



## Appeal Decision

Site visit made on 11 February 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA  
CEnv AssocRTPI

### **Decision by Chris Preston BA (Hons) BPI MRTPI**

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

**Decision date: 29 April 2020**

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### **Appeal Ref: APP/W0734/D/19/3241671 505 Acklam Road, Middlesbrough TS5 7HJ**

- 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 R Donnelly against the decision of Middlesbrough Council.
  - The application Ref 19/0412/FUL, dated 8 July 2019, was refused by notice dated 2 October 2019.
  - The development proposed is first floor extension to side of house.
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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.

### **Procedural Matters**

3. The initial proposal which matches the description in the banner and depicted by Project No 19/39/02 was for a first-floor extension with an open sided car port beneath and a projecting canopy to the front. Prior to the application being determined the appellant submitted a revised scheme to the Council which altered the design of the first floor element and infilled the area on the ground floor (as shown on drawing No 19/39/02A). In effect, the amended drawings altered the proposal to be a part ground floor and first floor extension to the side. It is this scheme that has been considered by the Council in reaching its decision to refuse planning permission.
4. Therefore, for the avoidance of doubt, I have considered the appeal on the basis that the proposal is for the extension of the garage at the ground floor to the side, up to the boundary line and construction of a first-floor side extension.

### **Main Issues**

5. The effect of the proposal upon 1) the character and appearance of the host dwelling and street scene and 2) the living conditions of occupants of no. 507 Acklam Road.

## Reasons for the Recommendation

### *Character and appearance*

6. No. 505 is a two-storey semi-detached dwelling with hipped roof and side garage. It is located on a curve of Acklam Road and adjoins no. 503. The surrounding area is residential, and the street scene is predominantly characterised by pairs of semi-detached two-storey dwellings with side garages or detached garages with driveways. Pairs of semi-detached properties are separated either by walkways between the side garage wall and the shared boundary or drives by the side of the buildings which lead up to the detached garages towards the rear. This space between pairs of properties is part of the prevailing character of the area. The sense of separation between paired properties is an important characteristic of this attractive residential street.
7. The extension of the existing garage to the boundary line would effectively remove the walkway at the side of the appeal property and consequently would reduce the separation distance with no. 507. This would be at odds with the relatively uniform spacing between paired properties on this part of the street. The proposal would be particularly prominent in the street scene due to the curvature of the road and the stepped alignment of the dwellings which would result in the first floor addition projecting forwards of the front of No. 507.
8. The additional extension at first floor level would result in a significantly wider and bulkier property. The relationship between the host property and no.503 would appear awkward and imbalanced when viewed from the street. Furthermore, the introduction of an incongruous parapet roof would result in an alien form of development which would not be in keeping with the roof design of the host property or the character of the surrounding area which comprises either hipped or gabled roofs. The conflict in design and character is further exacerbated by the height of the parapet which would be above the eaves of the host property.
9. I note that the Council has referred to the requirement by the Urban Design SPD for a 1metre setback from the front of the dwelling for two-storey or first floor side extensions in order to prevent creating a terracing effect. Whilst the first-floor extension would be set back by 0.85 metres, I consider the shortfall to be marginal and it would not in itself constitute visual harm. However, this does not eliminate concerns raised by other elements of the proposal. The overall built form of the extension would be visually harmful to the character of the host property and the street scene given its scale, mass and design. Acklam Road is a major route in the town and by virtue of the appeal property's location at the curve of the road, the property projects forward which makes it highly visible on the street scene.
10. I find that the proposed extension of the garage at the ground floor to the side, up to the boundary line and construction of a first-floor side extension would significantly harm the visual appearance of the host dwelling and is inconsistent with the established character of the area. Accordingly, there would be conflict with the aims and objectives of Policies DC1 and CS5 of Middlesbrough's Local Development Framework Core Strategy 2008 (the 'CS') which amongst other things seek to ensure that new developments demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area.

11. Whilst other examples of two storey side extensions have been referred to and were evident on my site visit I am not satisfied that they are directly comparable to the proposal in this instance which would be particularly prominent due to the position forward of the neighbouring property at No. 507. Moreover, it would appear that some of those examples were approved a number of years ago, prior to the adoption of current policy and guidance such that the existence of other two storey extensions does not set a precedent to allow the development in this instance.

*Living conditions of no. 507*

12. As stated in paragraph 7 above, the proposal would extend the property to the shared boundary line with no. 507 and would project forward of the neighbouring property due to the alignment of the road and the stepped building line of the dwellings. Consequently, the two-storey side elevation of the extension would be noticeable from the closest windows to the front of No. 507 and would tower above the driveway and front entrance. Due to its height and proximity, directly on the shared boundary, the proposal would have an unduly dominant appearance, which would be overbearing when viewed from the front of the neighbouring property.
13. I find that the proposal would have a materially harmful effect upon the living conditions of occupants of no. 507 Acklam Road. Consequently, there would be conflict with the aims and objectives of Policy DC1 of the CS which seek amongst other things to ensure that new development has a minimal effect upon the amenities of occupiers of nearby properties.

**Conclusion and Recommendation**

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

**Inspector's Decision**

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

*Chris Preston*

INSPECTOR