

## PLANNING AND DEVELOPMENT COMMITTEE

<b>Date:</b> Friday 11th February, 2022
<b>Time:</b> 1.30 pm
<b>Venue:</b> Council Chamber

### AGENDA

**Site visits will be held prior to the meeting.  
The bus will depart the rear of the Town Hall at 11.15 a.m.**

1. Welcome and Introduction
2. Apologies for Absence
3. Declarations of Interest
4. Minutes - Planning and Development Committee - 14 January 2022 3 - 6
5. Schedule of Remaining Planning Applications to be Considered by Committee 7 - 30  
  
Schedule - Page 7  
Item 1 - 87-89 Acklam Road - Page 9  
Item 2 - 3 Cargo Fleet Lane - Page 21
6. Planning Appeals 31 - 52  
  
Nunthorpe Hall - Page 31  
20 Canberra Road - Page 35  
20 Fountains Drive - Page 39  
114 Victoria Road - Page 41  
116 Victoria Road - Page 45  
118 Victoria Road - Page 49
7. Any other urgent items which in the opinion of the Chair, may be considered.

Town Hall  
Middlesbrough  
Thursday 3 February 2022

**MEMBERSHIP**

Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, B Cooper, C Dodds, L Garvey, M Nugent, J Rostron, J Thompson and G Wilson

**Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Georgina Moore/Chris Lunn, 01642 729711/729742, [georgina\\_moore@middlesbrough.gov.uk](mailto:georgina_moore@middlesbrough.gov.uk)/[chris\\_lunn@middlesbrough.gov.uk](mailto:chris_lunn@middlesbrough.gov.uk)**

**PLANNING AND DEVELOPMENT COMMITTEE**

A meeting of the Planning and Development Committee was held on Friday, 14 January 2022.

**PRESENT:** Councillors J Hobson (Chair), D Coupe (Vice-Chair), D Branson, B Cooper, C Dodds, M Nugent, J Rostron, J Thompson and G Wilson.

**ALSO IN ATTENDANCE:** E Craigie (Teesside Live).

**OFFICERS:** P Clarke, C Cunningham, A Glossop, D Johnson and C Lunn.

**APOLOGIES FOR ABSENCE:** Councillor L Garvey.

**APOLOGIES FOR ABSENCE****DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

**MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 17 DECEMBER 2021**

The minutes of the Planning and Development Committee meeting, held on 17 December 2021, were submitted and approved as a correct record.

**SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990 and reported thereon.

**21/0703/COU Change of use retail to create bowling alley and mixed use leisure facility (sui generis) including external works at 18-19 Captain Cook Square, Middlesbrough TS1 5UB for Mr Graeme Smith**

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The Development Control Manager advised that permission was sought for the change of use of a vacant retail premises within the Town Centre's primary shopping frontage area to a mixed use leisure destination to include a bowling alley, indoor golf, indoor electric go kart track, food retail and ancillary external works.

It was explained that the proposal represented a sustainable and positive re-use of the premises, which would attract new footfall to the town centre and thereby have a positive impact on the vitality and viability of the town centre. The proposal would result in the retention and re-occupation of a large unit within the Captain Cook Square area and provide a notable leisure destination within this part of the town centre.

Members heard that the proposed use was a town centre use and was appropriate in principle within the town centre, although site specific policy of the local plan defined this area as being primary shopping frontage which was aimed at providing the nucleus of retailing within the town centre. Policy advised there should be no more than 15% non-retailing uses within the Primary Shopping Frontage (PSF) areas of the town centre and the last assessment indicated the non-retailing uses within the PSF to be 15.7%. Whilst this proposal would add to the non-retailing uses, it provided a notable leisure destination within the town centre, adding new uses to the town centre offer which would improve vitality and viability of the town centre as a result. It was set away from the core area of Linthorpe Road on the fringe of the PSF area and would therefore not create a break between different sections of the core retailing uses.

Members heard that there had been no objections received and the recommendation was to approve the application, subject to conditions.

A Member made reference to the proposed 02:00 closing time and queried the necessity for this. In response, the Development Control Manager explained that the operating hours had been requested by the applicant and that demand / footfall would likely determine how late the premises stayed open. In terms of monitoring the premises to ensure that younger children vacated by 21:00, Members heard that this would be the operators' responsibility.

In response to a query regarding public consultation, the Development Control Manager advised that public site notices had been displayed at the former TJ Hughes site to alert people to the proposed plans.

A Member made reference to available car parking and queried whether the Captain Cook Square car park would have its opening hours extended, in order to accommodate the proposed closing time for the venue. It was indicated that the car park currently closed at 19:30 Monday to Saturday, and 18:00 on Sundays. In response, the Development Control Manager indicated that there were sufficient car parking facilities in the town centre to support the proposed activities into the evening. It was felt that there could be implications for taxis, etc. that would provide opportunity for the Council to review traffic management, but there was nothing to suggest that it would pose any issues within the locality.

A Member commented that the proposed development would bring increased footfall to the town centre.

In response to a request for clarification regarding the proposed operating hours, the Committee was advised that the planned 09:00-02:00 opening times would be on a seven-day per week basis. If it was intended that the premises would be licensed, restrictions would be determined/imposed by the licensing department.

**ORDERED** that the application be **Approved on Condition** for the reasons set out in the report.

**ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

### **Planning Appeals**

In respect of appeal decisions, the Development Control Manager provided Members with detailed information on those that had recently been published by the Planning Inspectorate.

**Appeal Ref: APP/W0734/D/21/3281822 234 Acklam Road, Middlesbrough TS5 8AA – Appeal Allowed**

The development proposed was a single storey rear extension.

The main issues in the determination of the appeal were the effects of the proposed development upon:

- The character and appearance of the host dwelling and the surrounding area; and
- The living conditions of the occupants of 232 Acklam Road, with regard to outlook, privacy, sunlight and daylight.

**Appeal Ref: APP/W0734/D/21/3283289 11 Seathwaite, Middlesbrough TS5 8TX – Appeal Dismissed**

The development proposed was a double storey extension to the side of the property, with a single storey across the rear to meet the new extension.

The main issue in the determination of the appeal was the effect of the development on the character and appearance of the appeal property and the surrounding area.

**Appeal Ref: APP/W0734/W/21/3283685 21 Thurlestone, Marton-in-Cleveland,  
Middlesbrough TS8 9TA – Appeal Allowed**

The development proposed was to extend garden by 6m to change use of waste land to residential curtilage, with erection of wall to side along footpath and wooden fence to rear.

The main issues in the determination of the appeal were:

- The loss of allocated public open space; and
- Whether or not the proposal would accord with the Middlesbrough Local Plan (1999); policies MW1 and MW3 of the Marton West Neighbourhood Plan (MWNP) (2021) and the National Planning Policy Framework (the Framework).

A discussion ensued with regards to the accordence of the proposal with the Middlesbrough Local Plan and the Marton West Neighbourhood Plan, and the implications that had for future applications. Clarification was currently being sought from the Planning Inspectorate as the appeal had raised some issues in terms of how the two plans should interact. The Head of Planning advised that a training session for Members to review some Appeal Decision notices, and consider the lessons learnt, could prove beneficial.

**NOTED**

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**Planning & Development Committee Schedule - 11 February 2022**

**Town planning applications which require special consideration:**

1	Reference No: 21/0619/FUL  Ward: Linthorpe	Applicant: Mr Sharief  Agent: Mr Hasnaat Saeed	Description: Change of use of first floor office to create 2no. self contained flats and additions and changes to roof to include 1no roof light Location: 87-89 Acklam Road, Middlesbrough, TS5 5HR
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2	Reference No: 21/0676/COU  Ward: Park End/Beckfield	Applicant: Middlesbrough Council Agent:	Description: Change of use from dwellinghouse to family time centre Location: 3 Cargo Fleet Lane, Middlesbrough, TS3 0LP
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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>21/0619/FUL</b>
<b>Location:</b>	<b>87-89 Acklam Road, Middlesbrough</b>
<b>Proposal:</b>	<b>Change of use of first floor office to create 2no. self contained flats and additions and changes to roof to include 1no roof light</b>
<b>Applicant:</b>	<b>Mr Sharief</b>
<b>Agent:</b>	<b>Mr Hasnatt Saeed</b>
<b>Ward:</b>	<b>Linthorpe</b>
<b>Recommendation:</b>	<b>Approve with conditions</b>

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**SUMMARY**

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Planning permission is sought for the change of use of the first floor of the building from a storage/office use to two self-contained one bedroomed flats. The ground floor of the building will remain as a pharmacy. Access to one of the flats will be provided from the existing separate front entrance to the building with access to the second flat provided from the rear of the building.

The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impact on the privacy and amenity of the neighbouring properties and the occupants of the development and the impact on highway safety.

Eight objections have been received. In summary the objections relate to the loss of privacy, no parking provision being provided for the flats, impact on the levels of on street parking along Balfour Terrace that is currently at capacity and blocking of existing driveway accesses.

Whilst the objections raised are acknowledged, it is considered that the principle of the development accords with local plan policies for this local centre. The proposed residential use is considered not to be harmful to the vitality and viability of the local centre and the additional residential tenants will potentially assist in ensuring the future viability of the local centre.

The proposed external alterations will not materially alter the external appearance of the building and will provide some improvement to the rear elevation of the building and are not considered to have any significant impact on the privacy and amenity of nearby residents.

The application site is considered to be in a sustainable location and within close proximity to alternative sustainable transport links with the proposal providing three car parking spaces and cycle storage provision to the rear of the building that will ensure there will be no highway safety issues.

The proposed change of use is in accordance with both local and national planning policies and the officer recommendation is to approve subject to conditions.

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is 87-89 Acklam Road and is located within the Acklam Road/Cambridge Road designated local centre. The site was formerly two semi-detached properties which have been historically extended to form a single pharmacy unit on the ground floor with storage and vacant office space on the first floor. To the rear of the building is an area

The building frontage faces towards Acklam Road and the Acklam Green Centre with residential properties located to the rear at Balfour Terrace and Cambridge Road. An area of enclosed hard standing is provided to the rear of the building which is accessed from Balfour Terrace.

The proposal will include external alterations that include the installation of a roof light and sun light on the rear elevation, installation of a window on the rear side elevation of 89 Acklam Road and the removal of the existing external sloping roof enclosed staircase located above the existing single storey rear extension. Provision of secure bin storage and cycle storage will be provided within the existing rear yard area.

Since the original plans were submitted, the proposal has been amended to remove the dormer window on the rear elevation, brick up of the existing first floor window on the rear elevation and provision of the cycle/bin storage and parking bays within the rear yard.

The applicant has submitted a Design and Access Statement in support of the application.

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## **PLANNING HISTORY**

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Previous planning history for the site includes :-

M/ADV/1088/09/P – 3 No non-illuminated fascia signs and 1 no non-illuminated projecting sign, approved September 2009

M/FP/0693/95/P – Change of use of first floor offices to hairdressing salon, approved March 1995

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## **PLANNING POLICY**

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In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application

- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

### Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

### National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

H11- Housing Strategy

CS4 – Sustainable Development

CS5 - Design

DC1- General Development

REG29 – Local Centres

UDSPD- Urban Design Supplementary Planning Document

Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address. <https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

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## CONSULTATION AND PUBLICITY RESPONSES

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Consultation letters have been sent out on the proposal and there have been 8 objections received.

The objection comments are summarised below..

### Privacy

1. Impact on privacy as within 15 feet of the properties to the rear on Balfour Terrace.

### Highways

2. Parking issues for residents on Balfour Terrace if the area to the rear of the property becomes a parking area for the occupants.
3. Existing parking issues for residents on Balfour Terrace being unable to park in front of their houses and this would lead to more issues with people parking across existing driveway accesses.
4. Understand no parking provision provided for the flat occupants and this will increase the parking issues on Balfour Terrace.

The objection comments were received from the following addresses.

1. 11 Balfour Terrace, Middlesbrough
2. 30 Balfour Terrace, Middlesbrough
3. 33 Balfour Terrace, Middlesbrough
4. 34 Balfour Terrace, Middlesbrough
5. 35 Balfour Terrace, Middlesbrough
6. 36 Balfour Terrace, Middlesbrough
7. 38 Balfour Terrace, Middlesbrough
8. 122 Cambridge Road. Middlesbrough

### **Public Responses**

Number of original neighbour consultations	16
Total numbers of comments received	8
Total number of objections	8
Total number of support	0
Total number of representations	0

The following comments have been received from the statutory consultees:-

### MBC Waste Policy

Residents will be required to make their bins available for collection, and return them to the yard for collections.

### Cleveland Police Architectural Liaison Officer

The applicant is welcome to discuss the application in terms of secure by design principles at [Stephen.Cranston2@cleveland.pnn.police.uk](mailto:Stephen.Cranston2@cleveland.pnn.police.uk)

## MBC Highways

Given the buildings default use, which could continue without the need for further planning consent, the proposals will not have a material impact on the operation of the highway network. As a result, we do not have any objections.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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1. The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impact on the privacy and amenity of the neighbouring premises and the occupants of the development and the impact on highway safety.

### Principle of the Development

2. Housing Local Plan Policy H11 (Housing Strategy) seeks to deliver a balanced and sustainable housing stock to meet current and future needs. The proposal will provide two additional two bedroomed flats, which will contribute to providing a further residential housing option within the Linthorpe area.
3. Core Strategy Policy CS13 (A Strategy for the Town, District, local and Neighbourhood Centres) seeks to safeguard the retail function of local centres by resisting any development that detracts from the vitality and viability of the local centre.
4. Policy REG 29 (Local Centres) establishes that other uses apart from retail will be considered acceptable providing they are complimentary and will not detract from the vitality and viability of the local centre or have a detrimental impact on the character and amenity of the surrounding area.
5. The proposed change of use relates to the upper floors of the building with no alteration to the existing commercial pharmacy use on the ground floor and as such is not to have a detrimental impact on the retail character of the local centre. Part of the upper floor of the building is currently vacant and the reoccupation of the building with residential accommodation on the upper floors will potentially add additional footfall to the centre and would contribute to assisting in ensuring the centres long term vitality and viability.
6. Core Strategy Policy CS4 (Sustainable Development) requires all new development to contribute to sustainable development principles. The proposed development would make use of and reuse the existing vacant office space above 87 Acklam Road and the current storage area above 89 Acklam Road. The application site is located within a sustainable location that is well served by public transport and is within a local centre.
7. The proposed change of use of the first floor of the building to residential accommodation is considered to accord with the guidance set out in Housing Local Plan Policy H11, Regeneration Development Plan Policy REG29 and Core Strategy Policies CS4 and CS13.

## Character and Appearance

8. Core Strategy Policies CS5 (Design) and DC1 (General Development) set out that all new development should be of a high quality in terms of layout and should contribute to the character of the area.
9. The application site was originally two traditional semi-detached properties and these have been extended and altered to provide a single retail unit frontage on the ground floor with office and storage space on the upper floor. The frontage of the properties have retained the original bay window detailing on the first floor with the rear elevations s having been extended with single storey and two storey flat roof extensions and two enclosed stairwells.
10. There will be no external alterations made to the front elevation of the building. The alterations to the rear elevation include a rear roof light to be located within the lower section of the roof that links 87 and 89 Acklam Road, sunlight to the rear of 89 Acklam Road and an additional window on the side elevation of the existing first floor off-shoot at 89 Acklam Road.
11. The scale and design of the proposed roof light, side window and the sun light are considered to fit in with the original design of both building and will not impact on the original character and appearance of the street scene.
12. The revised plans have removed the rear dormer window, following concerns raised by officers on the scale and design of the dormer window. The proposal will remove an existing enclosed sloping roof first floor stairwell extension located above the single storey flat roof extension to the rear. The removal of one of the existing external stairwells will assist in reducing the existing mass and scale of the historic rear extensions and is considered to be a positive improvement to the character of the building.
13. Within the rear yard area, the proposal will include secure cycle and bin store facilities for the commercial and residential units with the design of the storage facilities being secured by condition.
14. Overall the proposal is considered to be a high quality development which will not have a detrimental impact on the character and appearance of the street scene and is considered to be in accordance Core Strategy Policies CS5 and DC1.

## Privacy and Amenity

15. The National Planning Policy Framework comments in paragraph 130 that decisions should ensure that developments '*create places that are safe, inclusive and accessible and which will promote the health and well-being, with a high standard of amenity for existing and future users*'.
16. Core Strategy Policy DC1 comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion,
17. The Councils adopted Interim Policy on the Conversion and Sub-division of Buildings for Residential Use sets out the required space standards for residential accommodation, which is in line with Nationally Described Space Standard requirements.

18. Each flat will have their own separate access, with the access for flat one being from the front elevation and the access for flat 2 being from the rear of the building. The proposal is for two self-contained one bedroomed flats with each flat providing a kitchen, lounge, bathroom alongside the bedroom space. Both flats provide over the 61 square metres floor space required for a two bedroomed flat. Each of the proposed bedroom floor spaces and ceiling heights accord with the Nationally Described Space Standards and the Council's Interim Policy guidance.
19. The living rooms and bedrooms of both flats will have a window for natural light with a sun-light being proposed for the internal kitchen of flat 2 to provide some natural light.
20. Given the proposed flats will be located above an existing commercial unit and within a Local Centre to ensure the amenity of the occupants of both flats a condition will be placed on the application requiring a noise assessment be submitted along with any required mitigation, prior to the occupation of the flats.
21. Revised plans provide a secure bin store and cycle store facility for both flats within the existing hard standing area to the rear of the building. Access to the rear yard area is available from both flats. The Council's Waste Officer has raised no objections to the proposal, subject to the occupants being responsible for arranging for the bins to be made available for collection and returned after collection.
22. Objection comments have been raised regarding the loss of privacy to the residential property at 35 Balfour Terrace, given the proximity and position of the proposed windows.
23. The revised plans have removed the proposed rear dormer window on the rear elevation. The dormer window has been replaced with a rear roof light on the lower pitched roof section which links both semi-detached properties.
24. Consideration has been given to the privacy of the occupants of 35 Balfour Terrace with the installation of the proposed roof light. The roof light will be positioned approximately 11 metres from the rear garden of 35 Balfour Terrace and will be a bedroom window, which is not classed as a habitable room window.
25. The proposed roof light will not be visible from the main dwelling and side sunroom at 35 Balfour Terrace due to the screening provided by the existing enclosed first floor staircase to the rear of the application site. To the rear of the detached garage at 35 Balfour Terrace is a small section of garden where the roof light may be visible. However, the majority of the rear garden area will remain private and not overlooked and given the window is for a bedroom and not a habitable room the impact in terms of loss of privacy is not considered to be significant.
26. In addition, the revised plans have removed the existing window on the first floor rear off-shoot at 89 Acklam Road that faces directly towards the rear elevation and garden area of 35 Balfour Terrace.
27. The proposed rear roof light will be located a minimum of 34 metres to the neighbours situated at 38 Balfour Terrace, which accords with the 21 metre privacy distances set out in the Council's Urban Design Supplementary Planning Document.
28. The additional window proposed on the side elevation of the first floor off-shoot of 89 Acklam Road will face towards the blank elevation wall of 87 Acklam Road and not directly towards any residential properties or garden areas.

