
APPLICATION DETAILS

Application No:	23/0252/FUL
Location:	27, Cornfield Road, Middlesbrough, TS5 5QJ
Proposal:	Erection of 1No 5 bed detached dwellinghouse with detached garage and associated boundary treatments. To include demolition of existing bungalow and boundary wall
Applicant:	Rafakat Ali
Agent:	Anton Lang Planning Services
Ward:	Park
Recommendation:	Approve subject to conditions

SUMMARY

The application site is 27 Cornfield Road located on a corner plot at the junction of Cornfield Road and The Crescent. The site is located within the Linthorpe Conservation Area and the Article 4 designated area. Currently within the site is a detached bungalow and detached garage to the side which both front onto Cornfield Road which is located to the south.

The proposal is for the demolition of the existing detached bungalow and garage and for the erection of a two and a half storey detached 5 bed roomed property with detached double garage to the site. The current vehicle access will remain from Cornfield Road with a wider access and installation of new access gates and boundary treatment to the front and side elevations.

The application site was previously refused planning permission under delegated powers with a subsequent appeal dismissed in May 2022 under planning application 20/0500/FUL (Appendix 2). The reasons the appeal was dismissed were that the development would not preserve or enhance the character and appearance of the Linthorpe Conservation Area and would harm the living conditions of neighbouring occupiers and would not accord with the development plan and there were no considerations of sufficient weight to justify making a decision otherwise. (Appendix 3)

Following a neighbour consultation exercise there have been 6 objection letters and 2 support letters. The objections relate primarily to the loss of privacy, overbearing impact, loss of light, noise and disturbance, overdevelopment, not in keeping with the conservation area and properties within the street scene, setting a precedent, revisions being minimal changes, not addressing the previous reasons for refusal and the reasons the appeal was dismissed, loss of trees, shortage of bungalows, highway safety issues.

The support comments relate to the existing property being empty for a considerable time and the design of the bungalow not in keeping and having a negative impact on the conservation area and the proposal being in keeping and enhancing the Conservation area.

The revised position of the dwelling within the site along with significant alterations to the design of the proposed dwelling and detached garage since the refused scheme in 2022 are considered to achieve a property which is in keeping with the scale, design and character of the properties within the existing street scene and the Linthorpe Conservation Area.

The location of the dwelling and the position of the windows/doors in relation to the other properties are considered to ensure the privacy and amenity of the neighbouring properties will not be significantly affected.

The existing vehicle access will be re-used and the length of the proposed driveway, detached garage and the hard standing to the front of the garage will provide adequate parking provision for the proposed dwelling with no notable additional impacts on highway safety.

The revised plans are therefore considered to accord with Local Plan Policies DC1, CS4 and CS5 and the UDSPD and the guidance within the NPPF.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is 27 Cornfield Road located on a corner plot at the junction of Cornfield Road and The Crescent. The site is located within the Linthorpe Conservation Area and the Article 4 designated area. Currently within the site is a detached bungalow and detached garage to the side which both front onto Cornfield Road which is located to the south.

The site is within a predominantly residential area with a detached bungalow at 4a The Crescent located to the north and to the east is a semi-detached property at 25 Cornfield Road. Directly opposite the property to the south is 26 and 28 Cornfield Road and to the west across The Crescent are a small group of two-storey flats at 1-16 Crescent Lodge.

The proposal is for the demolition of the existing detached bungalow and garage and for the erection of a two and a half storey detached 5 bedroomed property with detached single garage. The current vehicle access will remain from Cornfield Road with a wider access and installation of new access gates and boundary treatment to the front and side elevations.

Since the original submission the Council has worked with the applicant and their agent through meetings and feedback on a number of revised plans to address the points raised within the dismissed appeal.

The proposed dwelling will have a width of 13.37 metres and depth of 12.4 metres. The overall ridgeline roof height will be 9.3 metres with an eaves height of 5.7 metres. The dwelling design provides a two-storey gable off-shoot to the rear which has a lower ridgeline roof height of 8.8 metres and an orangery with a maximum height of 3.1 metres. The overall footprint of the building would be 156 square metres.

The front elevation design provides double height bay windows on either side of a central entrance door with single windows above the bay windows within each of the two gables. The entrance door has window on either side and two single windows on the first floor. The west side elevation facing The Crescent has a double height bay window.

The rear elevation provides a two-storey gable off-shoot extension with three single windows and a single access door which is slightly set in from the side elevation of the building and an orangery with a set of double doors and two windows on the rear elevation and two windows on the east side elevation and roof lantern. The east side elevation provides a small window within the third floor.

The detached double garage to the rear/side would have a hipped roof design and measures 5 metres by 6.5 metres with a single garage door and single access door. The front boundary will be a 0.5m high wall with cast stone coping and hedge with 1.7 metre high pillars on both sides of the vehicle entrance.

The materials for the dwelling and garage will be :-

- Proposed wall in cavity with facing bricks
- Natural Slate roof tiles
- Timber vertical sliding sash double glazed windows
- Permeable materials for the driveway

The application is supported by a :-

- Design and Access Statement
- Planning Statement
- Heritage Statement
- Materials Chart

PLANNING HISTORY

20/0500/FUL - Substantial remodelling of existing property to form 2 storey house including increase in the roof height of the property to provide a first-floor level including front and rear roof lights, two- storey extension to the front and new entrance porch, single storey rear extension and attached single storey garage to side. (Demolition of the existing single storey rear extensions and detached garage) – refused 16th August 2021.

The reasons for refusal were the following :-

1. In the opinion of the Local Planning Authority, the overall scale, design and mass of the proposed two-storey dwelling on such a prominent corner plot is considered to have a notable harmful impact on the existing character and appearance of the Linthorpe Conservation area and on the street scene. The development is, therefore, considered to be contrary to the guidance set out in Core Strategy Policy DC1 (b) General Development and CS5 (c & h) Design and the Council's Urban Design SPD and conflicts with the guidance contained within paragraphs 197, 200 and 202 of the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority, the proximity and location of the French doors, windows and roof lights on the rear elevation is considered to have a significant impact in terms of loss of privacy to the main dwelling and side and front garden area of 4a The Crescent. The development is considered to be contrary to Core Strategy Policy DC1 (c) General Development and the Council's Urban Design SPD and conflicts with the guidance contained within paragraph 130 of the National Planning Policy Framework.

Planning Appeal was dismissed on the 30th May 2022 (APP/W0734/D/21/3285528) with the Inspector concluding the proposal would ***'.... not preserve or enhance the character or appearance of the LCA, and would harm the living conditions of neighbouring occupiers. As such, it would not accord with the development plan taken as a whole and there are no considerations of sufficient weight to justify making a decision otherwise than in accordance with the development plan. Accordingly, the appeal should be dismissed.'***

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
CS4 - Sustainable Development
UDSPD - Urban Design SPD
Linthorpe Conservation Management Plan

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

There have been 2 support letter and 6 objection letters following the neighbour consultation and site and press notices. The comments are summarised below and include those received following the submission of the revised plans.

Public Responses

Number of original neighbour consultations	19
Total numbers of comments received	8
Total number of objections	6
Total number of support	2
Total number of representations	0

Objection comments

Principle

- Shortage of bungalows in the area so why demolish a habitable one

Character and Appearance

- Design, materials and appearance not in keeping with the conservation area
- Contravenes everything the conservation area sets out to protect
- Overdevelopment Too large for a corner plot which should remain with open views
- Visually dominant from Cornfield Road and The Crescent fundamentally altering the street scene
- Layout and density much larger and higher covering most of 27 Cornfield Road which is not in keeping with surrounding properties.
- Current beautiful bungalow design fits in with the adjacent bungalow with a 2 ½ storey 5 bed roomed house, would not be in keeping and make the adjacent bungalow look out of place
- The appearance of the street scene and therefore Conservation Area will still be harmed due to the 'appearance' of a 2.5 storey dwelling from behind the mature

hedgerow which will visually be read by anyone passing by the site as a new build property on what appeared to be a previously undeveloped site.

- Loss of trees and vegetation which contribute to the character of the area and privacy
- Revised plans no main changes to the design apart from roof design
- The previous design featured a single, two-and-a-half-storey house with a single gabled projection, which was deemed too large and visually intrusive for the site. The new proposal now includes two projecting gables, further increasing the visual prominence of the development. This change is wholly inappropriate and intensifies the adverse impact on the site and its surroundings.
- Extra gables added to the design when previous submission was a single gable
- Despite the resubmitted details clarifying the material palette with changes to the southern roadside elevation, the severe impact upon 4a The Crescent and the wider Conservation Area remains unchanged.
- Previous application refused in 2020 and this proposal not much different and same if not all objections remain
- As previously highlighted, the prior application for the same site (Ref: 20/0500/FUL) which sought consent to demolish the existing bungalow and create a 2.5-storey detached property was refused by the Council in August 2021, with the Appeal (Ref: 3285528) dismissed in May 2022. Both the Officer Report and Inspectors Report identified that the proposals would result in 'less than substantial' harm to both listed buildings and the Conservation Area, with the Inspector at paragraph 9 considering that this issue would result in "a matter of considerable importance and weight". The revised plans do not mediate this impact.
- Findings of Inspector still valid in terms of 'less than substantial harm' with no public benefits so should be refused.
- In terms of public benefits, the removal of a fence and replacement with a low stone wall and slightly re-locating the dwelling more centrally within the plot are not considered to be sufficient to overcome the less than substantial harm contrary to paragraph 200 of the National Planning Policy Framework.
- The substantial detached double garage remains as part of the scheme proposals and still sits very close to the eastern boundary of the site and there remains a significant amount of new surfacing for the driveway and along the frontage of the property. When viewed from the existing site access, the combined massing of the proposed replacement dwelling plus the double garage will continue to appear as a clear overdevelopment of the site.
- The considerably sized, detached double garage and significant surfacing of the area around the proposed build, including the extensive driveway expansion proposed, is a clear overdevelopment of the site.
- Middlesbrough has few Conservation Areas, the majority of which have seen incremental development eroding and disaggregating their historic character and form, in contrast, Linthorpe remains largely untouched and is the only Conservation Area benefiting from an Article 4(2) Direction, underscoring its significance. If scheme approved, the Conservation Area will be made significantly denser by introduction of a substantial new build that disrupts the street's established and harmonious rhythm setting a dangerous precedent for further development of other infill sites within the Conservation area, in turn facilitating the gradual erosion of the area's historic and cherished character.
- The previous objections of myself and other residents in the area, together with comments from the Inspector's Report and other parties, remain, regarding the loss of vegetation and wildlife habitat, should the proposals go ahead.
- Disappointed previous comments been unaddressed, and the changes are minor in terms of design and footprint will result in dwelling which is well in excess of the existing bungalow.

- Set a precedent for others to flaunt the principles of the conservation area

Amenity

- Loss of Privacy
- Overbearing/ dominant impact
- Noise from occupants, traffic and building works and demolition works
- Traffic and parking provision issues with increase in volumes of traffic in a highly congested area
- Removal of the trees to the front will increase loss of privacy and remove existing views from the surrounding properties.
- The Inspector at Paragraph 14 of the Report noted that, due to the orientation of the proposal to the south/south-west of 4a The Crescent, there is also a reasonable likelihood for increased shadowing of this neighbouring property, particularly in relation to its rear garden, conservatory, and south facing kitchen window. As with the initial submission, there remains no form of shadow analysis or a daylight and sunlight assessment assessing the impact in terms of loss of light on 4a The Crescent. Section B.04 of the revised Design and Access Statement (REV 02) is considered tokenistic with no level of assessment on the impact an additional 1.5 stories will have upon natural light provision to the neighbouring 4a The Crescent, let alone the detrimental impact such a significantly scaled dwelling will have upon neighbouring privacy.

Highways

- The issues regarding traffic increase, and the building concerns in the light of the care and nursing homes in the area, as set out in my previous letter of objection, remain. The revised proposals have not in any way negated those objections.
- Several accidents in the last couple of months in corner of Cornfield Road and The Crescent due to the curve in the road where cars park. Bigger house means more cars which could have tragic consequences.

Residual matters

- Despite ongoing objections from residents still being asked for comments despite in essence the same planning application wasting time and costs for all parties
- Nature impact through loss of trees and detrimental impact on wildlife habitat with bats etc in the area from block paving most of the garden
- Is the building to be a family home or a HMO
- Is there a timeline for the proposed works as some developments on Green Lane being going on for years
- Owners should not be visiting properties asking not to object to the proposal this is the planning committee to decide.

Objection addresses

- 1 Crescent Lodge, Middlesbrough
- 3 Crescent Lodge, Middlesbrough
- 11 Crescent Lodge, Middlesbrough
- 4A The Crescent, Middlesbrough
- 28 Cornfield Road, Middlesbrough

Support Comments

Principle

- Property empty for a period of time so excellent idea for the area and the road

Character and appearance

- Building would be in keeping with the other houses

- Corner plot needs something exceptional doing as a bungalow not in keeping with the rest of the road and the current bungalow is quite modern so not in keeping with the conservation area.
- The current building at 27 Cornfield Road is a modern bungalow not in keeping with the landscape of Cornfield Road. It has a negative impact on the Conservation area due to its inappropriate scale and presents a negative relationship with my property at 25 Cornfield Road due to its late 20's architecture.
- The proposals will preserve and enhance the character and appearance of this part of the Linthorpe Conservation Area.
- The architectural style of the bungalow differ notably from the adjacent properties at Cornfield Road and surrounding area which are much larger and of Edwardian style. I am extremely surprised how the initial planning for the existing bungalow was ever granted in the first place in this area

Residual matters

- Add more value to the rest of the properties on the road

Supporter Addresses

- 24 Cornfield Road, Middlesbrough
- 25 Cornfield Road, Middlesbrough

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

MBC Conservation

Context:

No. 27 Cornfield is a late twentieth century bungalow on a corner plot. It lies in Linthorpe suburbs south of Middlesbrough centre. Surrounding uses are residential, private dwellings.

Heritage Assets:

The application site lies within Linthorpe Conservation Area. The original village of Linthorpe, from which the area derives its name, was part of the Acklam manor in the twelfth century and early Linthorpe was an agricultural area until the mid-nineteenth century. The earliest buildings remaining today are from the late 1800s and they include nos. 32, 34 & 46 The Avenue with development of the area, including The Crescent. In the 1890s the area developed further with the introduction of more houses along The Avenue and on Orchard Road. At the beginning of the twentieth century the 'Phillippsville' development took place. The significance of the Conservation Area lies in its village origins, which have grown into high quality late nineteenth and early twentieth century suburbs with areas of planned architectural consistency.

The bulk of Cornfield Road was built by 1915. The exceptions are the application site and its immediate neighbour to the north, no. 4a The Crescent, which are both 'infill development' - bungalows built in the mid to late twentieth century. The Character Appraisal & Management Plan for Linthorpe Conservation Area describes the application site thus:

No. 27 Cornfield Road is a modern bungalow, with a timber palisade fence along the boundary which has a negative impact on the Conservation Area due to its inappropriate scale and boundary treatment.

No. 27 Cornfield Avenue is a late twentieth century bungalow situated in generous grounds. The size and height of the building is much smaller than the other buildings in the area and therefore is not in keeping with the character of the Conservation Area. Also, the close boarded timber boundary fence is not consistent with traditional boundary treatment of low brick walls or hedges.

Impact Assessment:

The demolition of the existing bungalow on site is acceptable because as an out-of-character type and form of dwelling it does not make a positive contribution to the significance of the Conservation Area.

A replacement dwelling, in this residential area, with a street frontage to Cornfield Road is also acceptable in principle.

In terms of the replacement dwelling, it is a quiet and traditional design approach, not dissimilar to a new dwelling approved at no. 4 The Crescent or to existing dwellings on Cornfield Road. It is larger than dwellings in the immediate area, with a similar footprint to the neighbouring semi-detached dwellings. The agent and applicant have collaborated with the Council to reduce the bulk of the dwelling and have made several design alterations as advised, guided by the context of surrounding dwellings including:

- Altering the location of the dwelling on the site and the building line.
- Reducing the width of the front elevation.
- Revisions to break up and reduce the bulk of the rear elevation.
- Improved garage design, roofline, and doors.

Overall, therefore this revised scheme should sustain the significance of the Conservation Area and should have a more positive impact than the existing bungalow. There remain a small number of outstanding details that can be conditioned:

Proposed materials are natural and broadly replicate what is found in the best of traditional development in Linthorpe, which is positive. However, the following needs to be clarified: Fenestration is described on plan as replicating the timber-framed, sash windows found on other dwellings on Cornfield Road, although it does not appear the proposed method of opening is confirmed. Please condition a window and door schedule.

Bricks on most traditional dwellings on Cornfield Road follow a clear pattern of a solid red brick on the front elevation only, with a visually softer and more varied-in-colour brick on all other elevations, which this scheme does not proposed to replicate. Please condition materials, including an informative that two types of bricks will be sought to replicate the existing pattern on the road.

- The proposed brick boundary wall to match existing to neighbouring dwellings on Cornfield Road is welcomed. Please condition front boundary treatment details including bricks, height and materials.

Conclusion

This revised scheme will sustain the significance of Linthorpe Conservation Area in accordance with policies CS4 and CS5 of the Middlesbrough Core Strategy and with historic environment paragraphs in the 2023 National Planning Policy Framework, particularly paragraph 203.

Northern Gas Networks (In summary)

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Natural England (In summary)

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset

Summary of Natural England's Advice - No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the impacts on the character and appearance of the street scene and the Linthorpe Conservation area, the impacts on the privacy and amenity of the neighbouring properties, impact on highway safety, flood risk/drainage and nutrient neutrality.

Impact on the character and appearance of the street scene and the Linthorpe Conservation area

National and Local Policies

2. The Council's Core Strategy Policy CS5 (h) comments that all development proposals should ensure the '***...preservation or enhancement of the character and appearance of conservation areas and other areas of special interest and character***'.
3. Policy CS5 (f) comments that all new development should enhance both the built and natural environment.
4. Policy DC1 comments that '***...the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality***'.
5. The Council's Urban Design Supplementary Planning Document (UDSPD) within section 2.12 references development within Conservation areas. Section 2.12 sets out that new development should not detract from the character and appearance of the Conservation Area and should seek to preserve and enhance the distinctive pattern of historic development, maintain key views and vistas, reinforce the architectural

character of the area through understanding of the existing forms, styles and features and reinforce the scale and massing of the surrounding buildings.

6. With reference to re-development, paragraph 2.13 of the UDSPD establishes that the character of conservation areas is established by the pattern of past development and proposals for re-development should normally '**...maintain the ratio of built form (footprint and volume) to plot size that is typical of the area**'.
7. The Linthorpe Conservation Area Appraisal and Management Plan adopted in April 2006 references the original village of Linthorpe as being part of Acklam Manor in the 12th Century and early Linthorpe as being an agricultural area until the mid-nineteenth century. The earliest buildings remaining today within Linthorpe are 32,34,36 The Crescent and then the ensuing development of the area, including The Crescent. In the 1890's the area developed further with the introduction of more houses along The Crescent and on Orchard Road. At the start of the twentieth century the 'Phillippsville' development took place. The overall significance of the Linthorpe Conservation area lies within its village origins which have grown into high quality late nineteenth and early twentieth century suburbs with areas of planned architectural consistency, being characterised through the properties, the greening within the area and the street scene character.
8. The National Planning Policy Framework (NPPF) establishes that good design is a key to achieving sustainable development. Paragraph 135 of the NPPF sets out that planning decisions should ensure developments '**...function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development**' and are '**..visually attractive as a result of good architecture, layout and appropriate and effective landscaping**'.
9. Specifically within paragraph 135 of the NPPF reference is made to new development **being** '**..sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change**' '**..with a high standard of amenity for existing and future users**'.
10. The NPPF sets out in paragraph 139 that development which is '**..not well designed should be refused , especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents**'.
11. In relation to conservation and the enjoyment of the historic environment, paragraph 203 establishes that in determining applications consideration should be made to the '**..desirability of new development making a positive contribution to local character and distinctiveness**'. Where there is considered to be any harm or loss of significance to a heritage asset, paragraph 206 of the NPPF requires clear justification. In the event that a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the NPPF sets out any harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.

Existing site context

12. The existing bungalow is a relatively modern addition to the conservation area. The height, scale and set back position of the bungalow within the site means in terms of

the character and appearance of the conservation area it is considered to have a neutral impact and there are no objections to the demolition of the bungalow.

13. Within the immediate street scene there are a mixture of period properties and modern mid-late twentieth century properties. The modern properties include the bungalow immediately located to the north at 4a The Crescent and the two-storey residential flats located to the north-west at 1-17 The Crescent.
14. Directly opposite the application site is a detached property at 24 Cornfield Road and pair of semi-detached properties at 26 and 28 Cornfield Road. These three properties were constructed between 1915-1929 with each property being set back from the main highway with low boundary walls with either railings and hedging or fence panels above. The main vehicle entrances have pillar detailing with wrought iron gates.
15. In terms of the design of the buildings the detached property at 24 Cornfield Road has a ground floor bay window feature, central entrance door, projecting front gable with ground and first floor bay window detailing with each of the windows having stained glass detailing. The lower section of 24 Cornfield Road is traditional red brickwork with the first floor being rendered. The semi-detached properties at 26 and 28 Cornfield Road have two bay windows on the ground floor located on either side of the main entrance door. Both the semi-detached properties are traditional red brickwork and include an external chimney detail on the side elevation.
16. Immediately to the east of the application site are 25 and 23 Cornfield Road a pair of semi-detached, villa style properties built between 1895-1915. The main architectural features of this pair of semi-detached properties are the ground floor bay windows and double height bay windows on the side elevations. This pair of semi-detached properties have the entrance doors located within the centre of the properties with a walk on balcony with wrought iron detailing above the main entrance. The front elevation of the semi-detached properties includes a projecting gable detail on the front with decorative timber fascia.
17. It is noted from the neighbouring properties that despite the variation in the design of the dwellings, careful and appropriate architectural detailing and high-quality materials are a significant factor in contributing to the positive character and identity within the conservation area.

Site layout/dwelling design

18. Objections comments have been received that the plot is overdevelopment, visually intrusive with an inappropriate design which is not in keeping with the neighbouring properties and that the revised plans are not significantly different to the previous refusal and have not addressed the Inspectors reasons for refusal. Concerns are raised that this will set a precedent for future development within the conservation area.
19. The application site is located within the Linthorpe conservation area and article 4 designated area. The position of the site at the junction of Cornfield Road and The Crescent means it is a prominent location and can be viewed from several wider vantage points along both Cornfield Road and The Crescent.
20. In terms of the positioning of the proposed dwelling within the plot, the front and side elevation will be located closer to The Crescent and Cornfield Road than the existing bungalow. The front elevation of the dwelling will project 5 metres forward of the

existing front building of the neighbours at 23 and 25 Cornfield Road but will still have a minimum set-back of 7.5 metres (from the nearest bay window) from the highway.

21. In terms of the position of the dwelling within the site, the Inspector within the previous dismissed appeal noted there was no requirement for the front elevation of the building to sit in-line with the existing properties at 23 and 25 Cornfield Road as these existing semi-detached properties do not form part of the defined linear building line found along the straight section of Cornfield Road. Within the street scene along Cornfield Road part of the character is provided by the separation distance between the side elevations of the properties. The position of the proposed dwelling within the site of this revised scheme has retained the separation distances to the side boundaries of the site and the adjacent properties.
22. In terms of the site layout objection comments were received regarding the loss of trees within the site and the construction of a large expanse of hard standing to the driveway area. The proposed site layout plans show no trees being removed from the site and the revised plans have reduced the area of permeable paving to front of the dwelling.
23. The corner plot is a considerable size and although objection comments have been received that the proposal is overdevelopment the footprint for the dwelling is considered appropriate for the overall plot size. The overall plot size is 1,038 square metres with the footprint of the proposed dwelling being 156 square metres and the garage being 33.75 square metres. The existing bungalow has a footprint of 147.8 square metres with a garage of 18 square metres.
24. It is noted that the width of the front elevation of the dwelling at 13 metres is significant, however is comparable to the width of the adjacent pairs of semi-detached properties located to the east on Cornfield Road and is considered to be in proportion to the size of the plot. In relation to the overall height of the proposed dwelling, the ridgeline roof height at 9.3 metres is only marginally higher than the ridgeline roof height of the adjacent semi-detached properties at 25 and 23 Cornfield Road.
25. Taking into consideration the overall plot size and the scale and height of the surrounding properties on Cornfield Road, the proposal is not considered to be overdevelopment of the plot.
26. In terms of the proposed design there have been a significant number of changes provided since the previous dismissed appeal and throughout the course of this revised application to ensure the appearance of the dwelling is acceptable when viewed from both The Crescent and Cornfield Road.
27. The front elevation design will provide double height front bay windows, central entrance door with windows above, twin front gables with individual single windows which although not replicating the existing semi-detached properties along Cornfield Road will provide similar architectural features.
28. The side elevation design which faces towards The Crescent will provide a double height bay windows and gable detail roof detail which replicates the double bay window design features of the properties along Cornfield Road. Within the roof detail towards both side elevations the proposal includes traditional chimney detailing.
29. The rear elevation of the dwelling has been designed with a two-storey off-shoot which has been set in from the main side elevation of the building with a lower ridgeline roof

height. The off-shoot will project across half the width of the main rear elevation with a single storey orangery. In considering the design of the rear elevation it will visually appear as though the two-storey off-shoot and orangery were later additions to the original building.

30. The windows throughout the building will be timber sliding sash double glazed windows with stone cill and header detailing. With the front boundary detail shown as a 0.5 metre wall with stone caps and 1.7 metre high pillars to the driveway entrance and wrought iron gates.
31. The design of the detached garage has been revised from a double garage to a single hipped roof garage with timber door detailing.
32. Whilst both the site layout and the design of the dwelling and detached garage are considered to be acceptable there are some specific architectural detailing which have not been shown on the submitted plans and to ensure the final constructed dwelling will be high-quality would be required. These specific details can be secured by conditions and are detailed below :-
 - The submitted plans show that the windows will be timber framed and timber sliding sash detailing and specific details are required in relation to the final door design including fan light detailing/proportions, specific window proportions/opening/cill details.
 - Specific details on the proposed bargeboard detailing to ensure this fits in with the existing decorative bargeboard detailing on properties along Cornfield Road
 - Brickwork/roof tile detailing for the dwelling and the detached garage as within the street scene there is a mixture of traditional red brickwork and render and the semi-detached properties to the east have traditional red brickwork to the front elevation and a softer and lighter mixed brick on the side elevations with slate roof tiles.
 - Boundary treatments for all the boundaries of the site, to include the include the height, design and materials along with details of the entrance pillars and the proposed vehicle gates as the elevation plans show only a 0.5 m high front boundary wall and hedging and the vehicle entrance pillars.
33. The Conservation officer has no objections to the revised scheme commenting that it should sustain the significance of the Conservation Area and should have a more positive impact than the existing bungalow. The Conservation officer has requested conditions are required to secure the window and door detailing, materials and boundary treatments.
34. The revised design of the proposed building and detached garage and the site layout is considered to fit in with the existing architectural design of the properties within Cornfield Road and the wider conservation area with the specific detailing to be secured by conditions. The proposal is considered to accord with Core Strategy Policies CS5 (h & f), DC1 (b), UDSPD and the NPPF Paragraphs 135 and 203.

Amenity

35. The Council's Core Strategy Policy DC1(c) which comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.
36. The Council's Urban Design Supplementary Planning Document (UDSPD) establishes standard privacy distances which are considered acceptable within paragraphs 4.9 to 4.11 for facing habitable room windows. With a distance of 21 metres between facing habitable room windows where buildings are two storey and 14 metres where properties are single storey.
37. The UDSPD sets out several exceptions to the guidance. This includes elevations with no windows, those which would normally be obscurely glazed and are to remain likely as this use and windows which are above eye level i.e at least 1.8 metres.
38. Paragraph 135 of the NPPF references all new development should be a '**high standard of amenity for existing and future users.**'
39. Objection comments have been received regarding loss of privacy, noise, overbearing/dominant impact and loss of light.

4A The Crescent

40. It is noted that one of the reasons the Planning Inspectorate dismissed the previous appeal was due to the harmful effect on the living conditions of the occupants at 4A The Crescent. The Inspector made specific reference to the height and proximity of the previous proposed dwelling to the boundary providing a dominant and overbearing feature when viewed from 4A The Crescent.
41. The Inspector noted that the orientation of the proposed dwelling and the neighbours would provide a reasonable likelihood of overshadowing to the rear garden, conservatory and south facing kitchen window at 4A The Crescent with no shadow analysis or daylight and sunlight assessment provided. The Inspector noted that whilst there were windows on the ground and first floor of the proposed dwelling facing 4A The Crescent the ground floor windows would be screened by the boundary fence, with the first-floor windows being non-habitable bedroom and a walk-in wardrobe so would result in no loss of privacy for 4A The Crescent.
42. The occupants of 4A The Crescent have objected to this revised scheme on the basis that no shadow analysis or daylight and sunlight assessment has been provided to assess the impact of the development with the Design and Access Statement not providing any specific assessment of the impact a further 1.5 storey extension will have on the natural light provision to 4A The Crescent or the scale of the proposal in terms of loss of privacy and dominant impact.
43. To address the Inspectors reason for refusal in terms of overbearing impact and loss of light the position of the dwelling within the plot has been altered. The proposed dwelling has been located further north-west towards The Crescent and positioned closer to Cornfield Road to be set further away from the boundary with 4A The Crescent. Whilst the rear elevation of the dwelling will directly face the side elevation and front, side and rear garden areas of 4A The Crescent there will remain a minimum separation distance of 13.7 metres between the two-storey rear off-shoot of the proposed dwelling and the side elevation of 4A The Crescent.

44. Alongside the repositioning within the site, the design of the rear elevation facing 4A The Crescent has altered from the previous appeal decision scheme to address the potential overbearing impact. To assist in reducing the scale and mass of the rear elevation, the proposed design has removed the single storey extension along the rear elevation and instead provided a two-storey off-shoot and single storey extension.
45. It is noted that the ridgeline roof height of this proposal is 0.8 metres higher, and the width of the building is 2 metres wider than the previous appeal scheme dismissed by the Inspector. However, the reorientation within the plot itself and the redesign of the rear elevation means the changes in the height of the proposed dwelling and the width can be accommodated without resulting in an overbearing impact on the neighbours at 4A The Crescent.
46. No light impact assessment has been submitted in support of the proposal. The reorientation of the proposed dwelling within the site further from the side elevation of 4A The Crescent and the redesign of the garage to provide a hipped roof is considered to have sufficiently addressed the concerns in terms of potential loss of light to 4A The Crescent.
47. Taking into consideration the sun's orientation, the proposed building will be sited to the south-west of the neighbours dwelling and rear garden area. Whilst the height of the building may result in a slight loss of light when the sun is at its lowest in the winter months the repositioning of the building further from the boundary will ensure the loss of light during the remainder of the year to the neighbours dwelling and rear garden area is not significant
48. The rear elevation of the proposed dwelling will provide a two-storey off-shoot and orangery. The ground floor rear elevation design will provide three windows, single access door and set of French doors for the utility, kitchen and dining room. The ground floor windows will be positioned a minimum of 13.7 metres from the side elevation windows at 4A The Crescent. The side elevation of 4A The Crescent provides a blocked up living room window, kitchen/dining room window and conservatory. There is a 1.8-metre-high boundary fence between the application site and 4A The Crescent.
49. The separation distance between the proposed ground floor windows and the existing windows at 4A The Crescent falls slightly below the 14-metre privacy guidance set out within the Council's Urban Design Supplementary Planning Document. However, the Planning Inspectorate concluded in the previous appeal decision (APP/W0734/D/21/3285528) that despite the Council's concerns that the privacy separation distance for the ground floor windows was below the UDSPD guidance the Inspector concluded that there no overlooking/privacy issues due to the screening provided by the intervening boundary fence.
50. The two windows within the first floor of the two-storey off-shoot will be a bedroom and en-suite. Both windows are not classed as habitable room windows within the UDSPD and are shown as being obscurely glazed windows. The three remaining first floor windows on the main section of the dwelling are set back to provide a separation distance of approximately 18.8 metres from the side elevation of the neighbours at 4A The Crescent. These three windows are not obscurely glazed but will be for a landing, bedroom and en-suite. With these three windows not being classed as habitable room windows there is no requirement for them to be obscurely glazed to meet the privacy standards set out within the UDSPD.

51. The proposal is therefore considered to have no significant impact in terms of loss of privacy or overlooking to the neighbours main dwelling or garden area at 4A The Crescent.

26 and 28 Crescent Road

52. Directly opposite the application site to the south are two semi-detached properties at 26 and 28 Crescent Road. There will remain a minimum separation distance of 29.9 metres between the proposed habitable room windows and the neighbours at 26 and 28 Cornfield Road, which accords with the 21-metre privacy distance set out within the UDSPD.
53. Whilst the proposed dwelling will be visible from the neighbour's property at 26 and 28 Cornfield Road, the 29.9 metre separation distance will ensure there is no significant impact in terms of potential overbearing or loss of light to the occupants of 26 and 28 Cornfield Road.

25 Crescent Road

54. Towards the eastern boundary of the site is a semi-detached property at 25 Crescent Road which has a detached garage positioned along the boundary with the application site. The side elevation of 25 Cornfield Road has two double bay windows which face towards the application site. The side elevation of the proposal dwelling facing 25 Cornfield Road will have two conservatory windows and a small window within the gable. The separation distance between the proposed windows and the neighbours bay windows at 18.2 metres is less than the UDSPD 21 metre privacy distance. However, the proposed windows will be at an oblique angle and will not therefore directly face the existing windows at 25 Crescent Road so are not considered to result in a loss of privacy to the main dwelling at 25 Crescent Road.
55. The proposed dwelling being set further forward within the plot and a minimum of 10.5 metres from the boundary with 25 Crescent Road will ensure there is no significant impact in terms of potential overbearing or loss of light to the occupants at 25 Crescent Road.

Crescent Lodge

56. To the north-west of the application site across The Crescent are residential flats at Crescent Lodge. The side elevation of the proposed dwelling will be sited approximately 42 metres from the nearest residential property and windows at Crescent Lodge. There will be a living room and bedroom bay window located on the side elevation of the proposed dwelling. The remaining separation distance between the proposed bay windows and the properties at Crescent Lodge accords with the 21-metre privacy distance set out within the UDSPD.
57. The 42-metre separation distance which will remain between the proposed dwelling and the nearest residential property at Crescent Lodge means the proposal is not considered to have any significant impact in terms of potential overbearing impact or loss of light to the occupants of Crescent Lodge.
58. In relation to objection comments received on the potential noise impact of the development, there will be some noise associated with the demolition of the bungalow and the construction of the new dwelling but these will be temporary impacts. Although the current bungalow is vacant the site has a residential use so any noise associated with the new dwelling will be comparable to the fact the site has a residential use.

59. Overall, the proposal is not considered to have any significant impact in terms on the privacy or amenity of the neighbouring properties and accords with the guidance set out within Core Strategy Policy DC1, USDPD and Paragraph 135 of the NPPF.

Highways

60. Core Strategy Policy CS17 (g) (Transport Strategy) promotes sustainable transport by promoting alternative modes of transport other than the private car.
61. Policy CS18 requires that measures are incorporated into development proposals to improve the choice of transport options, including within CS18 (e) promotion of schemes and opportunities for cycling and walking. Policy CS19 requires that development proposals do not have a detrimental impact on road safety.
62. Objection comments relate to the proposal resulting in an increase in traffic and on-street parking near to a highway junction which has recently seen several accidents.
63. The proposed scheme is for a five bedroomed detached dwelling with a single detached garage and a 20-metre-long driveway to the front and additional hard standing. The Tees Valley Design Guide & Specification - Residential and Industrial Estates Development notes that a five bedroomed property should provide three car parking spaces within the curtilage of the property.
64. The internal garage measurements meet the space requirements for a single space and the hard standing area and the 20-metre driveway provide space for an additional two cars. The parking provisions provided within the site accords with the Tees Valley Design Guide Guidance and on that basis the proposal is considered to raise no significant highway safety concerns.

Flood Risk/Drainage

65. The application site is located within Flood Zone 1 which is considered to have a low probability of flooding from rivers. The application site area is under 1 hectare so a flood risk assessment is not required for the development. The application form confirms the surface water from the development will be disposed off via the main sewer and soakaway. Northumbrian Water have been consulted on the proposal and provided no comments/concerns in terms of drainage from the proposed scheme.

Nutrient Neutrality

66. The proposal has been assessed with regard to whether it falls within the scope of development requiring nutrient neutrality mitigation. Natural England have confirmed that as the proposed scheme will replace an existing dwelling on the site it does not fall within the scope of nutrient neutrality and requires no nutrient neutrality mitigation.

Residual Issues

67. Comments have noted the number of consultation letter residents have received and the waste of time and costs for all parties. The Local Planning Authority is required to reconsult on significant changes to the proposal and there have been a number of revisions to the scheme since the original submission.

68. An objection comment has been received on the shortage of bungalows in the area and the loss of the bungalow as part of this proposal. The proposal will replace the existing dwelling house with a further residential dwelling and whilst there maybe a shortage of bungalows the proposal is providing a replacement residential dwelling on the site.
69. A support comment has been made in relation to the increase in property values in the area due to the redevelopment of the site. This is not a material planning considerations that can be considered as part of the application.

Conclusion

70. In view of the above the proposal is therefore deemed a satisfactory form of development fully in accordance with relevant policy guidance there are no material considerations that indicate that the application should be refused.
- 71.

RECOMMENDATIONS AND CONDITIONS

Approve subject to 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) Existing site plan drawing NRFPP01 REV 6 dated 19th August 2024
- b) Existing drawing 01 NRFPP03 REV 6 dated 19th August 2024
- c) Proposed ground floor plan drawing 01 NRFPP04 REV 06 dated 19th August 2024
- d) Proposed floor plans drawings 02 NRFPP05 dated 19th August 2024
- e) Proposed elevation drawings 03 NRFPP06 dated 19th August 2024
- f) Proposed site plan drawing NRFPP02 REV06 dated 19th August 2024

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

3. **Timber windows and doors to be agreed**

All external joinery including windows and doors shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors hereby approved are installed. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area having regard for policies DC1, CS4 and CS5 of the Local

Plan and section 12 of the NPPF

4. **Windows - Opaque**

The first floor windows within the two-storey rear off-shoot of the dwelling hereby approved must be opaque glazed to a minimum of level 3. The opaque glazing must be implemented on installation and retained in perpetuity.

Reason: In the interests of the amenities of residents and to ensure a satisfactory form of development having regard for policy DC1 of the Local Plan

5. **Hardstanding Details**

Prior to the construction of the hardstanding at the front of the property hereby approved, details of materials to be used in the construction of the hardstanding shall be submitted to and approved in writing by the Local Planning Authority. Where non-permeable materials are proposed the submitted details must include a drainage scheme. Thereafter the works shall be carried out in accordance with the approved details and retained on site in perpetuity.

Reason: To reduce flood risk and in the interests of highway safety having regard for policies DC1 and CS4 of the Local Plan and sections 12 and 14 of the NPPF.

6. **Finished Levels**

Prior to the preparation of levels on site the finished ground floor levels of the building hereby approved in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the Local Planning Authority thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development in the interest of amenities including visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

7. **Materials - Samples**

Prior to the construction of the external elevations of the building(s) hereby approved samples of the external finishing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF.

8. **Treatment of window/doors heads/cills/bargeboards**

Before any window or door heads and cills and bargeboards are installed, details of their design, material and construction, in the form of scale drawings and material samples/specifications, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed heads and cills and bargeboard details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area having regard for policies DC1, CS4 and CS5 of the Local

Plan and section 12 of the NPPF

9. **Boundary Treatment/Vehicle Access Gates**

Before development commences, full details and specifications of all new boundary treatments (including any alterations to existing boundary treatments) shall be submitted to and agreed in writing by the Local Planning Authority. The information submitted shall include details of all wall/gate/fence materials, designs, brick sample(s), coping sample(s), brick bond(s) and finishes. The completed boundary treatments shall only be in accordance with the agreed details.

Reason: To ensure the completed boundary treatments help to preserve the character and appearance of the Conservation Area, having regard for policies DC1, CS4 and CS5 of the Local Plan and section 12 of the NPPF

10. **PD Rights Removed Extensions/Alterations and Outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no building hereby approved shall be extended or materially altered in external appearance in any way, including additions or alterations to the roof and windows, nor shall any ancillary buildings be erected in the curtilage of any property (other than those expressly authorised by this permission) without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

11. **PD Rights Removed Conversion of Garages**

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no garages shall be converted to habitable rooms without planning permission being obtained from the Local Planning Authority.

Reason: To retain adequate in curtilage parking provision in the interests of amenity and highway safety having regard for policies CS4, CS5, DC1 and sections 9 and 12 of the NPPF.

INFORMATIVES

- **Discharge of Condition Fee**

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

- Building Regulations

Compliance with Building Regulations will be required. Before commencing works it is recommended that discussions take place with the Building Control section of this Council. You can contact Building Control on 01642 729375 or by email at buildingcontrol@middlesbrough.gov.uk.

Where a building regulations approval is obtained which differs from your planning permission, you should discuss this matter with the Local Planning Authority to determine if the changes require further consent under planning legislation.

- Statutory Undertakers

The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.

- Contact Northern Gas

The applicant must contact Northern Gas Networks directly to discuss requirements in detail. There may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. We are advised that should diversionary works be required these will be fully chargeable.

- Name and Numbering

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Council's Naming and Numbering representative on 01642 728155.

- 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.

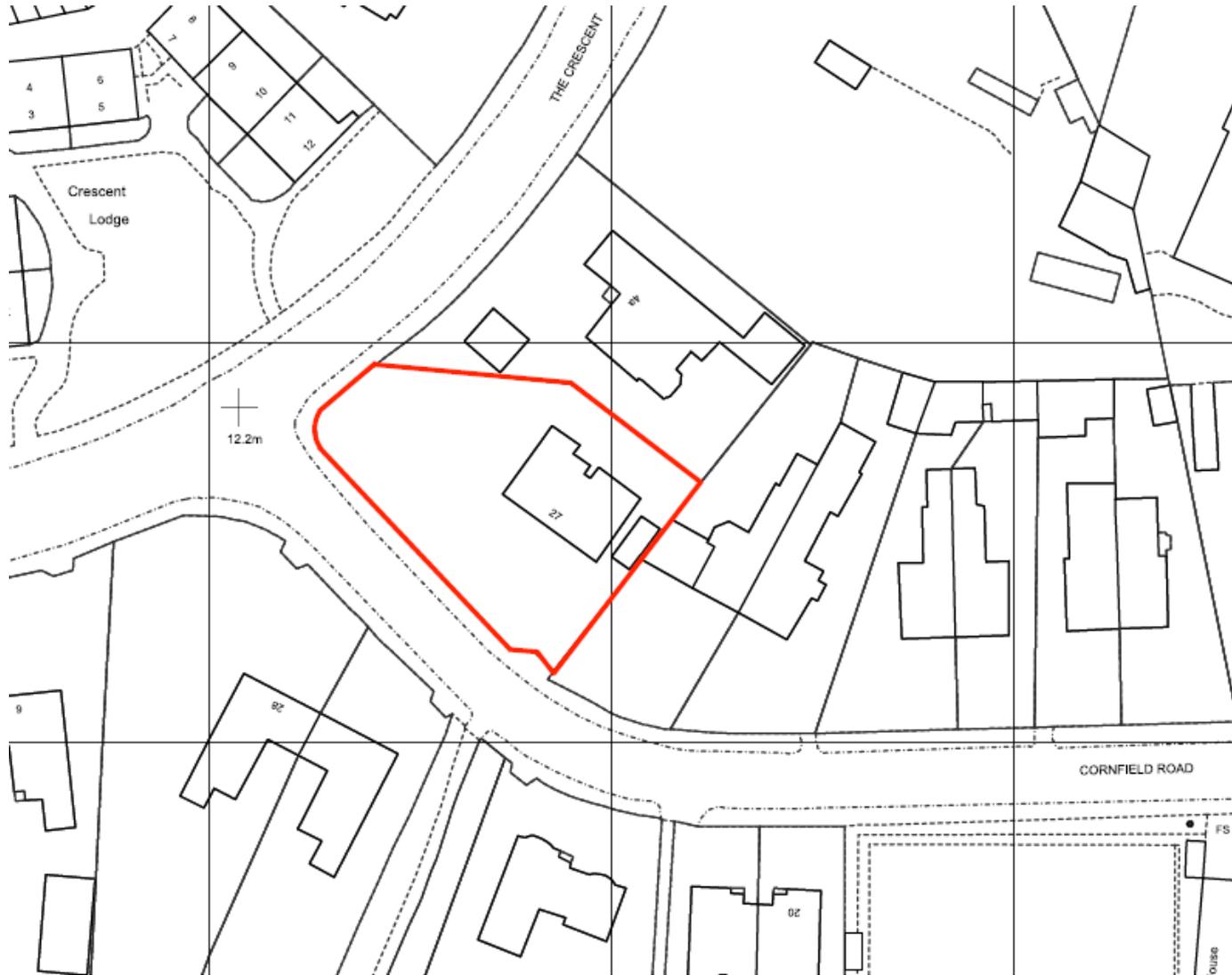
- Demolition

Demolition requires notification under Section 80 Of the Building Act 1984 prior to any work commencing on site.

Case Officer: Debbie Moody

Committee Date: 7th November 2024

Appendix 1 – Site Location Plan



Appendix 1 - Proposed Site Layout Plan



Appendix 1 – Proposed elevations



Front elevation facing Cornfield Road



Rear Elevation facing 4A The Crescent

Appendix 1 – Proposed elevations

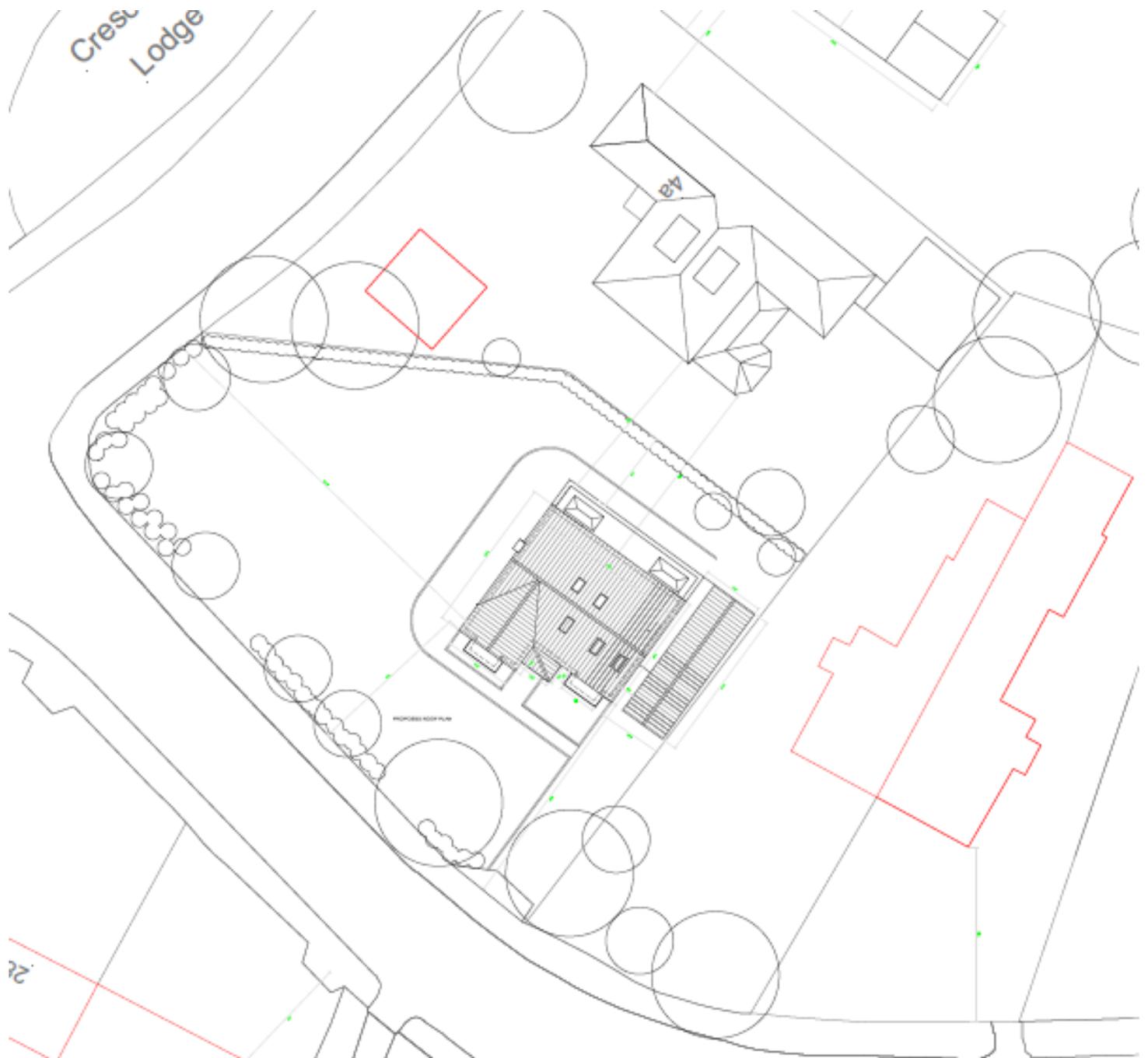


Side elevation facing 25 Cornfield Road



Side elevation facing The Crescent

Appendix 2- Previous refused site layout plan (20/0005/FUL)



Appendix 2- Previous refused elevations (20/0005/FUL)



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

Appendix 2 – Previous refused elevations (20/0005/FUL)



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

Appendix 3 – Dismissed appeal Decision (20/0005/FUL)

**Appeal Ref: APP/W0734/D/21/3285528
27 Cornfield Road, Middlesbrough TS5 5QJ**

- 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 Rafakat against the decision of Middlesbrough Council.
 - The application Ref 20/0500/FUL, dated 27 August 2020, was refused by notice dated 16 August 2021.
 - The development proposed is described as substantial remodelling of existing property to form 2 storey house including increase in the roof height of the property to provide a first floor level including front and rear roof lights, two-storey extension to the front and new entrance porch, single-storey rear extension and attached single-storey garage to side. (Demolition of the existing single storey rear extensions and detached garage).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development that is common to the appeal form and the Council's decision notice as it reflects amendments that were made during the application process and which subsequently formed the basis on which the Council made its decision. I have determined the appeal on the same basis.

Main Issues

3. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Linthorpe Conservation Area; and
 - The effect of the development on the living conditions of the occupiers of 4a The Crescent with regards to outlook, light, and privacy.

Reasons

Character and appearance

4. The appeal site lies within the Linthorpe Conservation Area (the LCA). In so far as it is relevant to this appeal, the LCA derives some of its significance from its predominantly residential character, with mainly well-proportioned and attractively-detailed dwellings of two stories that are set back from the road within spacious plots defined by low walls and hedges to the front.
5. The appeal site is a spacious corner plot at the junction of Cornfield Road and The Crescent. The bungalow within the site is a late twentieth century building which fronts onto Cornfield Road. It is identified in the Linthorpe Conservation

Area Appraisal and Management Plan 2006 (the CAAMP) as a negative element in the LCA on account of its inappropriate scale and timber fence along the front boundary, although I noted the bungalow is not highly conspicuous. Separate to the effect on neighbouring occupiers, it appears to be common ground between the main parties that the replacement/remodelling of the bungalow with a two-storey dwelling is acceptable in principle.

6. By using the existing bungalow as the basis for the development, the new dwelling would remain confined to the north east corner of the plot, and on a footprint that is not much greater than the existing. The ratio of built-form to plot size and the overall spacious character of the plot would therefore be suitably maintained. Whilst the dwelling would project slightly further past the front of 23/25 Cornfield Road, these properties do not form part of the defined linear building line that is found along the straight section of Cornfield Road. Consequently, the proposal would not harmfully prejudice any important building line consideration. Nor would it appear as a form of overdevelopment.
7. The proposed dwelling would present a traditionally detailed and proportioned frontage to Cornfield Road, referencing some of the design elements found on Cornfield Road and The Crescent. In this respect, there are similarities with the plans for a new dwelling that the Council approved on a site to the north of 4a The Crescent. However, the rear elevation has not been designed to the same style and proportions. In particular, the lower eaves line at the rear would create a heavy rear roofslope and an unbalanced gable profile. In addition, all of the first floor windows in the rear would contain obscure glazing, and would be incorporated into a visually jarring arrangement of half dormers. This would contrast markedly with the balance and quality of the front elevation. I appreciate that the design of the rear elevation has been influenced by an attempt to mitigate any impact on the neighbouring occupiers. However, the result is a design that, despite some positive elements, appears highly contrived and uncomfortable when considered as a whole. For this reason, the development would be harmful to the character and appearance of the LCA.
8. In reasoning the above, I have taken into account that the rear elevation would be the least visible part of the development from public vantage points, but it would nonetheless be visible down the driveway of 4a The Crescent, and more widely when the trees and vegetation along The Crescent would not be in leaf. In any event, the requirement for development proposals to preserve or enhance the character or appearance of the LCA applies irrespective of whether development is prominent, or in public view. I have also taken into account the variety in roof slopes along Cornfield Road, but I am not persuaded that the design has responded positively to the prevailing character in all respects.
9. The harm to the significance of the LCA would be classed as 'less than substantial', but that is nevertheless a matter of considerable importance and weight. In terms of countervailing public benefits, the proposal would remove a feature that has been identified as a negative element within the LCA. However, any visual benefits that its removal might bring would be negated by the harmful effects of the proposed development. As such, I find that the public benefits would not outweigh the harm.
10. To conclude on this matter, the development would not preserve or enhance the character or appearance of the LCA, and would undermine its significance. Thus, the proposal conflicts with Policies DC1 and CS5 of Middlesbrough's

Core Strategy 2008 (the CS), which among other things, require development proposals to produce an acceptable visual appearance and relationship with the surrounding area, with a high quality design, and the preservation or enhancement of the character or appearance of conservation areas. The proposal also conflicts with the Council's Urban Design Supplementary Planning Guidance (SPD) and the CAAMP in this regard. For the same reasons, it does not accord with the design and heritage protection objectives of the National Planning Policy Framework (the Framework).

Living conditions

11. The existing bungalow is positioned approximately 7 metres from the boundary with 4a The Crescent which lies to the north and forward of the appeal property. The Council specifically allege an unacceptable effect on the occupiers of 4a The Crescent in relation to a loss of privacy. However, the objections from the occupiers of 4a The Crescent also include concerns over loss of light and a dominating effect, to which I have had careful regard.
12. At my site visit I was able to enter the rear garden of 4a The Crescent, where I observed that the roof of the bungalow rises significantly above the boundary fence and spans the majority of the length of this neighbour's rear garden space at a relatively close proximity. However, due to its height and hipped roof form, it is not overly dominant. This is particularly important given that the eastern boundary of the garden is further enclosed by a tall hedge and the two-storey rear projection of 25 Cornfield Road.
13. The proposal would see the bungalow transformed into a two-storey, gable-ended dwelling, including an additional floor of accommodation within the roof space. In my judgement, the combination of the height of the proposal, its gable-ended roof form, and distance from the common boundary, would mean that the proposal would introduce an overbearing and visually dominant feature in views from the conservatory and rear garden space of 4a The Crescent, as well as an undue sense of enclosure, thus diminishing the enjoyment of these spaces. The dominating and enclosing presence of the proposal would therefore detract from the quality of the living environment for occupiers of this neighbouring property. I acknowledge that a lower eaves height has been introduced to the rear roof slope in an attempt to minimise such impacts. Nonetheless, this change would not discernibly reduce the overall scale of the building when viewed from 4a The Crescent.
14. Furthermore, due to the orientation of the proposal to the south/south-west of 4a The Crescent, there is also a reasonable likelihood for increased shadowing of this neighbouring property, particularly in relation to its rear garden, conservatory, and south facing kitchen window. However, the application was not accompanied by any form of shadow analysis or a daylight and sunlight assessment. It is therefore unclear how the Council were able to determine that the impact in terms of loss of light would not be significant. In the absence of any substantive evidence on this matter, it has not been satisfactorily demonstrated that the proposal would not result in a harmful loss of light to the occupants of 4a The Crescent.
15. The proposal would include a number of windows in the rear elevation facing 4a The Crescent, which the Council advises fall short of the separation distances required by its SPD. However, the windows and French doors on the ground floor would not result in overlooking because of the intervening

boundary fence. Those at first floor level would serve bathrooms and a walk-in wardrobe. As these are not classed as habitable rooms, it would not be unreasonable to require these windows to have full height obscure glazing and restricted opening. This could be secured by an appropriately worded condition, thereby mitigating any potential for overlooking from these windows. The Council also refers to the rooflights, but these would be above the stairwell and facing towards the sky, so would not result in overlooking. Consequently, the proposal would not cause a loss of privacy to the occupiers of 4a The Crescent.

16. Overall, notwithstanding my findings on privacy, the development would harm the living conditions of the occupiers of 4a The Crescent with particular regard to outlook and light. Thus, the proposal is contrary to Policy DC1 of the CS, where it requires that the effect on the amenities of occupiers of nearby properties is minimal. It is also contrary to the Framework, where it requires development to provide a high standard of amenity for existing and future users.

Other Matters

17. The Avenue Methodist Church is a nearby grade II listed building. I have a statutory duty to consider the effect of the proposal on this designated heritage asset. However, having regard to the intervening distance, buildings and vegetation, I have no reason to find that the setting of the listed building and its significance would be adversely affected by the proposal, and I note that the Council did not identify any harm in this respect.
18. The support from the neighbouring occupiers of 25 Cornfield Road has been noted, but for the reasons given above, I have found that the development is unacceptable.

Conclusion

19. The development would not preserve or enhance the character or appearance of the LCA, and would harm the living conditions of neighbouring occupiers. As such, it would not accord with the development plan taken as a whole and there are no considerations of sufficient weight to justify making a decision otherwise than in accordance with the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR