



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: 28th January 2022

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.
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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