29. The proposal is considered not to have a detrimental impact on the privacy or the amenity of the neighbouring residential properties and is considered to provide adequate levels of amenity for the future occupants of the flats. The proposal is considered to be in accordance with Core Strategy Policy DC1, Interim Policy on Conversion and Sub-Division of Buildings for Residential Use and the Urban Design Supplementary Planning Document.

### Highways

30. Core Strategy Policy CS4 (g) (Sustainable Development) sets out that new development should be located where services and facilities are accessible by foot, bicycle or by public transport to encourage forms of sustainable transport and reduce the reliance on cars.
31. Core Strategy Policy DC1 (d) (General Development) requires all new development to ensure that there will be a limited impact on the capacity of existing and proposed transportation infrastructure both during and after completion, with no impact on highway safety.
32. The application site is located within a local centre which has time restricted parking bays located on both sides of Acklam Road. The application site has an enclosed area of hard standing to the rear with the revised plans showing the proposal will provide three car parking bays within the rear yard area alongside secure cycle store provision.
33. The Design and Access Statement submitted in support of the application sets out the owner will be looking for tenants who are keen to utilise public transport methods.
34. Objection comments have been received regarding current on-street parking issues along Balfour Terrace and the fact the proposal by not providing parking provision for the tenants of the flat will generate further on-street parking issues and block existing driveway accesses.
35. The application site has an area of hard standing located to the rear of the property. Revised plans have been submitted to provide three car parking spaces within the rear hardstanding area. The Design and Access Statement submitted in support of the application sets out the owner will be looking for tenants who are keen to utilise public transport methods.
36. The application site has an existing area of hard standing to the rear of the building, which is currently utilised by the existing pharmacy. The fall-back position is that the upper floors of the building can be utilised by two separate offices without any additional parking provision being provided for the staff or visitors. As a result, the two proposed residential flats are considered not to create an intensification of the use of the building or the demand for parking in the area.
37. The Council's Highway officers have commented that given the buildings default use the proposals will not have a material impact on the operation of the highway network. As a result they have no objections to the proposal.
38. The revised plans show three designed parking spaces within the rear yard and additional cycle storage which given the sustainable location of the application site and close proximity to bus stops means the proposal is considered to have no significant impact in terms of highway safety and accords with the guidance set out in Core Strategy Policies CS4(g) and DC1 (d).

## Conclusion

39. The proposal has been assessed against national and local policy guidelines and is considered to be a high quality development that will not have any significant impact on the character and appearance of the area. The proposed flats are considered to provide adequate residential amenity for the future occupants and will not have any significant impact on the privacy and amenity of the existing residential properties.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with conditions**

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be in accordance with the following approved plans

- a. Site location plan drawing dated 19<sup>th</sup> August 2021
- b. Block plan drawing dated 19<sup>th</sup> August 2021
- c. Existing Ground floor layout drawing ACK-01-20 dated 19<sup>th</sup> August 2021
- d. Existing First floor and roof layout drawing ACK-02-20 dated 19<sup>th</sup> August 2021
- e. Existing elevation drawing ACK-03-20 dated 19<sup>th</sup> August 2021
- f. Proposed ground floor layout ACK-04-20 dated 23<sup>rd</sup> December 2021
- g. Proposed first floor and roof plan layout drawing ACK-05-20 rev c dated 28<sup>TH</sup> January 2022
- h. Proposed elevation drawings ACK-06-20 dated 23<sup>rd</sup> December 2021

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Design of the cycle and bin store facilities.

The development hereby approved shall not be occupied/brought into use until covered and secure cycle parking facilities and bin storage facilities, have been provided in accordance with drawing(s) to be submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Thereafter the cycle parking facilities shall be retained in perpetuity for the sole purpose of parking cycles.

Reason: To promote use of cycles reducing traffic congestion and in the interests of the amenities of residents to ensure a satisfactory form of development having regard for policies DC1, CS4 and CS5 of the Local Plan and sections 9 and 12 of the NPPF.

4. Adjacent/ Nearby Commercial Premises Noise Assessment

Prior to the commencement of development a noise assessment from a noise consultant detailing the level of attenuation that is created by the existing structure of the building and a scheme detailing the noise levels that residents are likely to be

exposed to from the neighbouring/nearby commercial premises together with a scheme designed to protect these dwellings from any noise transference must be submitted to and approved in writing by the Local Planning Authority. The levels required to be met in habitable rooms of the proposed accommodation are those set in BS 8233(2014) measured when the neighbouring commercial business is in use. The report should also identify all works that will be necessary to protect the residents from noise. Any scheme provided to protect the proposed development from noise shall be completed prior to any of the residential/student accommodation hereby approved being occupied. Any mitigation works must be retained on site in an operational state for the lifetime of the building.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

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## INFORMATIVES

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### Informatives

1. Building materials on highway

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

2. Deliveries to site

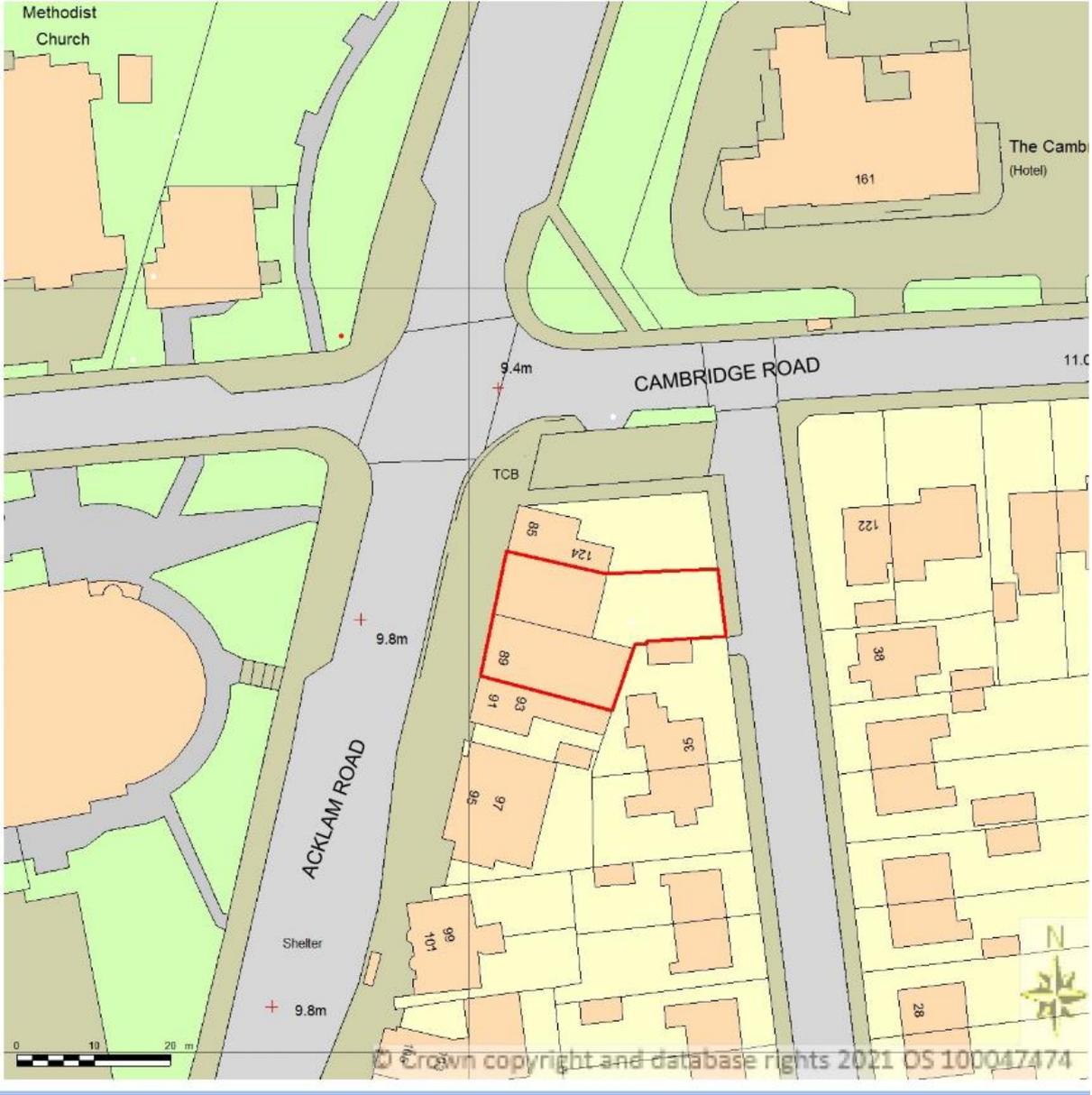
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early

3. Secure By Design

The applicant is welcome to discuss the application in terms of secure by design principles at [Stephen.Cranston2@cleveland.pnn.police.uk](mailto:Stephen.Cranston2@cleveland.pnn.police.uk)

Case Officer: Debbie Moody

Committee Date: 11<sup>th</sup> February 2021



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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>21/0676/COU</b>
<b>Location:</b>	<b>3 Cargo Fleet Lane Middlesbrough</b>
<b>Proposal:</b>	<b>Change of use from dwellinghouse to family time centre</b>
<b>Applicant:</b>	<b>Middlesbrough Council</b>
<b>Ward:</b>	<b>Park End/Beckfield</b>
<b>Recommendation:</b>	<b>Approve with conditions</b>

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**SUMMARY**

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Planning permission is sought for the change of use from dwelling house (Class C3) to family time centre (Sui Generis). No alterations to the exterior of the building are proposed but alterations to the site will be made to provide car parking spaces and turning area. Fencing will be provided between the existing columns on the boundary wall. The premises will be used to provide support for local families including supervised visits by parents on an appointment basis. No more than three families will be on site at any one time with a maximum of ten people including parents children and staff at the premises.

An objection from nearby residents and two objections from ward councillors were received. Issues raised related to parking provision, noise and security.

The proposal is assessed against local plan policies and guidance and consideration is given to the principle of the use in this location along with its likely impact in terms of appearance of the surroundings and on the amenity of adjoining residents with particular consideration on noise and disturbance and highway safety.

It is the officers view that the proposed use is appropriate to this sustainable residential location. It is also considered that the proposed alterations to the boundary are of an appropriate scale and design that is in keeping with the character of the area and will shield the additional parking area from the wider public view. As such, there will be minimal impact in terms of appearance. Any potential disturbance due to noise transference through party walls can be addressed by provision of suitable noise insulation to the internal walls. The proposed parking layout and turning facility to serve the use is within the properties own curtilage and will allow vehicles to enter and leave the site in a forward gear which will not therefore adversely affect highway safety. Consideration was also made of comments received in relation to security and the applicant has indicated that remote manned security will be provided but this is a matter for site management and is not a material planning consideration.

The officer recommendation is for approval subject to relevant conditions

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is located on the eastern side of Cargo Fleet Lane, opposite the junction with Park Avenue South in the Park End/Beckfield ward of Middlesbrough. The area has a primarily residential character with some local services nearby. There is a dentist and local shop on the opposite side of Cargo Fleet lane. A covered reservoir and associated open land lies to the rear and to the north of the site. The property is currently a semi-detached dwelling and the attached property to the south is also a dwelling. Green space lies to the south beyond the pair of houses.

The application property is one of a pair of two storey, semi-detached dwellings with a single storey extension and detached garage to side. Vehicular access is taken off Cargo Fleet Lane. There is low level boundary wall with brick pillars and intervening wrought iron fence detail to the front whilst the private garden wraps around the property to the front side and rear with part of this enclosed by a 2m high fence.

### **The application**

The proposal subject of this application is to change the use of the dwelling to a centre to support families (Sui Generis). Families in need of support will arrive at the site on an appointment basis. The garden area to the front of the property will be laid out to provide six parking spaces including two disabled spaces along with a turning area. Fencing will be provided between the existing pillars to a maximum height of approximately 1.6m. Opening hours of 08.30 to 18.30 hours Mon to Friday have been requested.

The application submission was supported by a Design and Access Statement.

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## **PLANNING HISTORY**

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There is no relevant planning history associated with this application.

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## **PLANNING POLICY**

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In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

### Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)

- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

### National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development  
 CS4 - Sustainable Development  
 CS5 - Design

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.  
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Middlesbrough Council Strategic Policy**

The proposed change of use is located within a residential area of the town. The property has no specific policy designations in the Local Plan.

Although the proposal would see the loss of a dwelling-house, it would not have a significant impact on the Council's overall housing delivery strategy. In respect of any works, most of these will be internal, and as such there will be little impact on the external appearance of the property.

The proposal accords with the Development Plan policies

### **Middlesbrough Council Highways**

No objection

### **Middlesbrough Council Environmental Health**

No objection

### **Ward Councillors**

Councillors Hubbard and Saunders object on the basis of inadequate security

### **Public Responses**

A letter of objection was received two from residents at the same address. The objection can be summarised as follows:

- Inadequate parking provision
- Concerns regarding sound proofing in respect of privacy of users of the site and disturbance to the adjoining dwelling
- Request for allocated smoking area away from shared boundary
- Lack of security
- Lack of clarity on plans regarding use of rooms
- Lack of specified use class in description
- Request that number of staff and proposed opening times are subject of a condition if the application is approved

Number of original neighbour consultations	15
Total numbers of comments received	1
Total number of objections	1
Total number of support	0
Total number of representations	0

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **Policy context**

1. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in February 2019, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213).
2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policies DC1, CS4 and CS5 which in essence seek to ensure high quality sustainable development and ensure that the amenity of nearby residents, the character of the area and highway safety are not adversely affected by the development. Policies H1 and H11 set out the Councils strategy to meet housing demand.

### **Principle and sustainability**

3. The locating of a service provision for the community which is not classified as a town centre use and which doesn't have a specific locational requirement is considered to be best located within a residential area, where it can be reasonably accessed by public transport and is in relative close proximity to other

community based provisions. Although the proposal will result in the loss of a dwelling house, it would not have any notable impact on the Councils overall housing strategy. The proposal will be in accordance with Local Plan Policy CS4 in this regard.

#### **Appearance**

4. No alterations to the fabric of the building are proposed. The exterior changes involve the provision of hardstanding to allow additional parking and turning within the site and the introduction of close-boarded fencing between the existing pillars along the boundary wall.
5. The existing property has an area to the front and side that is laid to lawn, this helps soften the appearance of the building to some extent. Although the loss of this grassed area to provide additional parking will have some visual impact, it will be largely screened from view by the proposed boundary treatment. As a result, it is considered that any impact the parking area will have in terms of appearance will be limited, taking into account the property being only one of two properties on this side of Cargo Fleet Lane in this location.
6. The proposed close boarded timber fence will be of a similar height to the existing railings that are in place. The scale of the fence and proposed materials are considered to be appropriate to the residential character of the area.
7. In view of the above it is considered that the proposed development will not have a significantly adverse impact on the character of the area in accordance with CS5 (test c) and DC1 (test b).

#### **Impact on residential amenity**

8. Concerns have been raised regarding the impacts of the proposed use on the adjoining dwelling in terms of noise and disturbance. The applicant has indicated that the property will be used for supervised visits, that there will be a maximum of four full time employees and a maximum of three families present at the property at any one time. Two of the first floor bedrooms and the ground floor living area will be used for supervised visits with the third bedroom used as an office /storage space. Although the proposed use is considered to be relatively low key in terms of activity at the site, the use could result in noise from voices occurring during the day over and above the expected level for normal household use. Despite the Councils Environmental Health Officer raising no objection to the proposal, it is considered that as there is some potential for impact in terms of noise and disturbance there should be a scheme of adequate noise insulation provided to limit the impact on the attached neighbouring residential property. A condition requiring suitable noise insulation is recommended. In addition, in order to ensure that the adjacent residential occupiers are not unduly affected by the use at hours when they should be able to reasonably expect a higher level of amenity and greater peace and quiet, a condition is recommended to limit the hours of use of the premises to those requested in the application which are 8.30am to 6.30pm Monday to Friday.
9. Concerns were raised in respect of loss of privacy for clients at the site i.e. that the adjacent residential occupiers may be able to hear private conversations taking place. Whilst noted, this would be for the management of the premises to deal with appropriately, although the required noise insulation should be able to deal with this sufficiently.
10. The property is likely to receive a greater level of traffic than it would as a dwelling and this therefore has the potential to add disturbance and change the character of the property. However, in view of the position of the access away from the

shared boundary with the adjacent dwelling and in view of it being beside a well trafficked highway and opposite a shop and bus stop, it is considered that the additional traffic should not unduly affect the residential amenity of the immediate surroundings.

11. In light of the above, it is considered that the proposed development will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing arrangements and is therefore in accordance with Policy DC1 (test c) in this regard.

### **Highways**

12. Following concerns raised in respect of parking provision at the site, revised plans showing five parking spaces and one disabled parking space along with a turning area within the site have been submitted. Given that there will be four staff at the site and its proximity to public transport routes, it is considered that the proposed parking provision is adequate for the proposed use. Furthermore, the facility for vehicles to turn and leave the site in forward gear is seen as an improvement in terms of road safety. The Councils Highways Officer considered the proposal and raised no objection.
13. In view of the above it is considered that adequate parking and manoeuvring provision is provided for the level of activity advised as being intended within the premises and the proposal will therefore not result in an increase in demand for off street parking and will not have an impact on the safe operation of the highway in accordance with Policy DC1 (test d).

### **Other matters**

14. Concerns were raised in respect of security at the site, specifically in relation to the property being left unattended during night-time hours. The applicant has indicated that a security system that will be manned remotely will be installed at the site.
15. Concerns were also raised in respect of the security of the boundary fence, however, this is a matter for site management and is not a material planning consideration.
16. Comment was made that there was a lack of clarity in respect of the proposed use for each room and that the application description does not include a use class. The applicant had advised that the ground floor living room will be used for family supervision with the kitchen remaining for use shared use by staff and clients. Bedroom No.1 and No.2 will be used for family supervision with bedroom No.3 being used for office/storage space. The proposed use is sui generis as it does not fall into any specific use class.
17. A request was made that any smoking area be located away from the boundary fence. There is no requirement to provide an external smoking area for this type of use and whilst this would be beneficial to the privacy and amenity of the adjacent occupiers, it would be unable to be reasonably enforce from a planning perspective and is considered to be more of a matter for site management to ensure clients do not cause impact on nearby neighbours due to smoking.
18. A further request was made to impose a condition restricting the number of people using the property. Following conversations with Middlesbrough Council Social Services who will run the service, it is clear that the type of facility the proposal is creating will be naturally restricted to a maximum of three families at any one time due to the size of the property . Family groups are usually a single parent with one or two children supervised by single officer. The level of use is

limited by the size of the dwelling and the nature of the activity taking place, although this may vary from time to time there is no evidence that a larger family group will generate a significant level of disturbance. As such it is not considered necessary to impose a restrictive condition as to the number of people within the building. In addition, the use is classified as a Sui Generis Use which means should the use change in the future a further application would be required and could be considered against its own impacts.

### **Summary**

19. The proposal has been assessed against local planning policies and guidance. It is considered that, the proposed use as family time centre is appropriate in this residential setting. It is considered that the proposal will not have any notable detrimental impact on the character of the area, the amenity of nearby neighbours or on the safe operation of the highway. All other issues raised have been considered but do not justify refusal of planning permission.

### **Conclusion**

20. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with national and local policy and is therefore recommended for approval.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with Conditions**

#### **1. Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **2. Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Location Plan received 14<sup>th</sup> September 2021
- b) Proposed Site Plan received received 24<sup>th</sup> November 2021
- c) Proposed fence elevation received 24<sup>th</sup> November 2021

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

#### **3. Hours of Operation**

The premises shall not operate outside the hours of 08:30hrs to 18:30hrs Monday to Friday.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

#### **4. Noise Insulation**

Prior to the use hereby approved being brought into use a scheme of noise insulation shall have been implemented at the property in accordance with a scheme of mitigation that has first been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be based on a noise assessment undertaken by a qualified noise consultant which details the level of attenuation that is created by

the existing structure of the building relative to the noise levels that the adjacent residential occupiers are likely to receive from the premises, and the reduced noise levels likely to be received following the provision of mitigation of noise transference. The levels required to be met in habitable rooms of the adjacent residential premises are those set in BS 8233(2014), measured when the neighbouring commercial business is in use.

Reason: Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

### **REASON FOR APPROVAL**

This application is satisfactory in that the use as family time centre accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy DC1, CS4, CS5 of the Council's Local Development Framework). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2019).

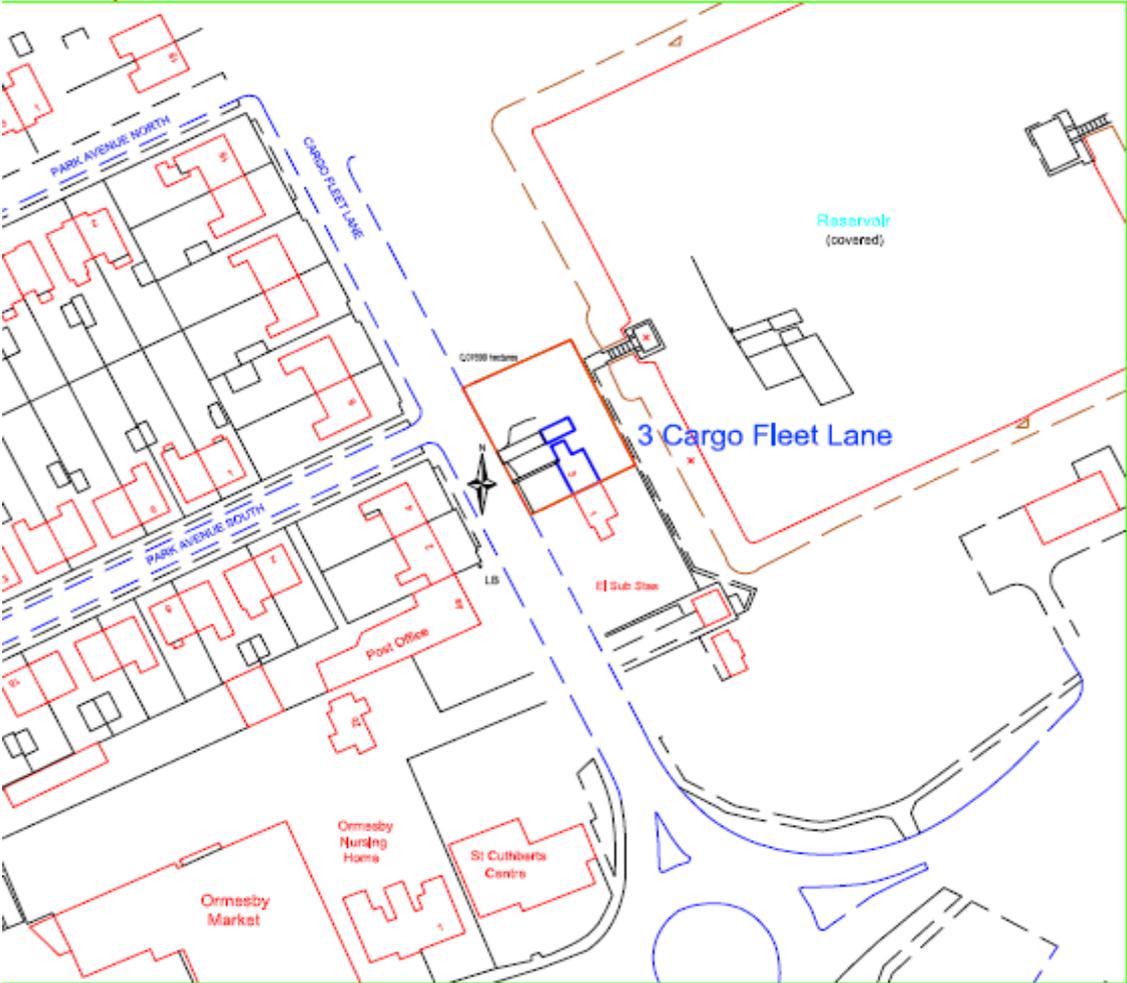
In particular, family time centre use will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The family time centre use will be consistent with the residential uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the family time centre will not be of a level likely to result in an unacceptable impact on nearby premises or the safe operation of the highway .

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations, which would indicate that the development should be refused

Case Officer: Maria Froggatt

Committee Date: 11<sup>th</sup> February 2021

LOCATION PLAN



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## Appeal Decision

Site visit made on 8 December 2021

**by Elaine Gray MA(Hons) MSc IHBC**

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

**Decision date: 20<sup>th</sup> January 2022**

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### **Appeal A - Ref: APP/W0734/W/21/3281191**

#### **Nunthorpe Hall, East Side, Nunthorpe, Middlesbrough TS7 0NP**

- 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 G Dixon against the decision of Middlesbrough Borough Council.
  - The application Ref 21/0005/FUL, dated 6 January 2021, was refused by notice dated 9 March 2021.
  - The development proposed is 'remove existing external timber shed and construct new 3 bay storage and garage unit to create storage for new nursing home equipment and grounds equipment'.
- 

### **Appeal B - Ref: APP/W0734/Y/21/3281192**

#### **Nunthorpe Hall, East Side, Nunthorpe, Middlesbrough TS7 0NP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr G Dixon against the decision of Middlesbrough Borough Council.
  - The application Ref 21/0006/LBC, dated 6 January 2021, was refused by notice dated 9 March 2021.
  - The works proposed are 'remove existing external timber shed and construct new 3 bay storage and garage unit to create storage for new nursing home equipment and grounds equipment'.
- 

### **Decision**

1. Appeal A is dismissed.

### **Procedural Matters**

2. The appeal scheme proposes a freestanding structure which would not be attached to the listed buildings at the site and would not bring about physical alterations to any part of them. Bearing this in mind, a listed building consent application is not required for the development as proposed; it follows that there is no valid appeal under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for determination, and therefore I shall take no further action with regard to Appeal B.
3. On my site visit, I saw that the frame of the proposed building and some block walling has already been constructed. Although I have based my consideration of the proposed scheme on the submitted plans, I have also taken what I saw of the partially constructed building into account.

## **Main Issues**

4. The main issues are:

- the effect of the proposal on the setting of Nunthorpe Hall, which is listed grade II, together with the gates, gatepiers and crescent walls within its curtilage, which are also listed grade II; and
- whether the character or appearance of the conservation area would be preserved or enhanced.

## **Reasons**

5. The setting of a heritage asset is defined in the National Planning Policy Framework (NPPF) as the surroundings in which the heritage asset is experienced. Elements of the setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
6. Nunthorpe Hall is a manor house originally dating from c.1623. It was largely rebuilt and extended c.1800 and underwent subsequent alterations and additions. It was converted for use as a residential care home in 1951 and has remained in that use ever since. The building has a fine two storey, seven bay elevation facing the main entrance to the property. A notable feature is the decorative stone porch that projects from this façade, standing at approximately one and a half storeys. There is also a striking garden façade with an ornate central door surround. This elevation looks out over the garden, which is set slightly down from the building.
7. From the evidence before me, and my observations on site, Nunthorpe Hall is fairly secluded from public view. It is set within its own grounds, which include formal gardens and wooded areas. These surroundings speak to the high status of the building and its relative isolation from the other dwellings in the village. The grounds therefore provide a setting that contributes positively to the understanding of Nunthorpe Hall and its significance as a listed building.
8. The site of the development is adjacent to the drive that forms the main approach to Nunthorpe Hall. It is proposed to construct a new freestanding storage facility to replace an outbuilding that no longer meets the needs of the home. The new store would be constructed as a triple garage with three pairs of doors and a shallow mono-pitched roof. The walls would be finished in timber boarding, and the doors would have chevron style timber panelling to match the existing doors of the hall.
9. The new building would be partially visible on oblique views from the main entrance, and also from some parts of the garden area looking back towards the southern façade of the hall. It is therefore important that the scale and design of the new storage facility should be sympathetic to its position within the setting of Nunthorpe Hall. However, the footprint of the building would be significantly larger than the kinds of sheds or outbuildings that would normally be associated with a country house, as the hall once was. It would thus erode the sense of spaciousness that is a positive element of the setting of the hall.
10. Designed as a triple garage, the development would have a modern, utilitarian appearance that would not complement the traditional appearance of the heritage asset and the historic buildings associated with it. Whilst the

proposed timber finish would not be out of place in this location, it would not mitigate the excessive size and non-traditional form of the building.

11. Although the impact of the building would be somewhat screened by vegetation, this could not always be relied upon as the planting could be removed. In addition, grasscrete would be installed leading from the existing drive to a sizeable area in front of the development. This would serve to formalise a currently unobtrusive area, and draw greater attention to the proposed new building, taking away from the impressiveness of the main approach to Nunthorpe Hall.
12. Drawing these factors together, I conclude that the proposed development would unacceptably harm the setting of the listed building. Accordingly, conflict arises with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the NPPF. In addition, the scheme would fail to comply with Policy CS4 of the Middlesbrough Local Development Plan Framework – Core Strategy (CS), insofar as it seeks to protect and enhance the historic heritage, and CS Policy CS5, which amongst other things, seeks to safeguard buildings identified as being of special historic or architectural interest.
13. Although serious, the harm to the heritage asset in this case would be less than substantial, within the meaning of the term in paragraph 199 of the NPPF. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. The appellant contends that the new building would be essential for the safe and efficient operation of the care home. This need is based on growing demand for large and small equipment, including heavy lifting apparatus, in response to increasing care demands. Extra equipment has also been needed because of the ongoing coronavirus pandemic. He argues that the proposed design and location would be best suited to provide the required storage.
15. I acknowledge this need, and I agree with the Council's position that, in principle, a suitably designed new storage building could be located in this area of the grounds. I note that the appellant has discounted any other location within the grounds in favour of the appeal site. Therefore, there is a possibility that a suitable alternative scheme could be arrived at that would serve the needs of the home and also preserve the setting of the listed building. That being the case, a grant of permission for the appeal scheme could not be justified.
16. It is not inevitable that a more historically accurate design would end up as a pastiche. It is certainly the case that contemporary design can often work very well within historic contexts. However, for the reasons above, the appeal scheme would not achieve that aim in this particular case.
17. I note that the existing storage shed would be removed. Although this building is closer to the boundary of the site, and more readily visible from outside, it is substantially smaller than the proposed new store. Due to its small size, marginal location and more traditional form, it does not notably impinge on the

heritage assets. Therefore, its removal would not represent enough of a heritage benefit to weigh in favour of the appeal scheme.

18. I therefore find that insufficient public benefits have been identified from this specific scheme that would outweigh the harm I have found to the setting of Nunthorpe Hall. The scheme would therefore further conflict with the NPPF, which directs, at paragraph 199, that great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

*The gates, gatepiers and crescent walls*

19. The gates, gatepiers and crescent walls at the entrance to Nunthorpe Hall are also grade II listed in their own right. Dating from 1901, these decorative structures are a later addition to the property and add greatly to the grand sense of approach to the hall. Although these listed structures are intervisible with the appeal site, they are primarily experienced from the road outside the hall complex, where extensive views of them are to be had. They are ancillary to Nunthorpe Hall and their setting is considerably more limited than that of the main house. I note that the Council have not raised any objection relating to them, and I am satisfied that the effect of the development on their setting is neutral.

*The conservation area*

20. The Nunthorpe and Poole Conservation Area (CA) includes the village of Nunthorpe and a number of other clusters of buildings. In addition, it encompasses a considerable area of gently undulating landscape, characterised by arable and pastoral farmland with remnants of parkland landscaping. I note that Nunthorpe Hall and its associated structures form one of three principal groups of buildings in the CA.
21. Nonetheless, the scale of the proposed development would be relatively small within the context of the wider CA. Moreover, I am satisfied that the structure would not be easily visible from public viewpoints outside the grounds of Nunthorpe Hall. To that extent, I am satisfied that the character and appearance of the CA would be preserved by the built form of the development, whose effect upon it would be neutral.

**Conclusion**

22. Despite my conclusion that the development would not adversely affect the CA or the setting of the gates, gatepiers and crescent walls, it would unacceptably harm the setting of Nunthorpe Hall. It would therefore conflict with the development plan as a whole, and so Appeal A should be dismissed.

*Elaine Gray*

INSPECTOR



## Appeal Decision

Site visit made on 4 January 2022

by **J Symmons, BSc (Hons) CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 25<sup>th</sup> January 2022

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**Appeal Ref: APP/W0734/D/21/3285967**  
**20 Canberra Road, Middlesbrough TS7 8EX**

- 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 & Mrs Mann against the decision of Middlesbrough Council.
  - The application Ref 21/0371/FUL, dated 12 May 2021, was refused by notice dated 18 August 2021.
  - The development proposed is a two-storey side extension and single storey extensions to front & rear.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellants provided a plan named Revision C with their appeal statement. The Council has confirmed that Revision C is the appropriate plan for determination. I have dealt with this appeal accordingly.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area.

### Reasons

4. The area surrounding the appeal property predominately contains a mix of semi-detached properties with bay windows, drives and garden/paved areas to the frontages. Many of these do not have extensions. There are limited examples of two-storey side extensions adjoining pairs of semi-detached properties within the area, with the nearest ones to the proposal being at 22 – 32 Canberra Road, between Newham Crescent and Perth Crescent. Porches of different designs are evident within the area. The rear gardens are reasonably large and there is a mix of outbuildings and single and two-storey rear extensions.
5. The appeal site is a two-storey semi-detached property with front bay windows, side garage and a single storey rear extension. It has a hipped roof to the main building, flat roof to the garage and a mono-pitched roof to the rear extension. There is a relatively small garden and single drive to the front and a larger rear garden enclosed by fencing. The detached neighbouring property, No 22, has a large two-storey side extension which is set back from its building line and extends very close to No 20's boundary. The houses at Nos 20 and 22 splay slightly to reflect the bend in Canberra Road.

6. The proposal would replace the garage with a two-storey hip roofed side extension and add a single storey front extension with a mono-pitched roof. The porch detail would retain the main entrance door but also replaces the garage door with another main entrance door. Furthermore, a single storey pitched roof extension would be added to the rear of the property.
7. The Council has produced Middlesbrough's Urban Design Supplementary Planning Document (SPD, 2013). This document sets out design guidance and standards expected by the Council for development. Amongst other matters, the SPD identifies the key issues and design approaches that need to be considered in deciding if the addition of side extensions, porches, and rear extensions would be appropriate.
8. The side extension would be generally in accordance with the SPD in terms of stepping back the extension's first floor section from the front building line and lowering the roof ridge. It would also be in keeping with the host property and would be smaller in scale than No 22's extension. However, the combined effect of the proposal with No 22's extension would be to largely infill the gap between the properties. This would remove the existing separation, be overly dominant, and would result effectively in terracing of the properties. Consequently, the side extension would have an overbearing impact.
9. The example photograph in the SPD referred to by the appellants shows an extension similar to the proposal. However, the two-storey extension is shown as being adjacent to a single storey garage which retains an open and separate aspect, in contrast to the proposed development.
10. Three pairs of semi-detached properties along Canberra Road at Nos 22 - 32, have had extensions which have already resulted in a terracing effect. Furthermore, a number of these properties have been extended to the rear, including a large extension at No 30. However, these developments occurred prior to the SPD's adoption. In any event, the proposed development would extend this existing terracing by an additional property and would therefore be harmful to the character and appearance of the area.
11. Regarding the front porch addition, this would comply with the SPD in terms of general size and extent. Notwithstanding this and the amendments made to the porch design during the planning application process, the design remains inappropriate. This is due to the somewhat unusual duplication of front doors to the proposed side extension and porch.
12. There are a number of examples of single storey rear extensions locally. With the mix of other extensions, outbuildings and features in rear gardens, I find that the proposed rear extension would not harm the character and appearance of the host property or the area.
13. I acknowledge that the cumulative increase in the floor area of the host property from the proposal would be significant. However, there is no limit set in the SPD for additional floor area. While I consider that the combined effect of all the elements of the proposal would not be out of scale with the host property or other houses locally, my concern about the side extension's terracing and the porch's unusual duplicate door arrangement remains.
14. While the Core Strategy is of some age, there is nothing before me which would indicate that the aforementioned policies are not relevant in this

instance. I also note that the proposed development was amended during the planning application process. However, the application was refused, and I have considered this appeal on its own merits.

15. I conclude that the proposal would significantly harm the character and appearance of the host property and the surrounding area. This would be contrary to Policies DC1 and CS5 of the Middlesbrough Core Strategy 2008 and the SPD which seek to ensure, amongst other matters, that all new development delivers high quality design in terms of layout, form and contribution to the character and appearance of the area. The Council has referred to DC1(c) in their decision notice, but it appears that this relates to living conditions. Accordingly, I have addressed Policy DC1 more generally as it also deals with character and appearance matters.

### **Conclusion**

16. For the reasons given, I conclude that the appeal should be dismissed.

*J Symmons*

INSPECTOR

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## Appeal Decision

Site visit made on 5 January 2022

by **J Hunter BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> January 2022

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**Appeal Ref: APP/W0734/W/21/3284713**

**20 Fountains Drive, Acklam, Middlesbrough TS5 7LJ**

- 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 Ruby Housing against the decision of Middlesbrough Borough Council.
  - The application Ref 21/0290/FUL, dated 9 April 2021, was refused by notice dated 14 September 2021.
  - The development proposed is construction of detached dwelling.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for a full award of costs was made by Ruby Housing against Middlesbrough Borough Council. This application is the subject of a separate decision.

### Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

4. The appeal site is an area of garden land at the side of an existing two storey dwelling on a prominent corner plot. The site is within an established residential estate characterised by single and two-storey properties that are relatively uniform in character due to the limited palette of materials, fenestration detailing and strong building line. Spacious plots and open front gardens afford the area with an open character.
5. The proposal would see the development of a two-storey detached dwelling to the side of an existing pair of semi-detached houses and occupying a large proportion of the open area of garden to the side of the host dwelling. The property would have similar proportions to that of the neighbouring houses and would be finished in similar materials. However, whilst the new dwelling would fall in line with the established building line at the front, it would have a significantly deeper floorplan which would mean that at the rear, it would project beyond the rear elevations of the neighbouring houses by approximately 5 metres in total, albeit only around 2.5 metres would be two storeys.

6. The proposed 2 metre high fence would partially screen the single storey rear element of the proposal. However, I consider that by virtue of its, scale, bulk and almost featureless gable wall, the proposed dwelling would appear dominant and incongruous in this prominent corner location. For this reason, it would cause harm to the character and appearance of the surrounding area and would therefore fail to satisfy the requirements of Policy DC1 of the Middlesbrough Local Development Framework, Core Strategy 2008 which amongst other things, requires that proposals take account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale.

### **Other Matters**

7. The appellant has provided some details of development proposals that have been approved within the surrounding area, including at the appeal site. Two of the proposals appear to be for dormer bungalows and are therefore not directly comparable to the current proposal. The third proposal was for a two-storey dwelling on the appeal site but with frontage onto Sledmere Drive. I am not certain of the circumstances under which this application was approved or why it was not constructed, nonetheless, I must determine this appeal on its own merits and whilst I have taken into account the planning history of the site, it does not outweigh the harm I have identified in relation to the main issue.

### **Conclusion**

8. There are no material considerations that indicate the application should be determined other than in accordance with the development plan when taken as a whole. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*J Hunter*

INSPECTOR



## Appeal Decision

Site visit made on 12 January 2022

**by Mr M Brooker DipTP MRTPI**

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

**Decision date: 28 January 2022**

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**Appeal Ref: APP/W0734/W/21/3283486**  
**114 Victoria Road, Middlesbrough TS1 3HY**

- 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 Mahmood against the decision of Middlesbrough Council.
  - The application Ref 20/0639/FUL, dated 21 October 2020, was refused by notice dated 28 May 2021.
  - The development proposed is described as a “change of use from 5-bed house in multiple occupation (C4) to 6-bed student accommodation (sui generis) with two-storey extension to rear and raising of roof level with dormer to front”.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I understand that the appellant also owns 116 and 118 Victoria Road and applications for a similar form of extension to these properties were refused for similar reasons. I have determined each appeal on its own merits.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - i. the character and appearance of the area, including the appeal property
  - ii. The living conditions of the occupiers of neighbouring properties and future residents of the appeal property
  - iii. Highway safety, with particular regards to on-street car parking.

### Reasons

#### Character and appearance

4. I saw at the site visit that many dwellings in the area have been subject to a variety of roof alterations and extensions. Not all of the aforementioned works contribute positively to the character and appearance of the area and the area has something of a hotchpotch appearance as a result.
5. The appellant details that the appeal scheme consists of the raising of the eaves level at the front of the property by 1m, along with a large rear extension and alterations to the layout of the rear yard to incorporate formal cycle parking and bin storage. I note that similar works are also proposed in respect of Nos 116 and 118.

6. Within the context of the surrounding properties, and in the knowledge that similar works are proposed in respect of the attached properties, together the proposed roof alterations would not appear out of place and it is my planning judgment that in this respect the appeal scheme would not harm the character and appearance of the area. If implemented individually, the proposed roof alterations would appear as a prominent and incongruous feature harming the character and appearance of the area.
7. While located in the less visible position at the beginning of the short terrace, consisting of Nos 114, 116 and 118, the substantial rear extension shown on the submitted plans would nonetheless still be visible from adjacent properties and the gated rear alleyway.
8. As a result of the size and scale of the proposed rear extension, that largely fills the appeal site, the proposed extension would appear as a prominent and incongruous feature within the local area. While I saw at the site visit that other terraced properties had been extended to the rear, those that I saw were generally of a much smaller scale and did not persuade me as to the acceptability of the appeal scheme.
9. As such I find that the appeal scheme would harm the character and appearance of the area, including the appeal property contrary to Policies DC1, CS4 and CS5 of the CS and guidance set out in the SPD.

#### Living Conditions

10. Policies DC1, CS4, CS5 of the CS and guidance in the SPD seek, amongst other matters, to secure development of a high quality that respects its context and residents.
11. The submitted plans show that the rear yard is reduced to a thin strip to the side of the proposed extension, resulting in little usable outside amenity space. While I note that the appeal property is a terraced property in an existing urban area with some access to public open space, it is not unreasonable for residents to expect to have some usable private outside space.
12. Windows serving bedrooms in the proposed rear extension are shown on the submitted plans as facing towards properties fronting on to Woodlands Road. The Officer's report notes that windows of nearby properties on Woodlands Road include a bathroom approximately 6m away and a bedroom approximately 11m away. While the submitted plans have been annotated to show the use of obscure glazing and the appellant suggests that this could be controlled by a condition, such a solution would nonetheless reduce the outlook for the future occupiers of those rooms and fail to remove the sense of overlooking that would remain as a result of the appeal scheme.
13. On the basis of the evidence before me and my observations on site, I find that the appeal scheme would fail to provide adequate living conditions for the occupiers of future residents of the appeal property and would harm the living conditions of the occupiers of nearby properties on Woodlands Road. As such the appeal scheme is contrary to Policies DC1, CS4, CS5 of the CS and guidance set out in the SPD.

#### Highway safety

14. The appeal property is shown on the submitted plans as accommodating five bedrooms. The appeal scheme would result in a property that accommodates six bedrooms with improved lounge, kitchen and bathroom facilities.
15. The Council's consultation response in respect of highway matters details that the "The proposals will double the existing occupancy levels". I have no substantive evidence to support this statement. Only a single additional bedroom is proposed, and no existing bedroom is shown as being notably larger as a result of the appeal scheme.
16. In any event, I saw at the site visit that while on-street car parking was clearly in demand, and controlled, the appeal property is nonetheless located in an area with good access to services, facilities and public transport. As such future residents may not be wholly reliant on the private car to access day to day services.
17. But even if there were an increase in on-street parking, I have no evidence before me to show that it would result in indiscriminate on-street parking to the detriment of highway safety.
18. As such I do not find that the appeal scheme would harm highway safety with particular regards to on-street car parking and is not therefore contrary to Policy REG24 of the Regeneration Development Plan and policies DC1 and CS5 of the CS that, amongst other matters, seek to ensure that new development provides adequate carparking provision and does not adversely affect other uses and highway safety.

### **Other Matters**

19. The appeal scheme would improve the facilities of the accommodation to the benefit of the current and future occupiers of the appeal property. However, I have also identified harm to the living conditions of the future occupiers of the appeal scheme in respect of outlook. In any event I do not find that this material consideration outweighs the harm I have identified previously.

### **Conclusion**

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*Mr M Brooker*

INSPECTOR

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## Appeal Decision

Site visit made on 12 January 2022

**by Mr M Brooker DipTP MRTPI**

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

**Decision date: 28 January 2022**

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**Appeal Ref: APP/W0734/W/21/3283487**  
**116 Victoria Road, Middlesbrough TS1 3HY**

- 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 Mahmood (SJD Architects) against the decision of Middlesbrough Council.
  - The application Ref 20/0640/FUL, dated 21 October 2020, was refused by notice dated 28 May 2021.
  - The development proposed is described as the "change of use from 5-bed house in multiple occupation (C4) to 6-bed student accommodation (sui generis) with two-storey extension to rear and raising of roof level with dormer to front".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I understand that the appellant also owns 114 and 118 Victoria Road and applications for a similar form of extension to these properties were refused for similar reasons. I have determined each appeal on its own merits.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - i. the character and appearance of the area, including the appeal property
  - ii. The living conditions of the future residents of the appeal property
  - iii. Highway safety, with particular regards to on-street car parking.

### Reasons

#### Character and appearance

4. Policies DC1, CS4 and CS5 of the Core Strategy (the CS) and guidance in the Urban Design SPD (the SPD) seek, amongst other matters, development that is of a high quality, that respects the surrounding area and that enhances the townscape character.
5. I saw at the site visit that many dwellings in the area have been subject to a variety of roof alterations and extensions. Not all of the aforementioned works contribute positively to the character and appearance of the area and the area has something of a hotchpotch appearance as a result.

6. The appellant details that the appeal scheme consists of the raising of the eaves level at the front of the property by 1m, along with a large rear extension and alterations to the layout of the rear yard to incorporate formal cycle parking and bin storage. I note that similar works are also proposed in respect of Nos 114 and 118.
7. Within the context of the surrounding properties, and in the knowledge that similar works are proposed in respect of the attached properties, together the proposed roof alterations would not appear out of place and it is my planning judgment that in this respect the appeal scheme would not harm the character and appearance of the area. If implemented individually, the proposed roof alterations would appear as a prominent and incongruous feature harming the character and appearance of the area.
8. While located in the middle of a short terrace, consisting of Nos 114, 116 and 118, the substantial rear extension shown on the submitted plans would nonetheless still be visible from Acton Street and adjacent properties.
9. As a result of the size and scale of the proposed rear extension, that largely fills the appeal site, the proposed extension would appear as a prominent and incongruous feature within the local area. While I saw at the site visit that other terraced properties had been extended to the rear, those that I saw were generally of a much smaller scale and did not persuade me as to the acceptability of the appeal scheme.
10. As such I find that the appeal scheme would harm the character and appearance of the area, including the appeal property contrary to Policies DC1, CS4 and CS5 of the CS and guidance set out in the SPD.

#### Living Conditions

11. Policies DC1, CS4, CS5 of the CS and guidance in the SPD seek, amongst other matters, to secure development of a high quality that respects its context and residents.
12. The submitted plans show that, with the creation of formal bin store and bike parking, future residents of the appeal scheme would be largely deprived of usable outside amenity space. While I note that the appeal property is a terraced property in an existing urban area with some access to public open space, it is not unreasonable for residents to expect to have some usable private outside space.
13. As a result of the appeal scheme, I note that the rear window of the existing first floor bedroom would be substantially reduced in size and largely enclosed by the enlarged rear extension. The window is located close to the boundary with No.118, and as such would also be further enclosed by the appeal scheme submitted in respect of that property were that development to proceed. As such, the occupier of that room would experience a poor outlook.
14. The windows of the proposed rear extension face directly on to and in close proximity to the boundary with No.118. I note that projecting dual aspect windows have been proposed, nonetheless as a result of the close proximity to the adjacent property and scale of the proposed rear extensions, the windows will not afford an acceptable level of outlook to future residents of the appeal scheme.

15. In turn, the rear extension would, as a result of its size, scale and proximity, reduce the outlook for the existing first floor rear bedroom window of the neighbouring property No.118, limiting the outlook and thus harming the living conditions of the current and future occupiers of that property.
16. The appellant has detailed that the windows face towards the north, reference is also made to the SPD, the minimum distances required and that bedrooms are not considered to be primary bedrooms. I note however that the minimum distances detailed in the SPD relate to the protection of privacy rather than outlook.
17. On the basis of the evidence before me and my observations on site, I find that the appeal scheme would fail to provide adequate living conditions for the occupiers of future residents of the appeal property. As such the appeal scheme is contrary to Policies DC1, CS4, CS5 of the CS.

#### Highway safety

18. The appeal property is shown on the submitted plans as accommodating five bedrooms. The appeal scheme would, as shown on the submitted plans, result in a property that accommodates six bedrooms with improved lounge, kitchen and bathroom facilities.
19. The Council's consultation response in respect of highway matters details that the "The proposals will double the existing occupancy levels". I have no substantive evidence to support this statement. Only a single additional bedroom is proposed, and no existing bedroom is shown as being notably larger as a result of the appeal scheme.
20. In any event, I saw at the site visit that while on-street car parking was clearly in demand, and controlled, the appeal property is nonetheless located in an area with good access to services, facilities and public transport. As such future residents may not be wholly reliant on the private car to access day to day services.
21. But even if there were an increase in on-street parking, I have no evidence before me to show that it would result in indiscriminate on-street parking to the detriment of highway safety.
22. As such I do not find that the appeal scheme would harm highway safety with particular regards to on-street car parking and is not therefore contrary to Policy REG24 of the Regeneration Development Plan and policies DC1 and CS5 of the CS that, amongst other matters, seek to ensure that new development provides adequate carparking provision and does not adversely affect other uses and highway safety.

#### **Other Matters**

23. The appeal scheme would improve the facilities of the accommodation to the benefit of the current and future occupiers of the appeal property. However, I have also identified harm to the living conditions of the future occupiers of the appeal scheme in respect of outlook. In any event I do not find that this material consideration outweighs the harm I have identified previously.

**Conclusion**

24. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*Mr M Brooker*

INSPECTOR



## Appeal Decision

Site visit made on 12 January 2022

by **Mr Brooker DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 January 2022**

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**Appeal Ref: APP/W0734/W/21/3283488**  
**118 Victoria Road, Middlesbrough TS1 3HY**

- 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 Mahmood (SJD Architects) against the decision of Middlesbrough Council.
  - The application Ref 20/0641/FUL, dated 21 October 2020, was refused by notice dated 28 May 2021.
  - The development proposed is described as a “first and second floor extension to rear and raising of roof level with dormer windows to front and side and alterations to the shop front on ground floor”.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I understand that the appellant also owns 114 and 116 Victoria Road and applications for a similar form of extension to these properties were refused for similar reasons. I have determined each appeal on its own merits.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - i. the character and appearance of the area, including the appeal property
  - ii. The living conditions of the occupiers of neighbouring properties and future residents of the appeal property
  - iii. Highway safety, with particular regards to on-street car parking.

### Reasons

#### Character and appearance

4. Policies DC1, CS4 and CS5 of the Core Strategy (the CS) and guidance in the Urban Design SPD (the SPD) seek, amongst other matters, development that is of a high quality, that respects the surrounding area and that enhances the townscape character.
5. I saw at the site visit that many dwellings in the area have been subject to a variety of roof alterations and extensions. Not all of the aforementioned works contribute positively to the character and appearance of the area and the area has something of a hotchpotch appearance as a result.

6. The appellant details that the appeal scheme consists of “the raising of the eaves level at the front of the property by 1m, along with raising the existing mock Dutch gable. To the rear is a first and second floor extension, with dormer to the side (fronting Acton Street)”. I note that such works are also proposed in respect of Nos 114 and 116.
7. Within the context of the surrounding properties, and in the knowledge that similar works are proposed in respect of the attached properties, together the proposed roof alterations would not appear out of place and it is my planning judgment that in this respect the appeal scheme would not harm the character and appearance of the area. If implemented individually, the proposed roof alterations would appear as a prominent and incongruous feature harming the character and appearance of the area.
8. The substantial rear extension would occupy a prominent and highly visible position on the junction of Victoria Road and Acton Street. As a result of the tall and expansive walls of the side and rear elevations that largely fill the appeal site, the proposed extension would appear as a prominent and incongruous feature within the local area. While I saw at the site visit that other corner properties had elements of rear extensions, those that I saw were of a much smaller scale and did not persuade me as to the acceptability of the appeal scheme.
9. As such I find that the appeal scheme would harm the character and appearance of the area, including the appeal property contrary to Policies DC1, CS4 and CS5 of the CS and guidance set out in the SPD.

#### Living Conditions

10. Policies DC1, CS4, CS5 of the CS and guidance in the SPD seek, amongst other matters, to secure development of a high quality that respects its context and residents.
11. The submitted plans show that, as per the existing situation, the appeal scheme incorporates no outside amenity space. While I note that the appeal property is a terraced property in an existing urban area with some access to public open space, it is not unreasonable for residents to expect to have some usable private outside space and the appeal scheme would result in an albeit modest increase in occupancy of the appeal property.
12. Furthermore, as a result of the appeal scheme, I note that windows of the existing first and second floor bedrooms to the rear of the property would be substantially enclosed by the enlarged rear extension. These windows would be further enclosed by the appeal scheme submitted in respect of No.116, were that development to proceed. Thereby resulting in a poor outlook for future residents.
13. The appellant has detailed that the windows face towards the north, reference is also made to the SPD, the minimum distances required and that bedrooms are not considered to be primary bedrooms. I note however that the minimum distances detailed in the SPD relate to the protection of privacy rather than outlook.
17. On the basis of the evidence before me and my observations on site, I find that the appeal scheme would fail to provide adequate living conditions for the

occupiers of future residents of the appeal property. As such the appeal scheme is contrary to Policies DC1, CS4, CS5 of the CS.

#### Highway safety

14. The appeal property is shown on the submitted plans as accommodating five bedrooms. The appeal scheme would, as shown on the submitted plans, result in a property that still accommodates five bedrooms but with improved kitchen and bathroom facilities.
15. The Council's consultation response in respect of highway matters details that the "The proposals will double the existing occupancy levels". I have no substantive evidence to support this statement, the submitted plans do not show the bedrooms furnished and indeed only one bedroom is shown as being notably larger as a result of the appeal scheme.
16. In any event, I saw at the site visit that the appeal property is located in an area with good access to services, facilities and public transport. As such future residents may not be wholly reliant on the private car to access day to day services.
17. But even if there were an increase in on-street parking, I have no evidence before me to show that it would result in indiscriminate on-street parking to the detriment of highway safety.
18. As such I do not find that the appeal scheme would harm highway safety with particular regards to on-street car parking and is not therefore contrary to Policy REG24 of the Regeneration Development Plan and policies DC1 and CS5 of the CS that, amongst other matters, seek to ensure that new development provides adequate carparking provision and does not adversely affect other uses and highway safety.

#### **Other Matters**

19. The appeal scheme would improve the facilities of the accommodation to the benefit of the current and future occupiers of the appeal property. However, I have also identified harm to the living conditions of the future occupiers of the appeal scheme in respect of outlook. In any event I do not find that this material consideration outweighs the harm I have identified previously.

#### **Conclusion**

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*Mr Brooker*

INSPECTOR

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