



## Appeal Decision

Site visit made on 7 October 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

### Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

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#### Appeal Ref: APP/W0734/D/19/3233555

#### 26 The Avenue, Linthorpe, Middlesbrough, TS5 6PD

- 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 & Mrs Richard & Lisa Thomas against the decision of Middlesbrough Council.
  - The application, Ref 19/0154/FUL, dated 25 February 2019, was refused by notice 14 May 2019.
  - The development proposed as described on the application form is: *Proposed New Vehicular access and Hard standing / Driveway.*
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. Whether the proposal would preserve or enhance the character or appearance of the Linthorpe Conservation Area (CA).

### Reasons for the Recommendation

4. No. 26 is a large semi-detached property located in a residential area. The properties within this section of street have moderately deep front gardens which benefit from mature planting. The entrance to the front of the properties is typically by a singular pedestrian entrance which is flanked by large pillars. There are examples within the streetscape where the entrance has been extended to accommodate both pedestrian and vehicle access, these, however, are kept to a minimum. The significance of this part of the CA is derived from the uniformed layout of the front boundaries; the mature planting behind; the large imposing pillars flanking either side of the entrance and the wide pavement which allows a clear distinction and separation to be made between the fronts of the properties, which are typically car free, and the highway.
  5. The proposal would remove the central section of the existing boundary wall and provide an additional opening to allow vehicle access. Entrance pillars would be designed to match those located at the existing pedestrian entrance. These would be set back from the original boundary to allow an increase in visibility splays. An area of hardstanding would be laid to accommodate up to four vehicles.
  6. As noted, the majority of properties along this section of The Avenue have one opening to accommodate access for pedestrians and, in some instances, combined vehicle access. The proposed additional opening along with the setback pillars and gate would be at odds
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with this and would detract from the uniformity and layout of the area. The proposed hardstanding would remove a significant area of green space, and whilst it is proposed to retain a number of trees to ensure that the area retains an element of greenery, the loss of such a substantial section of garden to hardstanding would introduce a frontage dominated by vehicles which is uncharacteristic of the area. As a result of the findings, the proposal would erroneously and irrevocably harm the character and appearance of the CA.

7. The harm caused is less than substantial. The appellant has noted a number of reasons why the proposal is necessary, including health and safety issues, fly tipping and lighting concerns, arising as a result of using the rear entrance, and parking on the highway at the front of the property. The concerns raised, however, are personal to the appellant and there is little in the way of public benefit to offset the identified harm. The desirability of preserving or enhancing the character or appearance of the CA is given considerable importance and weight, and the personal benefits purported would not justify the harm to the significance of the CA.
8. Previous planning permissions for similar developments throughout the CA have been referred to. However, these are differently located and positioned and are not comparable to the development submitted. These other developments are not strong enough reasons to allow visually harmful development and, in any event, each application is considered on its own merits.
9. Given the above, the proposal would fail to preserve or enhance the character or appearance of the CA. The other considerations advanced do not outweigh the harm caused by the development. Accordingly, the proposal would fail to comply with the Linthorpe Character Appraisal and Management Plan (2006), Policies DC1(b), CS4(k) and CS5(h) of the Middlesbrough Local Development Framework Core Strategy (2008) and guidance contained within the National Planning Policy Framework.

### **Conclusion**

10. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

*S Witherley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

*A U Ghafoor*

INSPECTOR