
APPLICATION DETAILS

Application No:	24/0032/FUL
Location:	51 Tollesby Road, Middlesbrough, TS5 7PT
Proposal:	External alterations to garage and erection of boundary treatment (outbuilding - permitted development)
Applicant:	Mr Mohamed Alnaggar
Ward:	Acklam
Recommendation:	Approve Conditionally

SUMMARY

The application site is a semi-detached, 2 storey residential dwelling which is located on the corner of Tollesby Road and Glenfield Drive. The property has its front elevation facing onto Tollesby Road and being a corner plot has a side elevation facing onto Glenfield Drive. Prior to recent works being undertaken a privacy fence formed most of the properties curtilage onto Glenfield Drive and Tollesby Road.

Following consideration of an enforcement case, the council became aware of unauthorised works to the property. As officers considered the works as undertaken could not be supported on planning grounds, an enforcement notice was served requiring the works to be undone.

In discussion with the property owner, they have confirmed their interest in retaining the development and submitted this application to regularise the unauthorised works on site which include; external alterations associated with the conversion of the attached garage, erection of boundary treatment around the front and side of the property and a single storey extension to the side of the property.

Officers raised concerns over the way in which the works had been carried out in respect of the new windows and wall within the former garage door opening, with the nature of the extension due to its flat roof and rendered finish and in regard to the dominance and contrasting appearance of the boundary wall. The owner was also advised to cease works and that any continued works would be at their own risk.

Following these concerns being raised by officers revised plans have been submitted which now show revisions to the wall, garage door detail and which indicate the extension will be severed from the main dwelling to make it an outbuilding, which would make that aspect permitted development.

The amendments to the boundary treatments include improved materials and reduction in height which will help break up its appearance and reduce its dominance sufficiently to prevent it appearing excessive in height and intrusive or overbearing within the streetscene.

The amendments to the conversion of the garage show the window realigned into the outer leaf of the brickwork rather than being fully recessed with suitable materials/brick selection having been achieved which is in keeping with the host property.

Three objections have been raised from residents and additional objection from the Ward Councillor which relate to works carrying on without approval, quality of work, impact on streetscene and health and safety.

It is the officer opinion that the proposed changes to the works associated with the garage door opening and boundary treatment are much more in keeping with the host property, and the surrounding area. As the application is retrospective this will require remedial works to be undertaken to achieve the scheme being proposed.

Overall, the works are considered to be accordance with Policy CS5 (test c), Policy DC1 (test b) and principles of the Councils Urban Design Guide.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a two-storey, semi-detached property which occupies a corner plot at the junction with Tollesby Road and Glenfield Drive. The site is situated in an area used predominately for residential purposes.

The application seeks retrospective planning approval for external alterations to the existing attached garage, and alterations to the boundary treatment at the front and side.

Original plans included a single storey side extension, although revised plans have since been submitted which now show this element severed from the main house to form an outbuilding. Given the size, height and position of the building, this element can be achieved under the applicants own permitted development rights and as such will not be considered as part of the application as this element no longer requires planning approval.

PLANNING HISTORY

22/0056/UNU - Enforcement notice
7th February 2024 (Date of issue)
This notice took effect on 6th March 2024.

PLANNING POLICY

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, 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>

CONSULTATION AND PUBLICITY RESPONSES

Public Responses

Number of original neighbour consultations	11
Total numbers of comments received	3
Total number of objections	3
Total number of support	0
Total number of representations	3

Comments were received by the following residents and the comments are summarised Below;

Mr M Townsend - 12 Benton Road
Mrs A Briscoe - 2 Glenfield Drive
Mr J Chapman - 76 Tollesby Road

- work on this property and its current state is an utter eyesore
- disregard for the streetscape and health and safety
- work has carried on without planning approval being sought
- applicants lack of respect for the community
- quality of work

Councillor S Dean

I would like you to log my objections to the above retrospective planning application. I would also ask that you keep me fully updated on this matter, and if this goes to planning committee I would like the opportunity to speak at the meeting supporting my residents that are objecting.

PLANNING CONSIDERATION AND ASSESSMENT

Policy

Policy CS5 and Policy DC1 are the relevant policies which will be considered in this case. Policy CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context.

Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. This is to ensure that they are of a high quality and to ensure that the impact on the surrounding environment and amenities of nearby properties is minimal.

The 'Middlesbrough's Urban Design Supplementary Planning Document' (SPD) states in a particularly prominent or open location, railings are often the most appropriate style of boundary treatment as they still allow for views to be achieved. In any case, the most appropriate option will be the least intrusive and should be in keeping with the surrounding

area. Fences or walls should not obstruct sight lines for moving vehicles; it is therefore advised that fences along the side of a property are reduced in height as they approach the highway. This will also prevent the boundary treatment becoming an overbearing presence. The Design Guide also provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.

The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit effects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy. The main considerations with this proposal are the impacts on the character and appearance of the dwelling, street scene, the impacts on the privacy and amenity of the neighbouring properties and the impact on highway provision/safety. These and other matters are considered as follows.

External alterations to garage

The flat roofed attached garage at side was a historic addition that has been in situ for over 15 years. The roller shutter door fronting Tollesby Road has been removed and replaced with a window and matching brickwork to allow the conversion of the garage to a habitable room. It is the physical works from the garage floor to a window / wall which requires permission rather than the layout and use of the space inside.

Whilst the area of development is located at the front and is highly visible from the roadside, the alterations are relatively minor given that there is no projection from the elevation or increase to the footprint of the property and as a result will have little impact on the street scene. The external alterations are considered to be in keeping with the host property ensuring the new window is of a similar style, scale and proportion to other windows within the host property, The materials (brick selection) is also considered to be suitable and in keeping with the host property thereby ensuring consistent design, in accordance with the relevant parts of Local Plan Policies CS5 and DC1 and the guidance within the adopted Urban Design SPD.

Boundary treatment

The site was previously enclosed to the front and side with a 1.8/2m high close boarded fence along the front and side/corner elevations and this had been in place for a prolonged period, sufficient to establish it in planning terms. This boundary treatment was removed by the applicant when the unauthorised works commenced. Had the applicant replaced the fence with a fence of the same height or lower, then planning permission would not have been required. However, in changing the materials, this required the new boundary treatment to have planning permission. The applicant had erected a blockwork wall with pillars with the intention of adding fencing between the pillars and rendering the blockwork.

Whilst only part constructed at the time of the officer site visit, the boundary treatment was considered to be unsympathetic to the character of the area and host property, which would appear stark with little relief once completed, and would also sit significantly higher than all other boundary treatments in the immediate area, contrary to policy and design guidance.

In this area boundary treatments are predominately a mix of low walls/fences, some with planting behind to gain additional height and privacy which also helps 'green' the street. The host property is unusual in its position and design in that it fronts Tollesby Road and Glenfield Drive, on what is essentially a reasonably prominent corner. The previous boundary, due to its height created a private garden area adjacent to the corner, which is not repeated on the other 3 corner plots and determining this application requires a balance of reaching a design that is suitable and sympathetic to its surroundings whilst ensuring the applicants outdoor space is private/screened to a reasonable degree as it was previously.

Following officers concerns to a high wall / fence around the entire area, amended plans have since been submitted which show a boundary wall, 1.2m in height along the site's frontage, which will then step up to 1.6m along the side/corner of Tollesby Road and Glenfield Drive. The side/corner section will comprise of a boundary wall with brick pillars with infill fencing and this will help to break up its appearance. The stagger/reduction in height (1.2m along the front to 1.6m along the side/corner) will ensure that the boundary treatment doesn't appear excessive in height or scale or appear intrusive or overbearing within the streetscene, when taking into account the former boundary treatment at the site.

The change in design and reduction in height is much more sympathetic compared to the boundary treatment as built and the boundary fence that was in place before that, and as such is a welcomed improvement and should harmonise and sit well within the streetscene once remedial works have been completed.

Overall, the works are considered to be accordance with Policy CS5 (test c), Policy DC1 (test b) and principles of the Councils Urban Design Guide.

Impact on privacy and amenity

As the alterations to the garage do not include any projection beyond the elevation of increase to the footprint of the property, separation distances between neighbouring properties will remain unaltered. With regards to the boundary treatment the change in design, scale and reduction in height, particularly to the front would reduce potential impacts to neighbours so is welcome. As such, the works are not considered to have any significant impact on the privacy and amenity of the neighbouring properties and accords with the guidance set out in Core Strategy Policy DC1.

