



## Appeal Decision

Site visit made on 10 August 2021

**by Alison Scott BA(Hons) DipTP MRTPI**

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

**Decision date: 20<sup>th</sup> August 2021**

---

**Appeal Ref: APP/W0734/D/21/3278295**

**22 The Avenue, Linthorpe, Middlesbrough TS5 6PD**

- 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 Naveed Durrani against the decision of Middlesbrough Council.
  - The application Ref 21/0072/FUL, dated 6 February 2020, was refused by notice dated 14 April 2021.
  - The development is PROPOSED SINGLE STOREY REAR EXTENSION, SINGLE STOREY FRONT EXTENSION, FIRST STOREY SIDE EXTENSION AND LOFT CONVERSION INCLUDING DORMER WINDOWS TO FRONT AND REAR.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the time the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published in July 2021. My decision is made in the context of the revised Framework.

### Main Issue

3. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Linthorpe Conservation Area.

### Reasons

4. The appeal property is located within the Linthorpe Conservation Area (CA). The original village of Linthorpe was part of the Acklam manor in the twelfth century. Once industry came to Linthorpe in the mid-nineteenth century, the 1870's saw the first housing developments along The Avenue. Linthorpe has grown in a largely planned order of residential houses and supporting public amenities over the decades. Its significance broadly derives from its patterns of housing layout characterised by large two storey detached villas, strong architectural detailing and fine examples of interwar housing.
5. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
6. Built between 1852 and 1895, the appeal property is a large detached and very decorated to the front elevation, Victorian villa that sits back from the road in a

- prominent location close to the bend in the road. It is experienced beside other large villa style houses of a semi-detached nature and is highly visible from the street scene given the wide access drive into the property.
7. The original house has been extended in many directions. The single storey side extension is subordinate in character. However, this is proposed to be significantly increased in size with the front building line almost flush with the original front building line and together with the eaves and ridgeline that would correspond with the host building, there would be no subordination created.
  8. As part of the side extension, a balcony at first floor would be introduced. During my visit, I noticed other balconies within close proximity to the appeal property although these appeared to be original to the host dwelling. A balcony as proposed would appear as an uncharacteristic addition to the dwelling.
  9. Dormer windows are also proposed to be incorporated into the original roof as well as into the new roof. In particular, where they would be located to the principal elevation, they would add significant bulk and mass to the roof slope. Dormer windows are a characteristic of other dwellings located within close quarters of the appeal site. However, these are integral to their original design, and incorporated into a different house type. They are not the same circumstances as the appeal proposal.
  10. As a combination of these factors, it would not appear as a subservient addition to the host dwelling and would not contribute positively to the character and appearance of the host dwelling.
  11. Further harm would arise due to the proposed fenestration pattern that would appear at odds with the original window format. I note the appellant states this could be controlled by way of condition, together with final details of the proposed balcony. However, as I have not found the proposal to be a sympathetic addition to the host dwelling, a condition would not overcome the harm I have otherwise identified.
  12. The appeal dwelling is a detached house type with its own defining characteristics and is materially different to other dwellings located within close range. No examples of other similar proposals have been provided by the appellant to compare. I have found this scheme would detrimentally harm the character and appearance of the host dwelling and would not preserve or enhance the character or appearance of the CA.
  13. With reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposals would be limited to the character and appearance of the CA, I find that the harm would be 'less than substantial' in this instance.
  14. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There are no public benefits identified by the appellant.
  15. I understand the intention of the appellant to increase the size of their home to best improve its facilities and to fit their needs. However, this is a private benefit. In the words of the Framework, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing

justification. Substantial weight is attached to harm, and subsequently the very special circumstances necessary to justify the development does not exist

16. To conclude, due to the unsympathetic design of the proposal, harm to the character and appearance of the CA would arise. As such the proposal would not comply with the Middlesbrough Local Development Framework Core Strategy 2008 Policies DC1, CS4 and CS5, and the Middlesbrough Urban Design Guide 2013 together with the Framework in their combined design aims, and objectives to protect heritage assets.

### **Conclusion**

17. The proposal would result in harm arising to the character and appearance of the CA. It would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR