



## Appeal Decision

Site visit made on 4 November 2019

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> November 2019**

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**Appeal Ref: APP/W0734/D/19/3235920**

**11 Arnside Avenue, Middlesbrough TS3 8HA**

- 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 H Singh against the decision of Middlesbrough Borough Council.
  - The application Ref 19/0282/FUL, dated 3 May 2019, was refused by notice dated 27 June 2019.
  - The development proposed is siting of containers.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application form indicates that the proposed development has already taken place. I saw that this appeared to be the case at my site visit apart from the fact that the containers had not yet been covered by the proposed timber boarding. I have therefore determined the appeal on this basis.

### Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposed development on the living conditions of nearby occupiers with specific regard to outlook.

### Reasons

4. The appeal site is situated in the back garden of a two-storey semi-detached dwelling. The site is surrounded by similar dwellings to the north, west and southwest which are part of a predominately residential area. Immediately to the rear of the site to the southeast there is a vacant area of surfaced concrete which appears to serve as a vehicular access to the rear of several commercial units located on Cargo Fleet Lane.
5. The proposed containers are located within the back garden of a residential property which is for the most part surrounded by other dwellings. I note the appellant's point that the vehicular access area to the nearby commercial units does not provide the immediate area to the rear of the appeal site with a residential character. However, the containers are clearly visible over the boundary fences from the public footpath directly to the southwest. As a result, and due to their height, massing, scale and design, they are visually

prominent within the street scene. Consequently, they have an adverse impact on the residential street scene when viewed from this part of Arnside Avenue.

6. I note the appellant's point that the proposed containers would be covered by timber boarding and that this would soften their appearance. However, I do not consider that this would be sufficient to mitigate harm to the character and appearance of the area I have identified above.
7. Whilst I note the Council's concerns over the 'amenity' of local residents, it is unclear as to whether this relates simply to how the proposal looks; in which case I have considered this above, or whether it relates to a more general concept such as outlook. In terms of the latter, I do not find that the proposal would harm the living conditions of neighbouring occupiers with particular regard to outlook.
8. Nonetheless, the proposal would result in harm to the character and appearance of the area. I therefore conclude that the proposed development conflicts with Policies CS5 and DC1 of the Middlesbrough Core Strategy (adopted February 2008) which aim to ensure that development proposals are of a high design standard and contribute to the character and appearance of an area. The proposed development would also conflict with paragraph 130 of the National Planning Policy Framework which promotes good design.

### **Conclusion**

9. For the reasons set out above I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR