



## Appeal Decision

Site visit made on 28 January 2020

by **Darren Hendley BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> February 2020

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**Appeal Ref: APP/W0734/D/19/3240568**

**62 Roman Road, Middlesbrough TS5 5QA**

- 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 Abrar Hussain against the decision of Middlesbrough Borough Council.
  - The application Ref: 18/0583/FUL, dated 20 August 2018, was refused by notice dated 14 August 2019.
  - The development was originally described as a "hardstanding drive & fence".
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### Decision

1. The appeal is dismissed insofar as it relates to the hardstanding drive. The appeal is allowed insofar as it relates to the fences and planning permission is granted for the fences at 62 Roman Road, Middlesbrough TS5 5QA in accordance with the terms of the application, Ref 18/0583/FUL, dated 20 August 2018, and the Location Plan, Site Layout Plan and Fence Elevation Plan, so far as relevant to that part of the development hereby permitted.

### Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. I have considered the appeal on the basis of the hardstanding drive and the fences (plural) which are located on each side of the driveway, and this is reflected in my decision paragraph. This is also what the Council considered when it determined the planning application.
3. The development has already been carried out and, therefore, I have dealt with the appeal on a retrospective basis.

### Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Linthorpe Conservation Area.

### Reasons

5. The appeal site comprises a mid-terraced residential property with a large open area to the front that takes the form of a block driveway. To each side, there are close boarded boundary fences which reach a height of around 1.6 metres. A tree which appears to have been substantially trimmed back is found close to the boundary with No 60. On the opposite side of the site, trees are also found between the fence nearest that boundary and an adjacent similar enclosure

- associated with a neighbouring property. The site frontage is unenclosed, apart from a pillar at each end.
6. The Linthorpe Conservation Area Appraisal & Management Plan (2006) (Appraisal) states that this part of Roman Road contains villas or short terraces set in large gardens. Mature landscaping in the front gardens is said to overflow into the street and partially screen buildings from view. This is apparent in the vicinity of the site as the hedgerows and mature trees give Roman Road a verdant quality. It also contributes, with the low brick walls or fencing along the frontages, to a sense of enclosure to the front garden areas.
  7. The Appraisal also recognises that the area has been the subject of change through alterations and, to that end, the Council has imposed an Article 4 Direction to give control over such development to prevent further erosion of the special interest of the area. This includes control over the hardstanding and the fences that are the subject of this appeal. On related lines, the Middlesbrough Urban Design Supplementary Planning Document (2013) (SPD) sets out that development in conservation areas should build on local character and ensure that it strengthens and reinforces locally distinctive identity.
  8. The front area to the appeal property in its current form contributes little positively to the significance of the conservation area. The Council has stated that a low wall to the front has been removed, although with the time that has passed, it is unable to take enforcement action. The lack of front enclosure, though, does result in this area of the site being highly prominent in the streetscene.
  9. In particular, this causes the driveway to represent an uncompromising and stark feature in these surroundings, with its scale and materials. It is out of keeping with the softer appearance of the majority of the front garden areas found in its vicinity. Where these properties have off-street car parking, it is substantially more discretely located, whether behind a wall, as at No 60, or set back in mature landscaping.
  10. The appellant is concerned that if the appearance of the driveway was softened through landscaping, this would reduce the off-street car parking provision. With the expanse of the driveway, it would seem to me that at least some landscaping could be incorporated whilst still leaving ample room for parking. I have taken into account the use of the property as a House in Multiple Occupation, if this has, or will be, realised.
  11. I have also considered the photographic evidence from both main parties of the former appearance of the site, prior to the development that has taken place. As this is no longer in situ, it attracts limited weight in my decision. I am also mindful of the strong protection that is afforded to the historic environment through the planning system. The same applies as regards that the appellant was not aware that the site is in a conservation area and that planning permission was required, as well as the cost implications of providing landscaping. Hence, these matters do not alter my conclusion.
  12. I conclude that the hardstanding drive fails to preserve or enhance the character or appearance of the conservation area. As such, it does not comply with Policies DC1 (c), CS4 (k) and CS5 (c,h) of the Middlesbrough Local Development Framework Core Strategy (2008) (CS) which are concerned with the effect on the surrounding environment, protecting and enhancing

Middlesbrough's historic heritage and townscape character, a high standard of design and the preservation or enhancement of the character or appearance of conservation areas. Nor does it comply with related guidance in the SPD where it sets out the principles by which high quality development can be achieved.

13. For the purposes of paragraph 196 of the National Planning Policy Framework (Framework), less than substantial harm arises. In relation to weighing this harm against the public benefits, the development provides off-street car parking and so does not further contribute to issues arising from vehicles parked on Roman Road and on the footway. This is of modest benefit, in particular as some parking could still likely be provided if landscaping was incorporated. As a consequence, it does not outweigh the less than substantial harm.
14. The fences cause less of a concern. They are around the same height as the features that are on top of the pillars and they extend back towards the property from the rear of the pillars. They do not have the same level of visual impact as the expanse of the driveway and there are a number of examples of not dissimilar positioned fences on nearby properties. There would be no particular merit in reducing their height to that of the collars of the pillars. Accordingly, this part of the development preserves or enhances the character or appearance of the conservation area. Therefore, the fences accord with Policies DC1 (c), CS4 (k) and CS5 (c,h) of the CS, the SPD and do not cause harm to the significance of a designated heritage asset for the purposes of the Framework.

### **Conclusion**

15. I conclude that the appeal should be allowed insofar as it relates to the fences but dismissed insofar as it relates to the hardstanding drive.

*Darren Hendley*

INSPECTOR