
Appeal Decision

Site visit made on 17 October 2016

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 October 2016

Appeal Ref: APP/W0734/D/16/3155339

145 Oxford Road, Linthorpe, Middlesbrough TS5 5EA

- 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 Zakir Mahmoud against the decision of Middlesbrough Borough Council.
 - The application Ref M/FP/0427/16/P, dated 29 March 2016, was refused by notice dated 17 June 2016.
 - The development proposed is installation of 2no.rooflights to front roof plane and erection of catslide dormer extension to rear roof plane.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for the appeal is whether the proposed development would preserve or enhance the character or appearance of the Linthorpe Conservation Area.

Reasons

3. The appeal relates to 145 Oxford Road, a two storey terraced dwelling situated within the Linthorpe Conservation Area. I saw at my site visit that the Conservation Area is predominately residential in character. I also noted the variety in the design and detailing of dwellings between the different streets in the Conservation Area, with distinct areas of uniform terraced housing, semi-detached and detached villas.
 4. The appeal property is situated on part of Oxford Road where the terraced dwellings have small first floor balconies with decorative metal railings and two storey bay windows. No 145 has rendered walls and a slate roof. I saw at my site visit that the host terrace appears largely unaltered at roof level with a single rooflight evident and one property appears to have had a replacement roof covering.
 5. The appeal proposal involves the introduction of two rooflights into the front of the host dwelling and a dormer to the rear. The Linthorpe Conservation Area Appraisal and Management Plan April 2006 (CAAMP) seeks to resist dormers of a large scale or non-traditional design and the Middlesbrough's Urban Design Guide Supplementary Planning Document (SPD) 2013 includes guidance on minimising the visual impacts of dormers and sets out that full width flat roofed
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- extensions are to be avoided, that dormers should not dominate or overtake the roofscape of the property and achieve a subordinate appearance.
6. Whilst the proposed dormer would have a shallow catslide type roof, it would nevertheless have the appearance of a box dormer, due to its width, filling almost the whole of the roof, its straight eaves and fenestration. Although the proposed dormer would be set in above the eaves of the dwelling, it would, due to its scale and design, dominate the roof of the property and fail to be subservient. In terms of its appearance, the proposed dormer would give rise to a structure which is not characteristic of the Conservation Area.
 7. I saw at my site visit that the rear of the property is visible from outside the Conservation Area between properties on Hambleton Road. Although it may be partially screened by the existing rear outshot, the proposed dormer would also be visible in private views and from the gated back lane to the rear of the terrace. Whilst I note that the dormer would be finished in slate roof tiles and grey hanging tiles to match the existing roof, this would not overcome the dominance of dormer within the roof of the host property.
 8. The proposed rooflights to the front of the dwelling would introduce conspicuous modern elements within the largely original roofscape. This would have a detrimental effect upon the street scene and harm the character and appearance of the Conservation Area.
 9. I have considered the comments by the appellant that a number of dwellings have had replacement windows and that there have been extensions and alterations made to a number of dwellings at the rear including solar panels. I have also considered the references to rear dormer schemes at 118 Oxford Road and 65 Barker Road. I note that these date from 1991 and 1989 respectively which predate both the National Planning Policy Framework (the Framework) and the current development plan. I also saw the rear dormer at 9 Eton Road which I understand to be outside of the Conservation Area. I have not been provided with details of the circumstances of the above developments and do not consider that they provide examples which should inevitably be followed given the harm found. I also note that properties in Hambledon Road could undertake the proposed works as permitted development, but that street is not within the Conservation Area.
 10. The appeal proposal would therefore cause harm to the character and appearance of the Conservation Area and having found harm to the Conservation Area, I give it considerable importance and weight. Paragraph 131 of the Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
 11. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less

than substantial to the extensive Conservation Area as a whole and any harm, which is less than substantial, must be weighed against the public benefit of the proposal. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the Conservation Area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. The appellant has referred to the appeal scheme giving rise to public benefit through improving accommodation and achieving good quality housing as is sought by the Framework. However, in this case the alterations relate to a private dwelling and any such benefits would not outweigh the harm found to the Conservation Area.

12. To conclude on this matter, the appeal scheme would not preserve or enhance the character or appearance of the Linthorpe Conservation Area. The proposal is contrary to Middlesbrough Local Development Framework Core Strategy 2008 (Core Strategy) Policy CS5, which is concerned with design including that proposals should contribute to achieving the preservation or enhancement of the character or appearance of conservation areas and Core Strategy Policy DC1, which is concerned with general development considerations including the visual appearance of proposed development and its relationship with the surrounding area. The proposal also conflicts with the SPD and the CAAMP in this regard.

Other matters

13. The appellant has referred to the installation of solar panels on the property which it is said would be permitted development and would be more intrusive than the proposed rooflights. However, I have not been provided with details of the proposed solar panels and if such a fallback exists for the front elevation, I do not consider it sufficient justification for the proposal as a whole, given the harm found. I have considered the reference to a revised dormer proposal being acceptable to the Council, but have considered the scheme before me. I have considered the policies of the Framework, the development plan, the SPD, and other documents referenced, but they do not lead to a different conclusion.
14. I have considered that the appeal proposal would provide improved accommodation for the appellant and his family without them needing to relocate. However, this matter does not lead me to a different conclusion.

Conclusions

15. For the reasons above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR