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## APPLICATION DETAILS

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<b>Application No:</b>	23/0661/FUL
<b>Location:</b>	4, Hall Drive, Middlesbrough, TS5 7EN
<b>Proposal:</b>	Retrospective extensions and alterations to garage to side to create residential annex
<b>Applicant:</b>	A Ghafoor
<b>Agent:</b>	Benson Themuka
<b>Ward:</b>	Kader
<b>Recommendation:</b>	Approve Conditionally

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## SUMMARY

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Planning permission was originally granted in September 2020 (20/0316/FUL) to convert and extend the existing attached side garage to form a residential annex. Post commencement, however, the attention of the Council was brought to unauthorised works, which included the construction of three dormer windows fronting Hall Drive (instead of the approved one dormer), a flat-roofed box-like rear dormer (instead of the approved one small dormer), and a single storey extension to the rear of the annex with flat roof and parapet detail. An application was subsequently submitted seeking to regularise the unauthorised works (21/1048/FUL) which was refused, then dismissed at appeal.

Although the Inspector dismissed the appeal (Inspector's decision letter is attached as Appendix 3), the Inspector found no harm from the three dormers fronting Hall Drive, the appearance of the front elevation facing Hall Drive, or the single storey extension and its flat roof. The main reason for the appeal being dismissed was the box-like rear dormer, although the Inspector noted that a catslide roof on this dormer – to match the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling – would not be unduly harmful. The current application seeks approval for the works which the Inspector identified not to be harmful.

Given the above, it is the officer recommendation to approve conditionally.

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## SITE AND SURROUNDINGS AND PROPOSED WORKS

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The application site is a large 1.5-storey dwelling situated on a generous cornerplot location where Hall Drive meets Acklam Road. The property is well screened from Acklam Road by the belt of mature trees that line the street. The side of the property faces onto Hall Drive.

Retrospective planning permission is sought for:

1. Three narrow pitched-roof dormer windows on the side elevation facing Hall Drive.
2. Re-arrangement of windows and doors on the side elevation facing Hall Drive and the introduction of a garage door.
3. Single storey extension with flat roof and parapet detail. The extension measures 4.5 metres in length from the previous side wall of the annex and has a total height of 3.5 metres to the top of the parapet roof.
4. Dormer window on side elevation facing the rear garden with catslide roof over.

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## PLANNING HISTORY

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There are three relevant applications relating to the annex at this site.

### M/FP/0457/14/P

Conversion of existing garage and extensions to provide 1no dwelling with associated access and boundary treatments  
Refused 11.06.2014

### 20/0316/FUL

Conversion of garage and extension to side and rear to create a residential annex  
Approved 09.09.2020

### 21/1048/FUL

Retrospective extensions and alterations to garage to side to create residential annex  
Refused

Whilst the appeal was dismissed (see Appendix 3), the Inspector:

- Identified no harm from the front dormers subject to the construction of pitched roofs over.
- The Inspector considered the elevation fronting Hall Drive to be acceptable.
- The single storey extension at the rear was deemed not to be harmful to the neighbouring property. The flat roof with parapet wall detail was considered by the Inspector to be a reasonable compromise and would not cause harm to the character and appearance of the area.
- The only harm the Inspector identified was the flat-roofed box dormer, which the Inspector found to be an incongruous and visually dominant addition and one that would appear out of keeping with the design of the original dwelling. The Inspector noted, however, that a box style dormer with a full catslide roof on the annex would not be unduly harmful as it would be read as an extension to the existing dormer (paragraphs 8-9). I note the current plans show a catslide roof arrangement.

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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).
- Stainton and Thornton Neighbourhood Plan (2022)

#### 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  
UDSPD - Urban Design SPD

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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The application was subject to the standard notification of neighbouring properties, which included a letter drop to 12 different addresses. A press notice was placed in the local paper giving wider publicity.

