
Appeal Decision

Site visit made on 7 May 2015

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 26 May 2015

Appeal Ref: APP/W0734/D/15/3007952

4 Virginia Gardens, Middlesbrough, Cleveland, TS5 8BT

- 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 S Singh against the decision of Middlesbrough Council.
 - The application Ref M/FP/1114/14/P, dated 23 October 2014, was refused by notice dated 23 December 2014.
 - The development proposed is a two storey rear extension and single storey rear extension and store room.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form relating to this appeal is undated. The Council has confirmed that the application was validated and date stamped 23 October 2014 and I have used that date above.

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbours, with regards to outlook.

Reasons

Character and appearance

4. The appeal property is a two storey semi detached dwelling. It is located in a residential area characterised by semi detached two storey dwellings and semi detached bungalows.
 5. Houses along Virginia Gardens are set back from the street behind gardens and driveways and properties are separated from the road by a pavement and grass verge. There are low brick walls to garden frontages and occasional hedgerows add to the sense of greenery provided by gardens and the grass verges.
 6. All of the above features contribute to a pleasant, open and spacious environment. I observed during my site visit that the sense of spaciousness is enhanced by the presence of gaps between pairs of dwellings affording views
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towards rear gardens. I also noted that whilst many houses in the area appear to have been altered, such changes largely appear in keeping with their surroundings and subordinate to the host properties.

7. The proposed development would extend the appeal property to the rear at both single and two storey heights. A single storey extension would result in a building projecting a considerable distance along the shared rear boundary with No 2 Virginia Gardens. A two storey extension would extend across more than half the width of the existing dwelling and would be some 5 metres in length. A further single storey extension would extend from the proposed two storey element almost the full length of the rear garden and its eaves height would be higher than the eaves of the single storey garage it would replace.
8. Taking all of the above into account, I find that the proposed development would overwhelm the host property. Whilst the two storey element of the proposal would be set at a lower height than the existing, its overall scale and massing, when combined with that of the proposed one storey extensions, would amount to a volume of built-development that would appear entirely out of scale with the host property.
9. During my site visit, I observed that the rear of the appeal property was widely visible from numerous locations. I also noted that there were no examples of development similar to that proposed. I find that the proposal would, as a result of its sheer scale and incongruous form, draw attention to itself and that this would exacerbate the harm arising from it appearing out of scale with the host property. Furthermore, the volume of development proposed would reduce the open and spacious qualities of the area identified above.
10. Taking the above into account, I find that the proposed development would harm the character and appearance of the area. This would be contrary to the Framework, to Core Strategy¹ policies CS5 and DC1, and to the Council's Design Guide², which together amongst other things, protect local character.

Living Conditions

11. The appeal property adjoins No 2 Virginia Gardens. The proposed single storey element that would project to the rear along the shared boundary with No 2 would be located opposite an existing off-shoot projecting from No 2's rear elevation. I find that, when viewed from the ground floor rear window of No 2, the proposed extension would combine with the presence of the off-shoot to No 2 to result in a tunnelling effect. The detrimental impact of this on the outlook of occupiers from the rear of No 2 would arise from the proposal's extremely close proximity to that property, along with its considerable projection.
12. During my site visit, I noted that No 6 Virginia Gardens was set lower than the appeal property and as such, the appeal property already looms large in the outlook from the side of No 6. I consider that the proposed two storey extension would combine with the proposed single storey extension close to the boundary with No 6 Virginia Gardens, to present an overbearing expanse of built development to the side of No 6 and to its rear garden.

¹ Middlesbrough Local Development Framework Core Strategy (2008).

² Middlesbrough's Urban Design Supplementary Planning Document (2013).

13. In addition, the proposed two storey element would, together with the host property, dominate the outlook from the side windows and doors of No 6 by appearing to tower over this neighbouring bungalow – an effect exacerbated as a result of No 6 being set lower than the appeal property. I find that the harmful impact of this would also effect the outlook from No 2's rear garden, whereby the proposed two storey extension would appear so prominently as to be overbearing.
14. Taking all of the above into account, I find that the proposed development would harm the living conditions of neighbours with regards to outlook. This would be contrary to the Framework, to Core Strategy policy DC1 and to the Council's Design Guide, which together amongst other things, seek to protect residential amenity.

Other Matters

15. In support of his case, the appellant states that an identical proposal, but on a larger scale, was approved at No 17 Heythorpe Drive, Middlesbrough in September 2014. However, there is no evidence before me to demonstrate that this proposal was identical to that proposed, or that the circumstances relating to it were the same as those the subject of this appeal.
16. Notwithstanding this, I have identified harm to local character and to the living conditions of neighbouring occupiers. The totality of this harm is significant and it is not mitigated to any degree by the presence of another development elsewhere.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR