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## Appeal Decision

Site visit made on 8 August 2025

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 August 2025**

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**Appeal Ref: APP/W0734/D/25/3367758**

**38 Minsterley Drive, Middlesbrough TS5 8QR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Saleem Kahn against the decision of Middlesbrough Council.
  - The application Ref is 25/0154/FUL.
  - The development proposed is Erection of Two-Storey Extension to Front of Property
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council changed the description of development from that referenced in the application form. I note that the appellant also uses this on the appeal submission, I have adopted the revised description of development.

### Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the host property and area in general.

### Reasons

4. The appeal site is a semi-detached property within a predominantly residential area. I understand that an application for a larger two-storey front extension was refused in 2023<sup>1</sup>. Whilst I have limited information relating to that refusal the Council confirm that the proposed development is similar although the length of the development has been reduced.
5. Properties within the immediate area have an architectural harmony, despite some having been extended or altered, including the appeal property. The proposed materials would be similar to that used on the existing building and the surrounding properties in an attempt to assimilate the proposed development with the existing property and area in general.
6. Notwithstanding this two-storey front extensions are not common features within the area. The proposed development would unbalance the semi-detached property and due to the projection from the front elevation would create a prominent feature.

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<sup>1</sup> 23/0560/FUL

I find that the proposed development would be an incongruous addition to the host property and streetscene.

7. I find that the development would harm the character and appearance of the host property and area in general. There is conflict with Policies DC1 and CS5 of the Middlesbrough Local Development Framework, Core Strategy (2008) which amongst other things seeks to ensure developments are of high quality and well-integrated with the immediate and wider context.
8. There is conflict with Middlesbrough's Urban Design Guide, Supplementary Planning Document (2013) which provides guidance relating to amongst other things householder development, in relation to front extensions the guidance seeks to prevent conspicuous and inappropriate forms of development.

#### Other Matters

9. The appellant raises concerns relating to the lack of opportunity for the appellant to revise the plans prior to determination, that an incorrect email address was attached to the application and that the decision was made without the appellant being aware of concerns. From the information before me I understand this is an accurate reflection of the situation.
10. The appellant contends that this violates Article 6 of the Human Rights Act (1998). Article 6(1) provides that in the determination of their civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...
11. With this in mind I note that the proposed development was determined within the requisite eight week timeframe. In this appeal the appellant has not been disadvantaged by lack of professional representation. Fundamentally it can be seen from my findings that I agree with the decision made by the Council as such I am not persuaded that there has been a breach in terms of the Human Rights Act.
12. Notwithstanding this the powers of the Secretary of State (SoS) do not breach Article 6 as decisions by the SoS may be subject to judicial review determined by an independent and impartial tribunal.
13. Whilst the administrative error relating to the incorrect email being used is unfortunate this does not outweigh the harm I have identified and justify allowing the proposed development.
14. The appellant has highlighted that the proposed development is required due to the personal circumstances, in terms of medical need. I have had regard to the comments raised. I have not been provided with substantive evidence to demonstrate that the proposed development would be the only way to fulfil the needs of the appellant, I therefore give this limited weight.

#### Conclusion

15. For the above reasons I conclude that this appeal should be dismissed.

*Chris Pipe*

INSPECTOR