Following the consultation period, **three letters of objection** were received. The comments within the representations can be summarised as follows:

- The application has already been denied.
- No changes have been made and the building work is not legal.
- The originally approved two bedroom annex has now become a separate three bedroom property with a much larger footprint.
- The conservatory walls are intrusive as are the lights on the rear of the building due to the proximity to our [neighbour at No. 6] reception room.
- Loss of amenity, being overlooked, infringement of privacy, negative impact on the use of our garden and rear reception room.
- There is no interconnecting door between the property and the annex which makes it a separate dwelling, despite plans showing it is an annexe.
- This new application now creates a separate three bedroom property, which will overlook the main dwelling house and could be rented out or even sold separately in the future.
- The amended plans have not made any changes to the original issues and so the building is still not in keeping with neighbouring architecture. It negatively impacts the street scene.
- The application still does not meet the Urban Design SDP, in respect of the dormer windows.
- This revised application does not address the concerns of the Planning Inspector.
- The original application back in 2016 had an internal link to the existing property. This has now disappeared. If approved this application could be considered a separate dwelling and not an annex and represents what was refused under M/FP/0457/14/P.

### Summary of Public Responses

Number of original neighbour consultations	12
Total numbers of comments received	3
Total number of objections	3

Total number of support	0
Total number of representations	0

### **Responses from Internal Technical Services**

#### **Conservation Officer** – No objections

Following a dismissed appeal, this retrospective application proposes to retain and alter some extensions and alterations to the garage to create a residential annex. Whilst the dwelling does not typify the best of traditional development in Acklam Hall Conservation Area, it is on a prominent and leafy corner plot at one of the entrances to the Conservation Area.

In the appeal, the Inspector found harm to the character and appearance of the area arising from the flat roofed box dormer on the side elevation of the annex facing the rear garden of the original dwelling. This element has been improved through the addition of a catslide roof. The Inspector also raised the impact of the built flat-roofed dormers, which was in the initial application and is proposed here to add pitched roofs to, which is an improvement. The result is an improved scheme, better guided by the host dwelling.

The proposed development should not cause harm to Acklam Hall Conservation Area, in accordance with policies CS4 and CS5 of the Middlesbrough Core Strategy and with paragraph 203 of the 2023 National Planning Policy Framework.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **Background**

1. Planning approval was originally granted in 2020 for the construction of an annex at the application site (20/0316/FUL), which would be created through the conversion and minor extension of the former garage to the side of the property. During construction, it was brought to the Council's attention that the build was being constructed contrary to the approved drawings.
2. An application was subsequently submitted to the Council seeking retrospective consent for various works at the site (21/1048/FUL), which included the construction of three dormer windows fronting Hall Drive (instead of the one approved dormer), a flat-roofed box-like rear dormer (instead of the one approved small dormer), and a single storey extension to the rear of the annex that incorporated a flat roof and parapet detail. The Council refused this application as the various elements of the scheme were deemed to be harmful to the conservation area and the amenities of the occupiers of the neighbouring property.
3. The current application has been submitted following on from the conclusions of the Planning Inspector who dismissed the appeal on 27th July 2023 (see appendix 3).
4. It is important to clarify that the following paragraphs shall not assess the principle of an annex at the property, which was given due consideration under the original approved application (20/0316/FUL) but shall focus on the various elements of the constructed works, which includes the three constructed dormer windows facing Hall Drive, the revised fenestration arrangement and garage door facing Hall Drive, single storey extension with flat roof within the rear garden, and large dormer window facing the rear garden.

### Site Context

5. The application dwelling is a detached bungalow that is considered to be infill development, in terms of the traditional and historic development nearby. Built at some point between 1960 and 1988 (according to historic maps), it is the only development that has ever stood on the site. The surrounding uses are primarily residential, with some education and commercial (in the uses in Acklam Hall) further from the application site. The application dwelling is in the suburb of Acklam, formerly a village, south of Middlesbrough's urban area.

### Character and Appearance of the Area

6. The application property occupies a substantial corner plot which is primarily characterised by a significant number of mature trees, particularly along the western boundary with Acklam Road through which glimpses of the house can be seen.

7. The property is positioned close to the eastern boundary of the plot, orientated with its principal elevation fronting Acklam Road, although its access is taken from Hall Drive. While there is a large close boarded timber fence along this boundary, it is from this point that the property makes an impression on the street scene, as there is less tree cover, and the steep roof pitch is visible high above the fence.

