of planning permission HOU/352143/23 does not make the notice unclear or invalid. It simply provides additional clarity in terms of the breach of planning control which it refers to as '*contrary to the requirements of planning permission HOU/352143/23*', and hence for that requirement to comply with planning permission HOU/352143/23 as a whole which includes both the approved plans and also condition No. 03 which relates to the requirement to ensure that materials match.
6. The requirements of the notice are to make alterations to the two-storey side extension so that it accords fully with planning permission HOU/352143/23. I am satisfied that the notice is drafted in such a way that it clearly explains what unauthorised development is alleged to have occurred and what the recipient of the notice is required to do to remedy the injury which has been caused to amenity.

Preliminary Matters

7. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework). I afford the Consultation Draft Framework limited weight as a material planning consideration. This is relative to the published National Planning Policy Framework 2024 (the Framework) to which I afford full weight as a material planning consideration.
8. Planning permission was approved on 8 April 2024¹ (2024 Planning Permission) for a first-floor side extension to the property. The development which is the subject of this appeal does not accord with this planning permission. Nonetheless, the existence of such a planning permission is a material planning consideration of significant weight. It is referred to in the requirements of the notice, and I have also had regard to it from the point of view of the consideration of the deemed planning application.

¹ Planning permission reference number HOU/352143/23

Ground (a) appeal and the deemed planning application

Main Issues

9. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the main issue is whether the proposal constitutes good design and preserves or enhances the character or appearance of the Garden Suburbs Conservation Area.

Reasons

10. The appeal property is a semi-detached dwellinghouse falling within an established residential area. It is positioned within a prominent location on the corner of Green Lane with Fairfields. The dwellinghouses in Green Lane are predominantly brick built and semi-detached. They are imposing and while some have been altered there is nonetheless a design consistency to the roofs, materials and architectural detailing of most of the pairs of semi-detached dwellinghouses. The architecture echoes the Arts and Crafts movement. The buildings are set within spacious plots and there are mainly low brick walls to front amenity spaces to match the walls of the dwellinghouses. The surrounding streets are tree lined which gives the locality a pleasing verdant feel. The above attributes add positively and distinctly to the significance of the Garden Suburbs Conservation Area (CA) as a whole.
11. I acknowledge that the existence of the 2024 Planning Permission. Such a planning permission allows a first-floor extension with a set down hipped roof to match that of the neighbouring semi-detached property. It also shows the side part of the dwellinghouse being set back from the main front elevation of the dwellinghouse. I find that the 2024 Planning Permission is sensitive to the design of the pair of semi-detached dwellinghouses. Indeed, it would suitably maintain the balance and design symmetry across the two semi-detached properties. In this regard, such development would assimilate well with the overall character and appearance of the CA.
12. In contrast to the above, the breach of planning control includes a two-storey side extension which is flush with the front wall of the dwellinghouse and with a corresponding continuation of the height of the hipped roof of the property. This has had the effect of materially departing from the general balance, symmetry, proportions, and design of the pair of semi-detached dwellinghouses, thereby causing material harm in design terms and to the significance of the CA as whole. Overall, I do not find that the breach of planning control appears subservient in scale to the host property and pair of semi-detached buildings.
13. The above harm is compounded owing to the provision of an imposing and relatively large front porch which is not a characteristic of the pair of semi-detached properties, or indeed a prevailing characteristic of the other semi-detached dwellinghouses in the immediate area. Moreover, the brick used for the porch and side extension unacceptably contrasts with the colour of the brick on the original dwellinghouse. While to an extent the brick may fade in time, it is my judgement that the stark and incongruous contrast would always be apparent to passers-by.
14. In the context of paragraph 215 of the Framework, I find that less than substantial harm has been caused to the significance of the CA. On the spectrum of less than substantial harm, I find the harm caused to be moderately adverse. While I do not

doubt the appellant's desire for increased and modified accommodation, there are no public benefits identified which are sufficient to outweigh the less than substantial harm caused to the significance of the CA.

15. The appellant comments that an alternative development scheme could include the replacement of the left-hand window with a larger bay window to match the one that exists on the original property, or for the side extension to be modified so that it is set back by 400mm but still retain the 'flush' roof design.
16. In respect of the contrasting brick material used, it is suggested that it could be re-faced. I have not been provided with any drawings or technical details to reflect the above suggestions. This would have been necessary in so far as properly assessing and controlling any such proposal and understanding whether such proposals would in fact be part of the matters alleged. Moreover, while the suggested set back would go some way to addressing some of the planning harm caused, it would not overcome the clear harm caused because of the height and design of the roof of the two-storey side extension. In this context, my conclusion would still have been that such a proposal would have caused less than substantial harm to the significance of the CA, albeit at the lower end of the spectrum of such harm but not outweighed by any identified public benefits.
17. I therefore conclude that the breach of planning control does not accord with the design and conservation requirements of policy 9 of the Council's Development Plan Document Joint Core Strategy and Development Management Policies 2011, policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan Document 2024, and chapters 12 and 16 of the Framework. Consequently, the ground (a) appeal fails.

Ground (f) appeal

18. The appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.
19. The appellant considers that the required steps are excessive because it would be possible to make modifications to the property as outlined in my ground (a) appeal reasoning above. I have concluded that I do not have any plans or technical details before me which show such proposals and, in any event, if such proposals were part of the matters alleged then they would not suitably overcome or outweigh all the harm caused from a design and CA impact point of view.
20. The purpose of the notice is to remedy the injury to amenity which has been caused by the breach. The notice does not require the breach of planning control to be removed in its entirety. It simply requires the side extension to accord with the 2024 Planning Permission and for the front porch to be changed so that it is reflective of the permitted development right fallback position. Given my ground (a) appeal conclusion, I find that the requirements of the notice are not excessive as they remedy the injury which has been caused to amenity.
21. For the above reasons, I conclude that the ground (f) appeal fails.

Ground (g) appeal

22. The appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
23. The appellant considers that a compliance period of twelve as distinct from five months is needed as the required works would cause disruption to the family living in the dwellinghouse due to the area of living accommodation involved, and as it would be necessary to have funds in place to carry out the work and to temporarily arrange for alternative living accommodation for the family.
24. It is noteworthy that the Council has commented in its statement of case that it would support a change to the compliance period from five months to eight months. I find that such a variation would strike a reasonable and proportionate balance between affording time for the appellant to get the necessary funds together, making any necessary arrangements for alternative accommodation for the family, and instructing a contractor, while also ensuring that modifications are made to the breach of planning control in the public interest.
25. To the extent that I shall vary the compliance period from five to eight months, I conclude that the ground (g) appeal succeeds.

Overall Conclusion

26. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

D Hartley

INSPECTOR