



Appeal Decision

Site visit made on 15 October 2014

by **M Seaton BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 November 2014

Appeal Ref: APP/W0734/D/14/2224818

28 Cambridge Road, Middlesbrough, Cleveland, TS5 5NN

- 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 I Dar against the decision of Middlesbrough Borough Council.
 - The application Ref M/FP/0561/14/P, dated 3 May 2014, was refused by notice dated 22 July 2014.
 - The development proposed is a two-storey extension at the rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would safeguard the living conditions of the neighbouring occupiers of No. 30 Cambridge Road, having regard to outlook.

Reasons

3. The appeal site is occupied by a two-storey end of terrace property with a part single, part two storey offshoot to the rear, and a detached garage. The proposed development would result in the extension of the existing rear offshoot at first floor level by 3.8 metres, to a total length of 8.3 metres from the rear elevation of the terrace.
4. The proposed development would significantly increase the bulk and mass of the existing offshoot from the appeal property, principally as a result of the extent of the first floor addition. Whilst I have had regard to the separation distance between the extension and the boundary with the neighbouring dwelling at No. 30 Cambridge Road, I have also carefully considered the relationship with the habitable room windows to the rear of the neighbouring property. From my observations of the appeal site from the neighbouring property, I am satisfied that the outlook from the ground floor windows to the lounge and large kitchen would be significantly worsened by the proposed extension, which would appear as a dominant and overbearing form of development. In reaching my conclusion, I have been mindful of the position and scale of the existing boundary treatment and planting between the neighbouring properties, but find that these would not provide sufficient mitigation against the impact of the proposals.

5. In addition to the impact on outlook, I have also had regard to the concerns of neighbouring occupiers related to the loss of daylight into the rooms of the adjoining property. However, in this respect I am satisfied that the extension would not be located in such close proximity to the boundary as to have an unacceptable impact on existing levels of daylight available to the occupiers of the neighbouring property.
6. The proposed extension would have an adverse impact on the living conditions of the neighbouring occupiers of No. 30 Cambridge Road, having regard to outlook. There would be conflict with Policy DC1 of the Middlesbrough Core Strategy 2008, as the proposed development would have an adverse effect on the amenities of occupiers of the nearby property. Furthermore, the proposed development would conflict with the National Planning Policy Framework which seeks at paragraph 17 to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

7. The Council has identified that the appeal site is located within the Linthorpe Conservation Area. However, whilst it has concluded in the delegated report that the scale and visibility of the extension would not enhance the character or appearance of the conservation area, this has not been articulated as part of the reason for refusal. Nevertheless, I am mindful of the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. The proposed two-storey extension would occupy a relatively prominent position adjoining open land attached to the neighbouring Baptist Church, and as a consequence would be readily visible from Cambridge Road and the public realm within the conservation area. The overall bulk and size of the extension, when taken in combination with the existing rear offshoot from the dwelling, would no longer appear subservient and would not therefore be in keeping with the character of the terraced property. Whilst I have had regard to the design characteristics and use of matching materials on the proposed extension, these factors would not provide sufficient mitigation against the bulk and overbearing appearance of the proposals. I would therefore conclude that the development would fail to preserve or enhance the character and appearance of the Linthorpe Conservation Area. This adds further weight in support of my decision.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR