



## Appeal Decision

Site visit made on 5 May 2021

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> June 2021**

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**Appeal Ref: APP/W0734/W/21/3268432**

**103 Roman Road, Linthorpe, Middlesbrough TS5 5PH**

- 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 Sajay Ahmed against the decision of Middlesbrough Borough Council.
  - The application Ref 20/0534/FUL, dated 9 September 2020, was refused by notice dated 15 December 2020.
  - The development proposed is described on the application form as 'erection of two storey rear extension and single storey rear extension'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council have described the development as 'Two storey and single storey extensions to rear'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
3. The appellant has submitted the following additional plans: Appendix 4 Amended Drawing as part of the appeal. This drawing shows amendments that amount to material changes to the original planning application as submitted to the Council. Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what I consider is essentially what was considered by the local planning authority and on what interested parties' views were sought. If I were to determine the appeal based on the revised plans it is possible that the interests of parties who might wish to comment would be prejudiced. For the avoidance of doubt, I have therefore determined the appeal on the basis of the plans which were before the Council when it made its decision.
4. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Linthorpe Conservation Area.

## **Main Issues**

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area having particular regard to this part of Roman Road and with reference to the Linthorpe Conservation Area (CA); and
- the effect of the proposed development on the living conditions of neighbouring occupiers having regard to matters of outlook and light.

## **Reasons**

### *Character and Appearance*

6. The appeal property is a two-storey terraced dwelling with a small front garden and larger yard to the rear. It also has an existing two storey extension to the rear and a small single-storey outbuilding in its back yard. All the properties on the terrace to which the appeal property belongs have similar two-storey rear extensions. These extensions do not cover the entire width of the rear elevations of their respective host properties and therefore form double-breasted two-storey offshoots with gaps between them. From what I observed on my site visit all these pairings of two-storey offshoots on this part of Roman Road project the same distance backwards meaning that the rear elevations of each of the properties comprising the pairings are 'flush' in relation to each other. The terrace is situated within a predominately residential area with most properties within it comprising two-storey terraced or semi-detached dwellings.
7. The proposal would extend the existing two storey rear extension to no. 103 approximately 3 metres further to the rear with an additional single storey element projecting approximately 4 metres further than this where it would meet the existing single storey outbuilding in the back yard. A good number of on the terrace also have single storey rear extensions in addition to their two-storey rear extensions meaning that a significant proportion of their back yards have been built on. Consequently, the proposal's single storey element would not necessarily look out of place.
8. However, even though the proposal's materials would match the host property and its generic design would be similar to it, the fact that the two storey element of the proposal would project a good distance past the rear elevation of its adjacent 'paired' neighbouring offshoot means that it would be at odds with the established pattern of development on this part of Roman Road. As a result, it would represent a discordant addition to the back of the terrace thereby having an adverse visual impact in this regard.
9. The significance of the CA derives from its high-quality suburbs with areas of planned architectural consistency. The traditional dwellings on this part of Roman Road make a positive contribution to this significance and I note that the Council's Conservation officer has not raised an objection to the proposal concluding that it should sustain the significance of the CA as its design is guided by the host dwelling with its materials matching it. However, even so, while the proposal may not harmfully detract from the setting or significance of the wider CA this does not necessarily mean that it would not harm the character or appearance of the area or the CA itself on this part of Roman Road.

10. I acknowledge that the existing two storey rear paired offshoot to nos. 105 and 107 projects slightly beyond that of the appeal property and no. 101. However, neither of their respective extensions that form part of that paired offshoot project further outwards than the other.
11. I also acknowledge that the proposal would not be visible from the public highway. However, it would nonetheless be visible from the back alley and the rear windows of the other properties in the area. In any event just because a proposal cannot readily be viewed from the highway to the front does not obviate the obligation to ensure that it would be well designed.
12. I therefore conclude that while the proposal would have a neutral impact on the setting and significance of the CA as a whole, it would nevertheless materially harm the character and appearance of the area, having particular regard to this part of Roman Road. As a result, I also conclude that it would also not be consistent with the preservation of the character or appearance of the CA. Accordingly, the proposal would fail to meet the requirements of policies DC1 and CS5 of the adopted Middlesbrough Core Strategy (MCS).

#### *Living Conditions*

13. The proposal would extend the host property a further 3 metres to the rear at first-floor level. Given the orientation of the properties and the fact that there is a first-floor bedroom window on the rear elevation of no. 101, which is also close to the mid-point of the paired two-storey offshoot, the proposal would lead to an unacceptable loss of outlook and light to this window. Additionally, as the proposal would have a first-floor bedroom window on its side elevation, it would also lead to an unacceptable loss of privacy to the rear amenity space of no. 105. I note that it is proposed to fit obscure glazing to this window to mitigate any adverse impact. However, given that this would be the only window for this bedroom, this would neither be a practical nor reasonable solution.
14. I therefore conclude that the proposal would materially harm the living conditions of neighbouring occupiers having regard to matters of outlook and light. As a result, it would fail to meet the requirements of policies DC1 and CS5 of the MCS as supported by the adopted Urban Design Supplementary Planning Document. It would also conflict with paragraph 127 of the National Planning Policy Framework.

#### **Other Matters**

15. The appellant has also cited other similar proposals within the wider area. However, none of these appear to be on the terrace or part of Roman Road to which the proposal belongs. I also do not have the full details of these schemes before me so cannot be sure that they are directly comparable to the appeal scheme which I have determined on its own merits. In any event, the existence of other similar developments in the locality does not alter or outweigh my findings in respect of the main issues above.

#### **Conclusion**

16. The proposal does not accord with the relevant development plan for the area and there are no material considerations which indicate a decision otherwise than in accordance with it. It would also conflict with national policy. Accordingly, and for the reasons set out above I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR