
Appeal Decision

Site visit made on 20 August 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/W0734/W/19/3229365
77 Thornfield Road, Middlesbrough TS5 5BZ

- 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 Eggett against the decision of Middlesbrough Borough Council.
 - The application Ref 18/0531/OUT, dated 9 August 2018, was refused by notice dated 15 March 2019.
 - The development proposed is two blocks of self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with access, layout and scale to be determined at this stage. Appearance and landscaping are reserved matters.

Main Issues

3. The main issues in the determination of this appeal are the effect of the proposed scheme on:
 - The character and appearance of the surrounding neighbourhood;
 - The living conditions of occupants of nos. 77-81 Thornfield Road and future occupants of the proposed apartments; and
 - The operation of the local highway network.

Reasons

4. The site comprises a broadly rectangular, flat, mature and elongated garden, measuring around 0.1ha in size, located to the rear of 77-81 Thornfield Road. It is enclosed almost entirely by solid wooden fencing of around 2m in height with no frontage to a public highway. I understand that the remnants of a former stream traverse the northern side of the site.
5. The western side of the site is bounded by the rear of nos. 77-81 Thornfield Road. Thornfield Road is a quiet road comprising many highly attractive traditional terraced properties along its eastern length and a mixture of residential property types on its western side. To the east of the site are semi-detached properties located at the southern end of Dufton Road, which is a quiet residential cul-de-sac. The northern side is bounded by private gardens

demised to properties in Thornfield Road and Dufton Road. Beyond the fencing on the south side is the northern end of Aysgarth Road, a quiet, private cul-de-sac containing modern 2-storey flatted properties owned by a housing association (The Thirteen Group) for occupation by the elderly.

6. The submitted plans show the proposed development comprising two symmetrical 2-storey apartment blocks, each with a pitched roof and containing 4 two-bedroom flats. The blocks are shown as being laid out facing one another and having a north-south orientation. Access to the site would be from Aysgarth Road which would have to be extended from the end of the cul-de-sac, punching through the fence to an area identified in the plans for 12 car parking spaces. The two blocks would be surrounded by grass strips measuring around 3m on the western side and around 1m on the eastern side.

Character and Appearance

7. The terraced nature of Thornfield Road means that there is no visibility of the site to passing pedestrians and car users. However, there is some visibility of the site looking through the gaps separating the semi-detached properties at the southern end of Dufton Road. Although directly abutting, views of the site from Aysgarth Road are restricted during the summer months by several mature deciduous trees located along a narrow strip of grass between a low red brick wall marking the end of the cul-de-sac and the solid wooden boundary fence. Nevertheless, it was clear to me that the area beyond the trees was part of an established garden which presents a very pleasant outlook to the occupants of the sheltered housing.
8. I note and accept the appellant's argument that the character and appearance of the area has already changed to some degree by virtue of the construction of the new housing association properties which have a different grain and design to the neighbouring houses built in the late 19th century / early 20th century. The housing association properties on the western side of Aysgarth Road are stepped back from the more traditional houses. The western block of the development proposal would be further stepped back producing a staggered pattern from the older terraced housing at the southern end, to the housing association flats in the middle to the apartment block at the north.
9. However, I agree with the Council that these large, rear gardens are an important feature of the neighbourhood and provide an attractive backdrop to the surrounding properties. I conclude that the proposed development would harm the character and appearance of the area. It would therefore be inconsistent with Policy CS5 of the Middlesbrough Local Development Framework Core Strategy 2008 (CS) which seeks to promote a high quality of design and layout.

Living Conditions

10. The Council contends that the windows in the development proposal as shown in the illustrative drawings will be only 16m from those of nos. 77-81 Thornfield Road, rather than the minimum of 21m advised in its own guidance. In response, the appellant contends that it is only the rear extension of no. 79 which is within 16m. Nevertheless, it would appear to me that the other windows of these three properties will still be within the Council's 21m advisory distance of the appeal windows, resulting in a significant loss of privacy to current and future occupants.

11. The appeal proposal, due to its 2-storey height, would also result in a loss of sunlight for current and future occupants of nos. 77-91 Thornfield Road. This would be particularly marked in the autumn and winter months when the morning sun is low. This would cause an unacceptable loss of enjoyment to current and future occupants of nos. 77-81 Thornfield Road.
12. The appellant acknowledges that the distance of separation between the two proposed blocks will only be 8m but states that this is not unusual with modern developments. I consider that the Council's advisory minimum distance serves a very important purpose and whilst I can accept that it should be applied with a degree of flexibility according to the circumstances a separation of just 8m is inadequate. Consequently, there would be an unacceptable loss of privacy for the future occupants of the proposed flats.
13. With the above points in mind, I find that, in regard to living conditions, the appeal proposal breaches paragraph 127(f) of the Framework, CS Policy DC1(c) (which seeks to minimise the impact of development on nearby properties) and the Council's Urban Design Guide.

Highway Network Matters

14. The Council contends that the removal of parking spaces from the end of the Aysgarth Road cul-de-sac necessitated by extending the road onto the site will result in further on-street parking in an area where this is already an issue. In addition, the Council contends that the absence of a turning area within the proposed development will require large vehicles such as domestic refuse lorries to reverse a long distance along Aysgarth Road and onto Rockcliffe Road. Such vehicle movements are likely to be a traffic hazard.
15. During my visit I noted that there were some cars parked at the end of the cul-de-sac. According to the plans around 6-7m of cul-de-sac width would be required for the site entrance, resulting in a loss of 2-4 parking spaces. I noted that there were some vacant spaces for cars in front of the older properties along Aysgarth Road but I must acknowledge that I visited during the day when many residents would probably be at work. Nevertheless, whilst the loss of parking spaces is not ideal it does not outweigh the benefits of delivering this additional housing in a sustainable location.
16. In regard to the second traffic matter, I note that the plans do show a 'Turning Area'. However, this is accessed by a driveway which, indicatively, appears to be no more than around 3m in width which would be rather tight for a large lorry. Thus, I would agree that it is likely that lorries and emergency vehicles would have to reverse over a long distance. I further agree that this is not a satisfactory arrangement and could constitute a significant traffic hazard. For this reason, I conclude that the proposal would breach CS Policy DC1(d) (which seeks to maintain highway safety).
17. In making the above points about the highway network I am mindful of the fact that, as I understand it, the land which the appellant would require for vehicular and pedestrian access to the site is owned by The Thirteen Group. I note from the correspondence that this right would have to be negotiated between the two parties. For the avoidance of any doubt, this is not a matter that I have had regard to in determining this appeal.

Conclusions

18. For the reasons given above and having consulted the documents put before me I dismiss this appeal.

William Walton

INSPECTOR