
Appeal Decision

Site visit made on 20 December 2016

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 27th January 2017

Appeal Ref: APP/W0734/D/16/3163118

6 Mandale Road, Middlesbrough, TS5 8AB

- 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 Mrs F Marouf against the decision of Middlesbrough Borough Council.
 - The application Ref M/FP/0794/16/P, dated 16 June 2016, was refused by notice dated 1 September 2016.
 - The development proposed is a 2-storey side and rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the living conditions of neighbouring residents, with particular reference to light and outlook.

Reasons

3. Nos. 6 and 8 are a pair of semi-detached houses. No. 6 has a single-storey annexe, which extends along the 2-storey side elevation of the house and wraps around its 2-storey rear elevation, extending to within a short distance of the side boundary shared with No. 8. A brick sidewall of the rear conservatory of No. 8 adjoins that boundary.
 4. The proposal involves the removal of the front section of the side annexe of No. 6 and the erection in its place of a 2-storey side extension, which would continue at first floor level above the remaining section of the side annexe and over part of the rear annexe.
 5. I consider that, due to its rearward projection and height as well as its position to the southeast of No. 8 and its proximity to that property, the proposed first floor, hip roofed rear extension would be likely to noticeably reduce the natural light received by the conservatory of No. 8, through its roof. This would include lost daylight and, albeit for a limited period of the day, lost sunlight. Whilst it may not have formed part of the original property, the conservatory forms part of the habitable accommodation of No. 8 and I consider that significant weight should be attributed to the likely impact on the natural light it receives. The proposed first floor rear extension would also be likely to reduce the sunlight received by the nearest first floor window within the rear
-

elevation of No. 8, albeit for a limited period of the day. I acknowledge, as suggested by the appellant, that the proposal would be likely to be sufficiently distant from that first floor rear window to ensure that it would be unlikely to materially reduce the daylight it receives. However, it would be visible from that neighbouring window and also the garden of No. 8. When seen from those vantage points, the property extended as proposed would have an unduly dominant appearance, which would noticeably increase the sense of enclosure experienced by residents of No. 8.

6. I conclude overall that the proposal would be likely to have an unacceptable detrimental effect on the living conditions of neighbouring residents, with particular reference to light and outlook, contrary to the aims of Policies CS5 and DC1 of the *Middlesbrough Local Development Framework Core Strategy, February 2008*. Insofar as these Policies seek to secure high quality design and a good standard of amenity for occupants of land and buildings they are consistent with the aims of the *National Planning Policy Framework*.

Other matters

7. The appellant has suggested that the Council has previously granted planning permission for similar proposals at No. 17 Heythrop Drive and No. 498 Acklam Road. However, I do not know the full circumstances of those cases, nor have I been provided with any evidence to show that they are directly comparable to the proposal before me, which I have considered on its own merits. Neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusion on the main issue.

Conclusion

8. The proposal would not accord with the Development Plan and there are no other material considerations sufficient to indicate that planning permission should nevertheless be granted. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR