The Planning Inspectorate

# 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**

**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 show 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 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