



## Appeal Decision

Site visit made on 21 May 2019

**by Jamie Reed DipTP MRTPI**

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

**Decision date: 02 July 2019**

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### **Appeal Ref: APP/W0734/D/19/3224667 32, Lodore Grove, Middlesbrough TS5 8PB**

- 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 Mohammad Saleem against the decision of Middlesbrough Borough Council.
  - The application Ref 18/0503/FUL, dated 23 July 2018, was refused by notice dated 12 February 2019.
  - The development proposed is single storey rear and side extension.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the development on the living conditions of the occupiers of No 3 Whitton Close (No 3) with particular regard to privacy and outlook.

### **Reasons**

3. The appeal property is a semi-detached dwelling which has been extended previously, with a single storey extension to the side and a further single storey extension to the rear. The appeal property and No 3 both have very shallow rear gardens with the rear of the dwelling at No 3 facing towards the rear of the appeal property.
4. The proposal seeks to construct another single storey extension to the rear that would effectively join the two existing extensions together. The proposed extension would fill the majority of the space between the rear elevation of the appeal property and the boundary with No 3 before extending along a significant proportion of the shared boundary to the side with a wedge shaped extension.
5. A bedroom would be situated in the extension with an opening window in the rear elevation facing towards No 3. Due to the height of the shared boundary enclosure, views across the rear of No 3 would not be readily achievable. As a result of its close proximity to the boundary, it would be possible however, for conversations or other sounds, such as those from a television or radio to be overheard through the window when open, when in the rear garden of No. 3. As a result, the proposed extension would give rise to conditions that would be harmful to the privacy of the occupiers of No 3.

6. The rear extension would be constructed with a pitched roof of a similar height to that of the other existing extensions. Due to its close proximity to the boundary with No 3, the roof would be readily visible above the top of the shared boundary enclosure. Whilst it is acknowledged that such an arrangement would be similar to that of the existing kitchen extension, the proposal would result in a large, expansive roof form extending along a significant proportion of the shared boundary. Such an arrangement would appear overbearing and so detract from the outlook of the occupiers of No 3, both when in the garden area and when looking out from the rear of their property.
7. Accordingly, I conclude that for the reasons set out above, the proposal would harm the living conditions of the occupiers of No 3, with particular regard to privacy and outlook. Consequently, the proposal would be contrary to Policy DC1(c) of the Middlesbrough Local Development Framework Core Strategy (2008) and the Middlesbrough Urban Design Supplementary Planning Document (2013). Together, these require proposals to be of a high quality design and to have a minimal impact upon the amenities of occupiers of nearby properties.

### **Other Matter**

8. The appellant has brought to my attention a previous planning application<sup>1</sup> at the appeal property which was approved for an extension of a similar size footprint to that which is before me. Consent for this previous scheme has now lapsed. The appellant submits that this previous scheme sets a precedent for the acceptability of similar such developments coming forward, such as the scheme that is before me. There are two key differences between the previous scheme and the current proposal however; namely that the previous scheme was set further off the shared rear boundary and was of a flat-roofed design. As a result, the previous scheme would appear to have less of a visual impact than that which is before me.

### **Conclusion**

9. Whilst it is acknowledged that the appellant wishes to extend their property in order to provide accessible accommodation for an elderly family member, I do not consider these benefits to outweigh the harm that the proposal would bring to the living conditions of the occupiers on No 3. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Jamie Reed*

INSPECTOR

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<sup>1</sup> Council reference M/FP/0853/14/P