



Appeal Decision

Site visit made on 8 January 2019

by **Jamie Reed DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 February 2019

Appeal Ref: APP/W0734/W/18/3213781

1 Holbeck Avenue, Brookfield, Acklam, Middlesbrough TS5 8DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Seaman against the decision of Middlesbrough Borough Council.
 - The application Ref 18/0420/OUT, dated 19 June 2018, was refused by notice dated 21 August 2018.
 - The development proposed is a dwelling at the rear of the existing property, with its own dedicated access. The property is a large plot and there is sufficient space to accommodate the new dwelling in a way that would secure privacy and amenity distances.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form indicates that this is an outline application seeking to agree appearance, landscaping and layout with matters relating to access and scale reserved. The accompanying letter dated 19 June 2018 and the appeal form both advise however that the application seeks to agree only access, with all other matters reserved. In the officer report, the Council state that they have considered the application on this basis of the access alone but also make reference to a number of plans which provide an indicative site layout and details of a property positioned midway down the rear garden. Clearly these plans are of assistance in helping to understand and appreciate the context and form of the development that the applicant desires. However these can only be considered as indicative, as matters relating to appearance, landscaping, layout, and scale would be agreed at a later stage. Accordingly, I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area, including the adjoining designated Green Wedge at Bluebell Beck Valley.

Reasons

4. The appeal site comprises a detached bungalow situated at the head of a cul-de-sac. A common feature of the appeal site and the other dwellings on the northern side of Holbeck Avenue is that they benefit from generous rear garden areas, most of which are over 50m in length. Beyond the rear gardens lies Bluebell Beck Valley, which is designated as a Green Wedge under Middlesbrough saved Local Plan Policy E2. Together, these dwellings on the northern side of Holbeck Avenue create a very strong linear form of development with the long gardens complementing the public open space of Bluebell Beck Valley. Collectively these long gardens are a key component of the green character of the area and contribute positively to the purpose of the Green Wedge, which is to protect public open space and establish separation between housing.
5. The proposed dwelling would be situated mid-way down the rear garden of the appeal site and is consequently positioned much closer towards the Green Wedge than any of the other dwellings on Holbeck Avenue. The introduction of a backland dwelling within the rear garden area would therefore be out of character with the existing strong linear form of development and would compromise the important role that these gardens play by lessening the benefit of the Green Wedge and its buffer and reducing the separation that currently exists between the housing on either side of Bluebell Beck. Consequently, the proposed dwelling would be contrary to Local Plan Policies E2 and E3, which seek to prevent the reduction of physical separation between existing developments that are situated around the Green Wedges.
6. In their submission, the appellant maintains that no harm would arise as they consider the dwelling will not be visible and have duly commissioned a landscape statement by way of justification. The statement considers the site and its wider setting and concludes that the proposed dwelling would not impact on the overall character of the area. During my visit, I walked around the surrounding area, along the footpaths that traverse Bluebell Beck and found a number of locations where views of the proposed dwelling would be evident, most notably from Shoreswood Walk and the close-mown glade area that adjoins the eastern boundary of the appeal site. Whilst the proposed dwelling would be particularly evident when viewed in these locations during the times of the year when the trees and shrubs present are not in full leaf, its presence would also still be apparent at other times too.
7. As a result, the proposed dwelling would be detrimental to the green character and appearance of the surrounding area and would therefore be contrary to Middlesbrough Core Strategy Policies CS4, CS5 and DC1. When read together, these policies seek to secure developments which are harmonious with their surroundings in terms of scale, siting and design.

Other Matters

8. The appellant has made reference to a number of examples of backland/tandem development which they consider to have set a precedent. One in particular, 19A Low Lane is located nearby which I observed during the course of my visit. Whilst it is inevitable that comparisons can be made between developments, each will have its own particular site-specific circumstances and merits upon which it will be considered. Indeed there are differences between these 2 sites which set them apart; most notably that the

northern side of Holbeck Avenue is characterised by dwellings with very long, straight gardens which lead down to Bluebell Beck and the surrounding green wedge; whereas 19A Low Lane and the dwellings around it do not. Here the dwellings have much shorter plots, due to their positioning around the corner where Low Lane meets Carmel Gardens. Whilst 19A Low Lane is erected in what would otherwise be a rear garden, it is clear that this is the only instance in this location where such development could occur. As such it does not create the same type of precedent or harm that would occur at and around the appeal site, where it could be possible for further dwellings to be constructed on the same side of Holbeck Avenue.

Conclusion

9. Whilst the proposed dwelling would not cause material harm to the living conditions of existing residents and would be relatively well screened, it would still nonetheless be visible and its siting would introduce an alien and uncharacteristic feature into the area around Bluebell Beck. Having had regard to all matters raised, the appeal is therefore dismissed.

Jamie Reed

INSPECTOR