Highway related matters

Whilst the attached garage was an addition rather than an original part of the house the integral garage space will be lost as part of the works. However, the property does have a driveway at front, therefore incutillage parking provision can still be accommodated on site. With regards to the boundary treatment, it is of an appropriate height and position ensuring it will not obstruct sight lines for moving vehicles. In view of the above it is considered that the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

Conclusion

In view of the above the application is deemed a satisfactory form of development fully in accordance with relevant policy guidance and no material considerations that indicate that the application should be refused. The application is therefore recommended for approval subject to standard conditions.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally (conditions below), and undertake necessary enforcement action should the remedial works not progress immediately to sever the extension from the property and install the approved details.

1. **Approved Plans - Retrospective**

The development hereby approved is retrospective and has been considered based on the details on site and on the plans and specifications detailed below:

- a) Location plan received 5th February 2024
- b) Proposed floor and elevations plan received 29th May 2024

This approval only relates to the details on the above plans and specifications, it does not relate to any other works.

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

REASON FOR APPROVAL

This application is satisfactory in that the design of the boundary treatment and external alterations to the garage accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition, the boundary treatment and external alterations to the garage accord with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework). In particular the boundary treatment and external alterations to the garage are designed so that their appearance is complementary to the existing dwellinghouse and plot and so that it will not have a detrimental impact on the amenity of any adjoining or nearby residents. The works will not prejudice the appearance of the the local area and will 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.

INFORMATIVES

- **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.

- **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

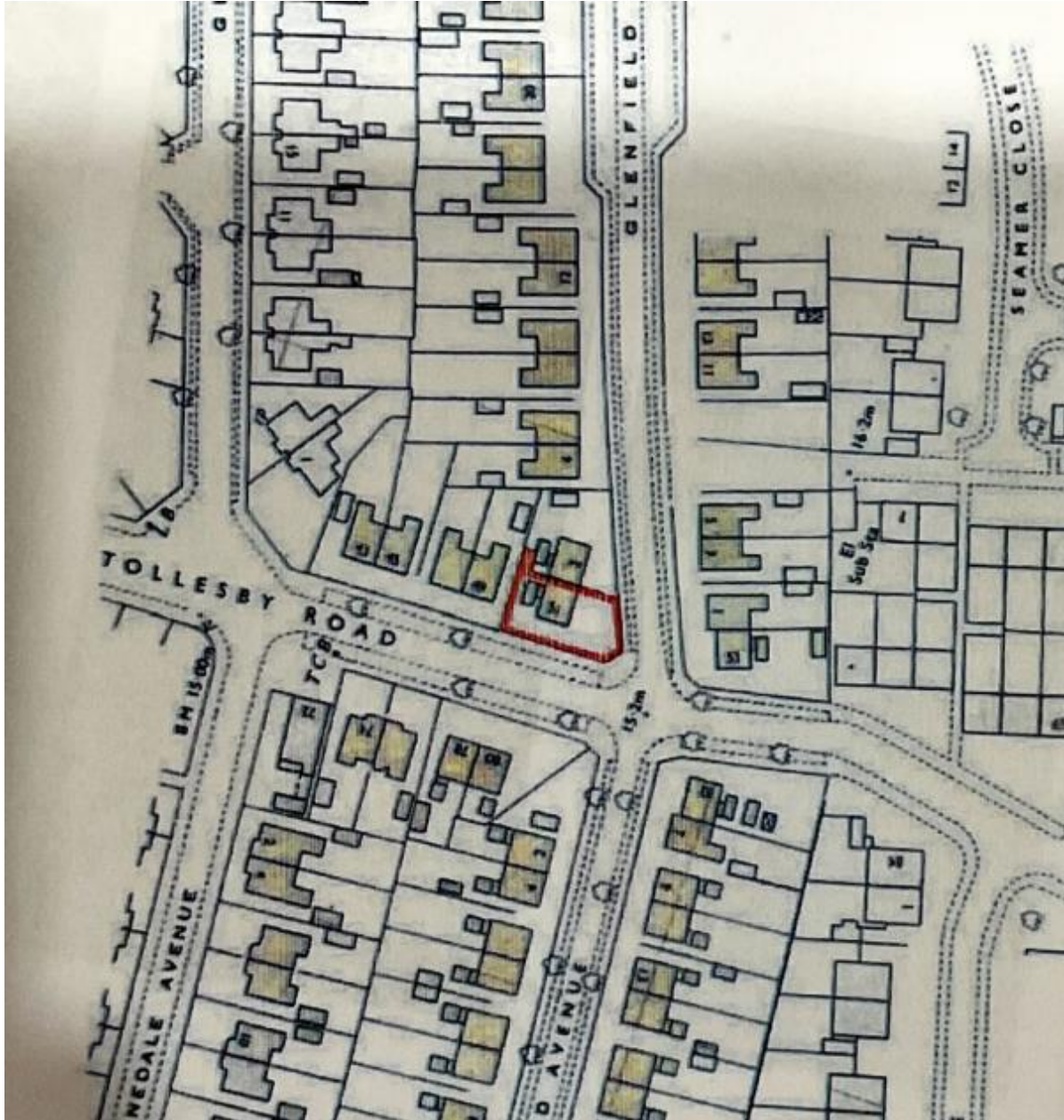
discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

Case Officer: Joanne Lloyd

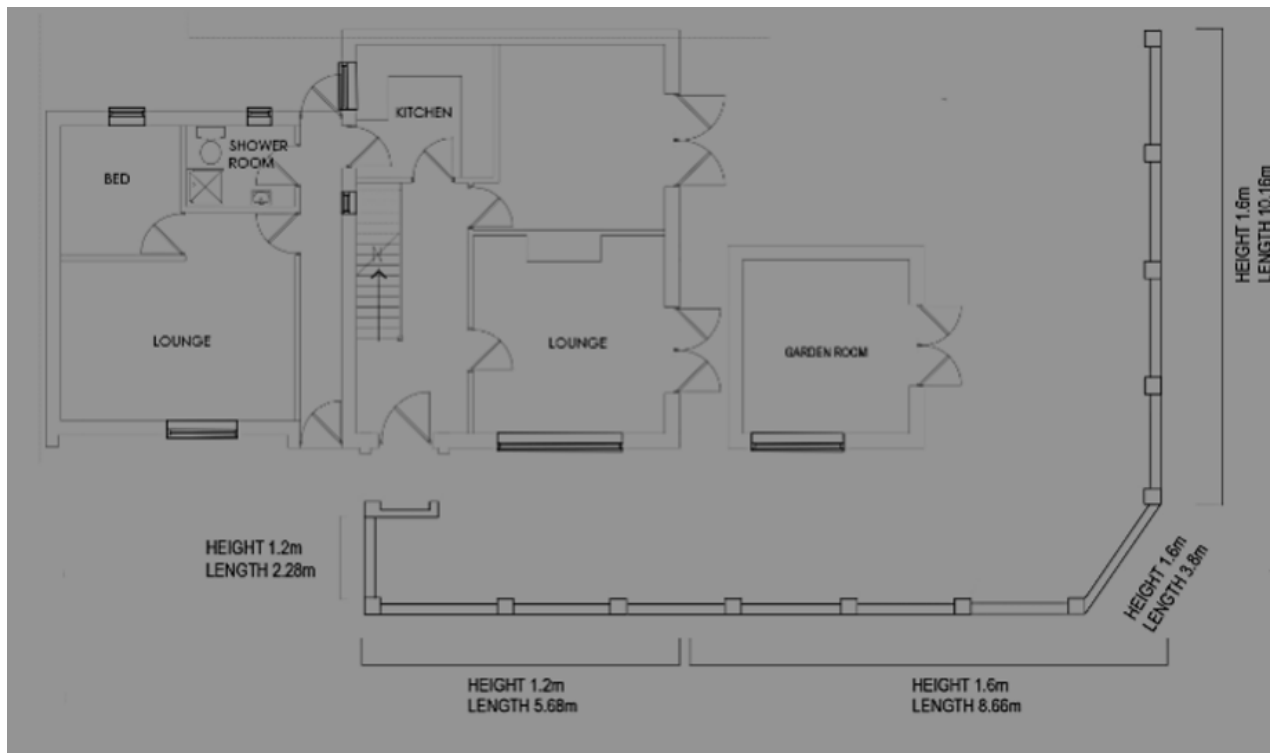
Committee Date: 11th July 2024

Appendices

Appendix. 1 - Location plan



Appendix 2. Proposed ground floor plan



Appendix 3. Proposed elevations

