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## Appeal Decision

Site visit made on 20 March 2015

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

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

**Decision date: 21 April 2015**

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**Appeal Ref: APP/W0734/A/14/2229257**

**9 Oakfield Gardens, Ormesby, Middlesbrough, TS7 9RH**

- 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 David Richardson against the decision of Middlesbrough Borough Council.
  - The application Ref M/FP/0864/14/P, dated 11 August 2014, was refused by notice dated 20 October 2014.
  - The development proposed is a new dormer bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal accords with Development Plan policies related to the provision of green infrastructure.

### Reasons

3. The appeal site comprises an area of open paddock to the west of No. 10 Oakfield Gardens, which is a single-storey dwelling within a comparatively recent development of 12 No. single-storey and two-storey dwellings on a former nursery site. To the north and west of the Oakfield Gardens development is the Spencerbeck Green Wedge.
4. Saved Policy E2 of the Middlesbrough Local Plan 1999 (the Local Plan) seeks to protect existing Green Wedges from inappropriate development, as they form a major element of the green space network within the area. The policy highlights that residential development within the Green Wedge would only be supported where it would be required for agriculture or forestry, and would not affect the predominantly open and green character of the Green Wedge. Policy CS20 of the Middlesbrough Core Strategy 2008 (the Core Strategy) reiterates that a loss of green space which contributes towards the integrated network of green infrastructure will be resisted.
5. The proposed development would result in the introduction of a substantial dormer bungalow on part of the open paddock land adjacent to the existing Oakfield Gardens development. I acknowledge that the position of the appeal site is towards the margin of the designated green wedge, but from my observations of both the site and the immediate vicinity, it makes an undoubted positive contribution to the purposes of the designation through its

openness and the absence of any significant development in combination with the publically accessible land to the west. This contribution would be significantly diminished as a result of the proposed development and the domestic use of the curtilage in connection with the occupation of the dwelling. No mitigating circumstances have been put forward for the dwelling in the context of the terms of saved Policy E2 of the Local Plan.

6. I have had regard to the appellant's comments regarding the previous approval of the stable block on the land. However, I have also noted the stated purpose of the use of the land for equestrian purposes in connection with the residential occupation of adjacent dwellings on the Oakfield Gardens development. In the absence of any further evidence on this matter, I am not persuaded on the basis of the submissions that this provides an indication of the Council acting contrary to its own Development Plan policies. In this respect, I have not therefore been provided with any compelling reason why the contribution which the appeal site makes towards the designation should be set aside in this instance in favour of the proposed development.
7. The proposed development would result in the loss of valuable open space which makes a positive contribution to the greenspace network and the visual amenity of the area. The proposed development would therefore conflict with saved Policy E2 of the Local Plan, and Policy CS20 of the Core Strategy. These policies seek to protect existing Green Wedges from inappropriate development, and resist the loss of green space which contributes towards the integrated network of green infrastructure.

### **Other Matters**

8. The appellant has highlighted that the appeal site is located within a sustainable urban location. Whilst I would broadly agree with this contention, the proposal would not amount to sustainable development as defined in paragraph 14 of the National Planning Policy Framework due to the conflict with the policies of the Development Plan as set out. The appellant has also made reference to the Council having taken a 'contrary' stance regarding development in the Green Wedge in respect of the original development of Oakfield Gardens, and a number of other sites within the wider area. However, I have not been provided with details of the specific circumstances which informed the decision-making in these other instances, and in any event I have reached my decision on the basis of the planning merits of the proposed development.
9. In addition to the main issue addressed above, the Council's reason for refusal refers to concerns that the proposed development "*would have a detrimental impact on the adjoining residents, seriously prejudicing their amenity and enjoyment of their properties*". However, whilst I have noted the representations of interested parties on matters related to the impact on living conditions, the Council has not substantiated this concern in either the officer report or its appeal statement. Nevertheless, on the basis of my observations on the site, I am satisfied that the design, scale and layout of the proposed dwelling would not result in any unacceptable impact on light, privacy or outlook available to the neighbouring dwellings on Oakfield Gardens. I note that the Council has reached a similar conclusion in respect of the relationship between the proposal and the neighbouring property at No. 10 Oakfield Gardens, a conclusion with which I agree.

10. The Council and interested parties have also both referred to the potential setting of a precedent for similar development on the remainder of the open land adjoining Oakfield Gardens were permission to be granted. Whilst each application and appeal must be treated on its own individual merits, I can appreciate the concern in this instance that approval of this proposal could be used in support of such similar schemes. Nevertheless, as I am dismissing the appeal for another reason, this is not a matter which has had any significant bearing on my decision-making.
11. Interested parties have raised concerns on further issues, including the impact on local wildlife, and highway concerns including the manoeuvring and parking of large vehicles in connection with the potential future occupation of the dwelling. I have carefully considered the submissions on these matters. However, I have not been provided with any detailed ecological evidence related to the potential for an adverse impact on wildlife. In respect of the contention that the dwelling would in future be used in connection with the appellant's commercial interests, there is no compelling evidence before me that this would be the case, and furthermore I note that neither of these issues have been articulated in the Council's reason for refusal. I do not therefore consider on the basis of the submitted evidence that these matters would justify further grounds for refusal of permission for the scheme.
12. Interested parties have also raised concern related to an existing restrictive covenant which is stated to be in place on the appeal site. However, whilst I have had regard to the content of the covenant, this is a private matter which has not had any significant bearing on my determination of this appeal.
13. The appellant has also raised concerns over the handling of the pre-application process by the Council. However this is not a matter which has had a bearing on the appeal before me.

### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

*M Seaton*

INSPECTOR