8. The property is unique in its design and appearance, being of a different period to most of the two-storey semi-detached pairs further east on Hall Drive and those on Acklam Road. The property is a dormer bungalow; however the scale and design of the roof in particular give the impression of it being on a similar scale to the neighbouring two-storey properties.

### Heritage Assets

9. The application site lies within Acklam Hall Conservation Area. Acklam is first recorded on the Domesday Survey of 1086. Church Lane is the historic core of the village of Acklam but most of the buildings date from the mid or late twentieth century and are of limited interest.

10. During the first half of the seventeenth century, the estate was acquired by William Hustler; his grandson, Sir William Hustler, built the present Acklam Hall in c.1683. Hustler also laid out extensive gardens around the house and the avenue of trees stretching south. It is the only Grade I Listed Building in Middlesbrough and the surrounding Conservation Area includes Locally Listed St Mary's Church, Danby House, South Lodge and West Lodge. The significance of the Conservation Area lies in Acklam Hall, being oldest surviving country house in Middlesbrough, its grounds and ancillary buildings, which are now surrounded by suburbs.

### Assessment of Constructed Works and Proposals

11. For ease of consideration of the constructed works and those proposed in the latest drawings, the following shall assess the different aspects of the development

#### Front Elevation (fronting Hall Drive)

12. The 20/0316/FUL approval included a single, moderate-sized dormer window positioned centrally within the roof plane. Two rooflights are included either side of the dormer window. The annex has since been constructed with three narrow dormer windows and it is proposed to incorporate pitched roofs over each to improve their appearance.



13. The Council's adopted Urban Design SPD notes that 'dormer extensions to the roof of a house can drastically alter the appearance of the property. The SPD adds that the general rule is to attempt to minimise the visual impact of the dormer by reducing its scale to that of a roof window, with a pitched roof and the cheeks of the dormer set in from the edge of the roof'.

14. Whilst the Council raised concerns in the previous application that the dormers could be visually dominating and would not have a minimal impact on the surrounding area, this view was not shared by the Planning Inspector, who was of the view that the pitched roofs over the three dormer windows **would not cause harm to the character and appearance of the area or the conservation area.**

15. The Council also raised concerns with regard to the rearrangement of fenestration and the introduction of a garage door (serving a store) and considered this to provide a poorer appearance on the Hall Drive streetscene, contrary to the requirements of CS5 and DC1.

16. The Planning Inspector when considering the appeal, however, noted that **the garage door is of a modest size in comparison to the width of the elevation on which it is located and that the presence of a garage door on what is a modern domestic property is not objectionable or visually harmful, even in the context of the site being with the conservation area.** The Inspector also commented that a **garage door of some type was present facing Hall Drive.**

17. In their conclusion, the Inspector was of the view that **the dormers on the side elevation facing Hall Drive would not, subject to the incorporation of pitched roofs, cause harm to the character and appearance of the area or the conservation area. The changes to the ground floor fenestration on that elevation and the addition of the single storey extension to the other side elevation also do not cause harm to character and appearance.**

Rear Elevation (dormer window and roof plane)

18. Similar to the front roof plane, the 20/0316/FUL approval included a single, moderately sized dormer window left of centre of the roof plane. A rooflight was included to the right of the dormer serving one of the bedrooms. Instead of the approved pitched-roof dormer, however, a large flat-roofed dormer window has been constructed that spans the width of the rear roof plane. The previous application sought retrospective permission for the works but was refused and dismissed at appeal. The Inspector noted that the flat-roofed box dormer **would be an incongruous and visually dominant addition and appear out of keeping with the design of the original dwelling.**

19. Notwithstanding the above, however, the Inspector noted that the constructed dormer adjoins the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling. In this context, the Inspector was of the view **that a box style dormer with a full catslide roof on the annex would not be unduly harmful, as it would in effect be read as an extension to the existing dormer.** As the proposals are for this large dormer to incorporate a catslide roof over to match the dormer on the host dwelling, it is considered that this would now be acceptable as it would be read in conjunction with the existing property. This would also adhere to the SPD which states that 'whether planning permission is required or not, certain basic principles should be applied to all types of extension...which includes consistent design, so that...the pitch and design of the roofs match the existing'.

20. As Officers have informed the applicant previously that a walk-on terrace could not be supported due to the unacceptable impacts on privacy to the neighbouring residents, a Juliet balcony is shown on the submitted drawings, which is considered to enable the appropriate levels of privacy for the neighbouring property to be retained. As a Juliet balcony is not a walk-on terrace, the impacts of this are considered to be similar to the impacts of a window.

#### Single Storey Rear Extension

21. At ground floor level, a single storey extension has been built which spans the width of the annex and projects 4.5 metres beyond the rear elevation of the approved annex. The single storey extension also includes detailing resembling a parapet wall, which has an overall constructed height of 3.5 metres.

22. In the previous application, Officers recommended refusal and that enforcement action be taken as the works were considered to be unacceptable. Officers were mindful of the Council's Urban Design SPD which advises that 'flat roofs should be avoided, as they are usually inappropriate in design terms'. The SPD also notes that 'the extension should not look out of place in the site or in the street and should enhance, not detract, from the character of the area'.

23. In their report, however, ***the Inspector noted that the incorporation of a pitched roof would be difficult to implement given the relationship to the roof of the annex and would considerably add to the bulk of the extension close to the common boundary with 6 Hall Drive.*** Instead of proposing a pitched roof, the Inspector states that ***the inclusion of parapet walls at either side aids in screening the flat roof and on balance achieves a reasonable compromise between providing the additional floorspace and not causing unacceptable harm to the character and appearance of the area or the conservation area.*** Given the Inspector's comments, Officers are of the view that the design can be supported.

24. In terms of the potential impacts on the living conditions of the neighbouring property, the Inspector remarks that the projection of the single storey extension ***is not substantial, extends along only part of the common boundary and is not positioned close to the main rear garden area.*** The Inspector was satisfied that ***even in its current built form, it has not caused an undue impact upon the living conditions of the occupiers of the adjacent property with respect to its massing or from a loss of outlook. Whilst there is a window on the side elevation of No 6 facing the extension, this is a secondary window and therefore there has not been harm in terms of a loss of light.*** The Inspector concludes that the single storey extension ***has not caused harm to the living conditions of the occupiers of No 6. Consequently, this element of the development accords with Policy DC1(c) of the CS, where it seeks to protect living conditions. There is also no conflict with the aims of the SPD in the same regard.***

#### Conclusion

25. Whilst Officers were of the view that parts of the development were unacceptable, namely the single storey rear extension with flat roof detail and the elevation facing Hall Drive, the Planning Inspector has not found harm to the character and appearance of the area nor upon the living conditions of the neighbouring property from these elements.

26. In terms of the box-like dormer window on the rear of the annex, the Inspector identified harm from the design, but observed the catslide roof on the dormer on the host bungalow and noted that a similar style roof over the dormer on the annex would be acceptable, as it would be read as an extension to the existing dormer.



27. The Inspector also noted that pitched roofs over the three dormer windows facing Hall Drive would also be acceptable and would not cause harm to the character and appearance of the area or conservation area.

28. Given the Inspector's decision and informative comments, it is considered that the proposed development would now be acceptable and would accord with Policies DC1(b and c), CS4(k and l) and CS5(f) of the Core Strategy 2008(CS), where they seek to protect character and appearance. There would also be adherence with the SPD in the same regard, and with the aim of the National Planning Policy Framework to achieve well-designed places. Moreover, the proposed development should not cause harm to Acklam Hall Conservation Area, in accordance with local policies and with paragraph 203 of the 2023 National Planning Policy Framework.

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## RECOMMENDATIONS AND CONDITIONS

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### Approve subject to the following 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 carried out in accordance with the following approved plans:

- a) Location Plan (AG.02.01)
- b) Site Plan (AG.02.02)
- c) Floor Plans (AG.02.04)
- d) Elevations (AG.02.05)

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

### Reason for Approval

This application is satisfactory in that the retrospective extensions and alterations to garage to side to create residential annex accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies CS5, CS4 and DC1 of the Council's Local Development Framework).

In particular, the work to create the residential annex have been designed so that its appearance is complementary to the host dwelling and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The proposed residential annex will not prejudice the character and appearance of the Hall Drive streetscene and does not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

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.

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## **INFORMATIVES**

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None.

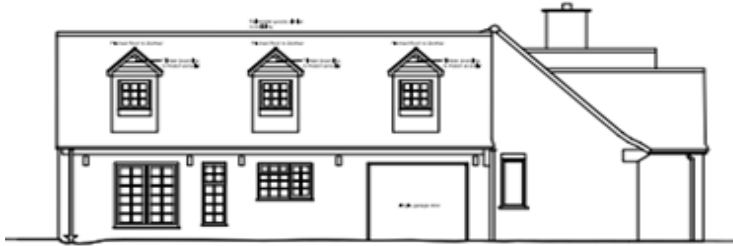
Case Officer: Peter Wilson

Committee Date: 7<sup>th</sup> March 2024

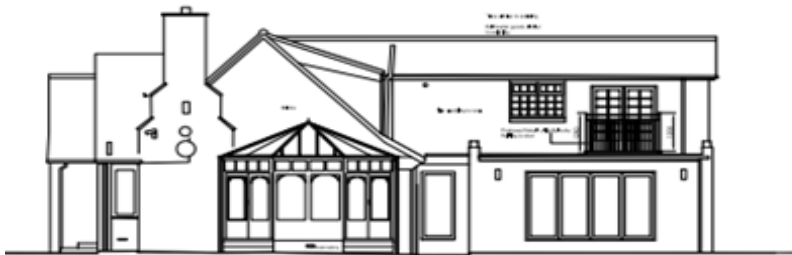
**Appendix 1: Location Plan:**



**Appendix 2: Proposed Elevations:**



**Side Elevation**



**Side Elevation**



**Rear Elevation**



**Front Elevation**

**Appendix 3: Appeal Inspector's Decision Letter**



The Planning Inspectorate

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## Appeal Decision

Site visit made on 11 July 2023

**by Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27<sup>th</sup> July 2023**

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**Appeal Ref: APP/W0734/D/23/3317384**

**4 Hall Drive, Middlesbrough TSS 7EN**

- 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 A Ghafoor against the decision of Middlesbrough Council.
  - The application Ref 21/1048/FUL, dated 31 October 2021, was refused by notice dated 23 December 2022.
  - The development proposed is amendments to approved granny annex and rear side extension as per attached drawings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Planning permission was granted in 2020 for the conversion of the existing garage and an extension to the side and rear of it to create a residential annex<sup>1</sup>. The planning application that is subject to this appeal sought to regularise changes to the approved plans which were made when the development was built. These are primarily identified as changes to the approved dormers to the two side elevations, changes to the fenestration at ground floor level on the side elevation facing Hall Drive including a garage door, and the addition of a single storey side extension.
3. However, it was evident at my site visit that the development shown on the plans submitted with the appeal planning application does not entirely match with what has actually been built. In particular, the dormer on the side elevation facing the rear garden of the original dwelling has had a partial catslide roof added, although a section of it remains flat roofed. For the avoidance of doubt therefore, I have made my assessment on the basis of the plans that are before me.
4. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Acklam Hall Conservation Area (CA).

### Main Issues

5. The main issues are the effect of (i) the development upon the character and appearance of the area and the CA and (ii) the single storey extension on the living conditions of the occupiers of 6 Hall Drive, with particular reference to massing and outlook.

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<sup>1</sup> 20/0316/FUL



Appeal Decision APP/W0734/D/23/3317384

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### **Reasons**

#### *Character and appearance*

6. The annex is located in a prominent position fronting onto Hall Drive close to its junction with Acklam Road, and it is within the CA. It sits along with the original dwelling on a large plot of land which by reason of its size and spaciousness contributes positively to the character and appearance of the CA. In that respect, it is noted in the Acklam Hall Conservation Area Appraisal and Study 2006 (CAAS) that the trees within its garden area make a positive contribution to the CA, although the modern building is of little architectural interest.
7. The significance of the CA lies predominantly in the presence of Acklam Hall, the oldest surviving country house in Middlesbrough and a grade I listed building. Although the annex is not in the immediate vicinity of the hall, the development that has taken place around the hall and within its former grounds contributes to the character and appearance of the area in which the hall is found and appreciated and to the CA in general. Due to its position on the edge of the CA, the appeal site makes an important visual contribution at an entrance point into the designated area.
8. The dormer on the side elevation facing towards the rear garden of the original dwelling adjoins the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling. In that context, a box style dormer with a full catslide roof on the annex would not be unduly harmful, as it would in effect be read as an extension to the existing dormer. But, as I have outlined, the plans submitted instead show a flat roofed box dormer. This would be an incongruous and visually dominant addition and one that would appear out of keeping with the design of the original dwelling.
9. I acknowledge that the dormer would not be visible from the public domain, but nonetheless it would be seen from adjacent dwellings. It would from those views cause significant harm to the character and appearance of the annex on which it would be located, and it would represent a poor design solution. This in turn means that there would be harm to the character and appearance of the area. There would be no specific harm to the character or appearance of the CA when considered in terms of its significance and because of the location of the dormer, however this does not overcome the other aforementioned harm I have found.
10. The single storey extension to the side elevation facing towards the garden of the original dwelling has a flat roof, which the Urban Design Supplementary Planning Document 2013 (SPD) advises should be avoided. However, the incorporation of a pitched roof would be difficult to implement given the relationship to the roof of the annex and would considerably add to the bulk of the extension close to the common boundary with 6 Hall Drive. The inclusion of parapet walls at either side aids in screening the flat roof and on balance achieves a reasonable compromise between providing the additional floorspace and not causing unacceptable harm to the character and appearance of the area or the CA.
11. The side elevation that faces onto Hall Drive contains three dormer windows, which are broadly in accordance with the guidance set out in the SPD. Subject to pitched roofs being added to these as is indicated on the submitted plans,



Appeal Decision APP/W0734/D/23/3317384

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the Council does not raise an objection to this element of the development. I find no reason to disagree with that assessment, and therefore I concur that the dormers as intended to be completed on this elevation would not cause harm to the character and appearance of the area or the CA.

12. The side elevation facing Hall Drive now also includes the presence of a garage door to which the Council takes exception as a dominating and characterless feature. However, the garage door is of a modest size in comparison to the width of the elevation on which it is located. Furthermore, the presence of a garage door on what is a modern domestic property is not objectionable or visually harmful, even in the context of the site being within the CA. It would also appear that prior to the development taking place a garage door of some type was present facing towards Hall Drive.
13. In conclusion, the dormers on the side elevation facing Hall Drive would not, subject to the incorporation of pitched roofs, cause harm to the character and appearance of the area or the CA. The changes to the ground floor fenestration on that elevation and the addition of the single storey extension to the other side elevation also do not cause harm to character and appearance.
14. However, the flat roofed box dormer to the side elevation facing the rear garden of the original dwelling would cause significant harm to the character and appearance of the area and would fail to accord with Policies DC1(b), CS4(k and l) and CS5(f) of the Core Strategy 2008 (CS), where they seek to protect character and appearance. There would also be a conflict with the SPD in the same regard, and with the aim of the National Planning Policy Framework to achieve well-designed places.

#### *Living conditions*

15. The single storey extension is situated close to the rear area of 6 Hall Drive. However, its projection beyond the rear elevation of that adjacent dwelling is not substantial, it extends along only part of the common boundary, and it is not positioned close to the main rear garden area of No 6. As a result, even in its current built form, it has not caused an undue impact upon the living conditions of the occupiers of the adjacent property with respect to its massing or from a loss of outlook. Whilst there is a window on the side elevation of No 6 facing the extension, this is a secondary window and therefore there has not been harm in terms of a loss of light.
16. For these reasons, I conclude that the single storey extension has not caused harm to the living conditions of the occupiers of No 6. Consequently, this element of the development accords with Policy DC1(c) of the CS, where it seeks to protect living conditions. There is also no conflict with the aims of the SPD in the same regard.

#### **Conclusion**

17. Whilst I have not found harm to result from the single storey extension or from the development on the elevation facing Hall Drive, I have found that there would be harm to the character and appearance of the area arising from the flat roofed box dormer on the side elevation of the annex facing the rear garden of the original dwelling.
18. For this reason, the proposal fails to accord with the development plan and there are no considerations in its favour that indicate that a decision should be

Appeal Decision APP/W0734/D/23/3317384

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made otherwise than in accordance with the plan. Therefore, I conclude that the appeal should be dismissed.

*Graham Wraight*

INSPECTOR