



Appeal Decision

Site visit made on 18 June 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/W0734/W/25/3360268

15 Albert Terrace, Middlesbrough TS1 3PA

- 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 Jamie Davison, on behalf of Teesview Developments, against the decision of Middlesbrough Council.
 - The application Ref is 24/0055/COU.
 - The development proposed is change of use of dwellinghouse (C3) to 7 Bed HMO (sui generis) including external alterations to the detached garage.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of dwellinghouse (C3) to 7 Bed HMO (sui generis) including external alterations to the detached garage at 15 Albert Terrace, Middlesbrough TS1 3PA in accordance with the terms of the application, Ref 24/0055/COU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: v4d//829194/1120881 (site location plan); 2342-P004D (EXISTING AND PROPOSED BLOCKPLANS); 2342-P001E (PROPOSED PLANS); 2342-P002E (PROPOSED ELEVATIONS); 2342-P003E (PROPOSED OUTBUILDING ELEVATIONS); 2342- P006 (PROPOSED CYCLE STORE).
 - 3) Prior to occupation of the development hereby approved, details of covered and secure cycle parking shall have been submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. No part of the development hereby approved shall be occupied until the areas shown on the approved plans for cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes
 - 4) Prior to occupation of the development hereby approved, details of necessary Traffic Regulation Orders (TRO) to remove the existing property from the residents parking scheme and as such preventing these residents from applying for permits must have been agreed in writing with the Local Planning Authority. The development hereby approved must not be occupied until the process to implement the agreed TRO has been initiated.
 - 5) Prior to occupation of the development hereby approved, a signed Final Nutrient Credit Certificate from Natural England, which secures the requisite

nutrient credits required by the development as set out in the Nutrient Credit Certificate document (Start Date 11/10/2024, Ref NM-D-TCC-1284), must be submitted to and approved in writing by the Local Planning Authority.

Preliminary Matters

2. The proposal was amended during the application to reduce the number of bedrooms from 9 to 7 and omit conversion of the outbuilding. In the banner heading, I have therefore referred to the description of development from the decision notice and appeal form, as this accurately reflects the revised scheme.

Main Issues

3. The main issues are:
 - The effect of the proposal on the integrity of European sites, with particular regard to nutrient neutrality;
 - Whether the proposal would provide adequate car parking provision; and
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal space provision and layout.

Reasons

Nutrient neutrality

4. The appeal site is located within the nutrient neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. The Teesmouth and Cleveland Coast SPA is legally underpinned by the Teesmouth and Cleveland Coast SSSI.
5. As the competent authority, I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives.
6. The SPA/Ramsar is a wetland comprised of a wide variety of habitats including: intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh, saline lagoons, sand dunes and estuarine and coastal waters on and around the Tees estuary, which has been considerably modified by human activities. These habitats provide feeding and roosting opportunities for an important number of waterbirds.
7. The SPA/Ramsar is designated for the following qualifying features: Avocet, Common tern, Knot, Little tern, Redshank, Ruff, Sandwich tern and assemblages of a wide range of breeding, wintering and passage waterbird species. The conservation objectives of the site are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the habitats, populations and distribution within the site of the qualifying features.
8. The SPA/Ramsar is in unfavourable condition due to nutrients (in this case nitrogen), where new development may have an adverse effect by contributing additional nutrients. Excessive levels of nutrients can cause rapid growth of certain

plants through eutrophication. Dense algal mats can impair waterbird foraging and high concentrations of nutrients in water can impact sensitive fish, epifauna and infauna communities, adversely affecting the availability and suitability of bird breeding, rearing, feeding and roosting habitats. Given the conservation objectives, without adequate mitigation, a net increase in nutrient loads arising from the development would adversely affect the integrity of the SPA/Ramsar.

9. Natural England (NE) operate a Nutrient Mitigation Scheme for the Tees catchment. To mitigate one kilogram (kg) of nitrogen, a developer needs to buy one nutrient credit. The appellant has calculated that the development would generate 0.85 kg TN/year. A Provisional Nutrient Credit Certificate signed by NE has been submitted, confirming that NE had reserved 0.85 credits for future purchase by the appellant. While the initial certificate expired on 20 June 2025, an extension to this has been agreed until 10 October 2025.
10. NE has been consulted on the appeal and has advised that the credits purchased provide sufficient mitigation for the increase in nutrient output resulting from this development and demonstrate compliance with the Habitats Regulations. Full payment of the nutrient credits must however be evidenced through a countersigned section 9 of the Final Credit Certificate. NE has therefore recommended a planning condition to secure this prior to occupation of the development. A similar condition was recommended by the Council.
11. However, the suggested condition includes a clause that would allow an alternative nutrient neutrality mitigation scheme to be pursued, if the final credit certificate cannot be obtained for any reason. As the competent authority in this case, I must be able to rule out all reasonable scientific doubt that the proposal would have an adverse effect on the integrity of the SPA/Ramsar at the time of my decision. On the basis of the evidence before me, I cannot be sure that an alternative scheme could be achieved. This would thus create an unacceptable degree of uncertainty in how the adverse effect on the integrity of the SPA/Ramsar would be mitigated.
12. I have therefore amended the suggested condition to omit the provision for an alternative mitigation scheme to be agreed after the decision. Nonetheless, based on the evidence and subject to an appropriately worded planning condition to secure the requisite nutrient credits, I am satisfied that the development would achieve nutrient neutrality.
13. The proposal would not have an adverse effect on the integrity of European sites, with particular regard to nutrient neutrality. With regard to this main issue, the proposal would thus comply with Policies CS4 and DC1 of the Middlesbrough Local Development Framework Core Strategy Adopted February 2008 (the Core Strategy). These policies, among other provisions, seek to ensure that where appropriate all development ensures that biodiversity assets, geodiversity assets, wildlife species, natural habitats, water resources and water quality within and outside Middlesbrough are protected, and the effect on levels of water pollution of the environment is limited both during and after completion.

Car parking

14. The proposal would result in the change of use of an existing 4- or 5-bedroom dwellinghouse into a house in multiple occupation (HMO) with 7 single occupancy

bedrooms. While there is an existing detached garage to the rear, the proposal does not include the provision of any additional car parking on site.

15. The site is however in an accessible location, within walking distance of Middlesbrough town centre and its associated services, amenities and public transport. The proposal also includes the provision of cycle storage, details of which can be secured by planning condition. I saw on my site visit that on-street parking is controlled by a permit scheme during the week. The development would therefore discourage car use and encourage other modes of transport, including bus, bike and walking. Notably, the Council's Highways Officer considered the site to be highly sustainable, enabling no/low car ownership to be a realistic and viable option for residents.
16. Nevertheless, due to the potential increase in people living at the property, there could be an increase in demand for on-street parking permits. To address these concerns, measures to remove the appeal site from the existing residents parking scheme were recommended by the Highways Officer, thereby preventing any additional on-street parking in the vicinity arising from the development. Subject to securing this, the Highways Officer had no objections.
17. I am satisfied that, in this instance, a planning condition can be used to ensure the Traffic Regulation Order (TRO) is amended to remove the appeal site from the resident parking scheme. This would negate any harm to the living conditions of neighbouring occupiers or highway safety through increased parking pressure.
18. Given the accessibility of the site, it would provide adequate car parking provision. The proposal would therefore comply with Policies CS4 and CS19 of the Core Strategy in this regard. These policies, among other provisions, seek to ensure that where appropriate all development is located so that services and facilities are accessible on foot, bicycle or by public transport, reliance on the private car is reduced or minimised, sustainable forms of transport are encouraged, measures to discourage car use and encourage other means of transport are prioritised and development that would have a detrimental impact on road safety is not supported.

Living conditions

19. The proposal would provide 7 single occupancy bedrooms, all of which would be in compliance with the minimum internal space standards set out in the Nationally Described Space Standards and the Council's Interim Policy for Conversion and Sub-Division of Buildings for Residential Use.
20. Each bedroom would be provided with an en-suite bathroom, with the exception of bedroom 6 on the second floor. A separate bathroom would be provided for this bedroom on the floor below. Though not an ideal arrangement, this is unlikely to significantly diminish the living conditions of the occupant of this room, or other occupants of the property.
21. The proposal would also include an adequately sized communal kitchen, living and dining spaces, as well as an external private amenity space to the rear. Discrete storage would also be provided for bins and bicycles, with additional storage space available in the garage to the rear. The proposal would therefore provide sufficient useable space and satisfactory privacy and amenity for future occupiers, suitable for long term accommodation.

22. The proposal would provide adequate living conditions for future occupiers, with particular regard to internal space provision and layout. It would therefore comply with Policy DC1 of the Core Strategy and the Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Use. These policies, among other provisions, seek to ensure that all development is of a high quality and that buildings subject to conversion or sub-division are capable of providing the number of units or use proposed to an acceptable standard of accommodation.

Other Matters

23. The site is within the Albert Park & Linthorpe Road Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the area is derived primarily from the Victorian public park and surrounding historic development.
24. The appeal building contributes to this as a traditional end of terrace dwelling that maintains consistency with the other dwellings along the row. The proposal includes limited alterations to the external appearance of the building, and so would have a neutral effect on the character and appearance of the CA. Notably, the Council's Conservation Officer also concluded there would be negligible impact on the significance of the CA.
25. An objection was received raising concerns that there is no need for more of this type of accommodation in the ward. However, details of the housing need in this area have not been provided, and there is no substantiated evidence that there is an oversupply of this type of accommodation in this area.

Conditions

26. The Council's Officer Report set out recommended planning conditions had the application been successful. I have considered these, along with representations from all parties, and amended where necessary to accord with the Planning Practice Guidance (PPG) and the tests for conditions set out in the Framework.
27. In addition to the conditions I refer to above, and the standard time limit condition, it is necessary to specify the approved plans as this provides certainty.
28. While a planning condition was suggested by the Council during the planning committee meeting to secure a landscaping scheme for the rear garden, no compelling reason has been provided as to why this would be necessary.

Conclusion

29. The development adheres to the development plan as a whole and there are no other considerations that would outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR