
APPLICATION DETAILS

Application No:	25/0379/FUL
Location:	Church Halls, Kings Road, Middlesbrough, TS3 6NH
Proposal:	Retrospective - Replacement of windows and doors and Roof Replacement
Applicant:	Mr Daban Hussein
Agent:	Robert Sunley
Ward:	North Ormesby
Recommendation:	Approve Conditionally

SUMMARY

The application seeks retrospective planning approval for external alterations to the building including replacement of the natural slate roof with artificial slate tiles, replacement of timber-framed, single-glazed, vertical sliding sash windows with uPVC-framed, double-glazed, casement windows and replacement of timber doors with steel-faced timber doors.

Objections were received from a number of residents highlighting issues regarding impacts on the streetscene, character and appearance of the area, use of inappropriate materials given the age of the building, roof construction, safety concerns, use of the building and parking concerns.

Whilst works could have been done more sensitively and not retrospectively, overall, the energy efficiency of the building has been improved along with its condition as a result of the works, and the works will enable a viable use, supporting the building's longer term conservation. Bringing the building back into use after being unused for such a long period of time will also be positive to the streetscene and surrounding area. In addition, the works will not unduly impact residents with regards to outlook, privacy and amenity or result in any highway implications.

On balance the works are deemed a satisfactory form of development in accordance with relevant policy guidance.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The building is an early Edwardian church hall in the suburb of North Ormesby, north-east of Middlesbrough's central core. It's sited on the corner of Derwent and Jubilee Street, off Kings Road, surrounding uses are primarily residential terraced streets, with some commercial uses.

The application seeks retrospective planning approval for external alterations to the building including window and door replacements and new roof covering.

The LPA is aware that since the application was submitted further unauthorised works have been carried out to the building as external grills have been added to the ground floor windows. The grills do not form part of this application and as such will not be considered. The owner has been notified and informed that the grills must be removed from the building to avoid enforcement action being taken.

PLANNING HISTORY

No relevant planning history

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:

Core Strategy DPD (2008)

CS4 - Sustainable Development

CS5 - Design

DC1 - General Development

Supplementary Planning Documents

Middlesbrough's Urban Design SPD (2013)

Other Relevant Policy Documents

Publication Local Plan (2025)

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	24
Total numbers of comments received	8
Total number of objections	8
Total number of support	0
Total number of representations	8

Objections were received from the following residents –

Mr Stephen Mcculloch - 14, Herbert Street

Ms Susan Iyayi – 17 Conyers Way

Ms Judith Regan – 12 Oakfield Road
Jackie Reilly - Day Centre, Derwent Street
Mr Ashley Waters – 47 West Terrace
Mr Michael McMullen – 4 James Street
Mr David Smith – 3 Oakfield Road
Miss Katie Fielden – 6 Thorntree Avenue

Comments received are summarised below for the purpose of the report although comments can be viewed in full via the following link –
<https://share.google/lvnuPGK6pUbAtnl5p>

- Impacts on access and parking
- Inappropriate use of materials for the age of the building
- Impacts on the streetscene & character and appearance of the area
- Use of the building
- Roof construction/safety concerns
- Complaints regarding the works being carried out without planning approval and application being made retrospectively

PLANNING CONSIDERATION AND ASSESSMENT

2024 National Planning Policy Framework (NPPF)

(Para. 210.) In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness

(Para. 216.) The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy

Policies CS4, CS5 and Policy DC1 are the relevant policies which will be considered in this case.

Policy CS4 requires developments to contribute to achieving sustainable development by protecting and enhancing Middlesbrough's historic heritage and townscape character. 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.

In addition to this, the Council is reviewing its Local Plan. The Publication Local Plan (PLP) was approved by the Council on 5 March 2025 and was subject to a period of consultation from 11 March 2025 to 23 April 2025 so that formal representations could be made. The

National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. It is considered that some weight may be given to PLP policies in the determination of any subsequent planning application.

Policy HI3 Non-Designated Heritage Assets and the Local List, is of relevant and set out that *...Other buildings and features of design and architectural interest not included on the Local List may be considered non-designated heritage assets and therefore will also be subject to these requirements.*

Where a development would result in harm to a non-designated asset, a balanced judgement will be made, having regard to the scale of any harm or loss and the significance of the asset. A Heritage Impact Assessment will be required to inform the decision.

A Heritage Impact Assessment (HIA) has not been submitted as part of the application however, as the site is not listed, locally listed or within a conservation area and given that the emerging local plan has not yet been adopted and thereby holds limited a HIA would not be considered essential in this case.

Heritage Assets

North Ormesby was laid out circa 1860 by James White Pennyman and was constructed, like Middlehaven (Middlesbrough's original town centre), with a central marketplace and the church facing into it, with a planned grid of streets. North Ormesby was included in Middlesbrough in 1913. The application building is a former Methodist Church Hall, as evidenced by its architecture and by text inscribed above the double doorway to Derwent Street.

The building has had no formal historic environment designation, such as it being a Listed Building, within a Conservation Area or on Middlesbrough's Local List. It can be classed as a non-designated heritage asset (as identified in national planning policy), which carries some weight in the planning process. Using Historic England's Conservation Principles document, this non-designated heritage asset status can be assigned for the following reasons:

- **Evidential Value:**

Evidential value derives from the potential of a place to yield evidence about past human activity. Built during the late Edwardian era, its quiet design without ostentation, red brick with brick specials around apertures, evidences its original use, ancillary to an ecclesiastical use. Its traditional materials, simple features and architectural design provide evidence of the North Ormesby Methodist community's former need for and use of the building, ancillary to the now demolished North Ormesby Methodist Chapel on the corner of Kings Road and Derwent Street

- **Communal Value:**

Communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Concerns about changes to the building from local residents appear to demonstrate the value they place on the building, its former use and the contribution it makes to their local area.

Proposal

This retrospective application applies to retain external changes made recently to the building as follows:

- Replacement of the natural slate roof with artificial slate tiles.

- Replacement of timber-framed, single-glazed, vertical sliding sash windows with uPVC-framed, double-glazed, casement windows.
- Replacement of timber doors with steel-faced timber doors.

These changes have eroded much of the visual character of the building externally. However, the building has been unused and boarded up since at least 2009, having been vacant for many years, repair and maintenance, is positive. Whilst these repair works could have been done more sensitively (continuing the use of natural slate for the roof and the installation of timber-framed, double-glazed windows), the lack of formal designation for the building make seeking improvement that impacts character and appearance but is not required for achieving a secure or weathertight building, difficult in built conservation terms.

This development has not resulted in the entire loss of the evidential value it provides of its original use or the communal value that can be found in the building's retention and they should improve energy efficiency, sustain the building and contribute to its continued survival, unlike the Methodist Chapel it originally supported which has been lost with the land now operating as a hand car wash.

Whilst modern materials have changed the appearance of the property visually to some degree, the roof style, and overall widow and door opening sizes and placements will remain largely unchanged.

Overall, the energy efficiency of the building has been improved along with its condition as a result of the works, and whilst it could have been done more sensitively and not retrospectively, the works will enable a viable use, consistent with the building's conservation. Bringing the building back into use after being unused for such a long period of time will also be positive to the streetscene and surrounding area. On balance the requirements of Policies CS4, CS5 and DC1 are considered to be adhered to.

Impacts on privacy and amenity

Works relate to new windows and doors and replacement roof covering only. As there will be no extension or projection beyond the elevations building lines and separation distance between neighbours will be retained and thereby will not pose any significant impacts in terms of outlook or loss of privacy and amenity. The proposal is therefore compliant with Policy DC1 as the proposal will not significantly impact the amenity of any of the adjacent neighbouring properties.

Highway related matters

The application relates to external works to the property only, as such the development will not result in any notable impact on the local highway network in relation to safety or capacity. The development is considered to be in accordance with the requirements of Local Plan Policy DC1.

Other matters

Concerns were raised with regards to works proceeding without approval and the application being made retrospectively. Whilst officers would not encourage that works are carried out before permission is in place, planning legislation does allow for retrospective applications to be submitted. The fact that an application is retrospective would not have any bearing on the decision which has to be judged against the Local Development Plan taking into account material planning consideration. However, any works that are carried out without approval is at the owners own risk and the fact that works have taken place carries no weight in favour of the proposals.

Concerns were also raised with regards to the roof construction and weight of the roof tiles given the change in materials. Whilst this has been raised during the course of the application it is a matter that falls outside of the planning remit. Building Control would oversee building regulations in terms of construction, ensuring structural safety, fire resistance, energy efficiency, and health and safety for users. Such matters are currently being dealt with by the appropriate service.

Residents have also expressed their concerns with regards to the building being used as a mosque. The last use of the building was as a church hall which falls within use class F1. A place of worship falls within the same use class category and therefore would be a permitted change not requiring consent. An application for change of use is not required and thereby the use of the building cannot be considered.

Conclusion

Bringing the building back into use after such a long period of time will be positive to the streetscene and surrounding area. In addition, the works will not unduly impact residents with regards to outlook, privacy and amenity or result in any highway implications. Whilst this development has resulted in harm to a non-designated heritage asset, the scale of harm is medium to low, it could be reduced in future with sensitive repair and maintenance and has improved the condition and energy efficiency of the building. A balanced judgment, as required by Policy HI3 of the 2025 Emerging Publication Draft Middlesbrough Local Plan, focuses on this development having resulted in a secure and weathertight building, that could enable a viable use, consistent with the building's conservation, as required by paragraphs 210 and 216 of the 2024 National Planning Policy Framework (NPPF). The works deemed a satisfactory form of development in accordance with relevant policy guidance and there are no material considerations that indicate that the development should be refused.

Officer recommendation is to approve subject to the following standard condition.

RECOMMENDATIONS AND CONDITIONS

Approve subject to the following conditions;

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 24th July 2025
- b. Proposed elevations Dwg no. KRM 03A received August 2025
- c. Proposed elevations Dwg no. KRM 04A received 6th August 2025

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 roof, window and door replacements 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 the NPPF. In addition the alterations accord with the local policy requirements (Policies CS4, CS5 and DC1 of the Council's Local Development Framework and HI3 of the Council's Emerging Local Plan).

In particular the alterations are designed so that their appearance is complementary to the existing building and will not have a detrimental impact on the amenity of any adjoining or nearby resident. The alterations will not prejudice the character and appearance of the area and will not significantly affect any landscaping nor prevent adequate and safe access to the building.

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

None

IMPLICATIONS OF THE DECISION

Environmental Implications:

The application relates to alterations to a former church hall, its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to not be significant.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

Financial Implications:

None.

Background Papers

None

Case Officer: Joanne Lloyd

Committee Date: 9th October 2025

Appendices

1. Location plan

