



Appeal Decision

Site visit made on 13 July 2020

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 17 July 2020

Appeal Ref: APP/W0734/D/20/3252656

19 Maltby Road, Middlesbrough TS8 9BU

- 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 Wagstaff against the decision of Middlesbrough Borough Council.
 - The application Ref 19/0687/FUL, dated 25 November 2019, was refused by notice dated 16 March 2020.
 - The development proposed is a single storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 19 Maltby Road, Middlesbrough TS8 9BU in accordance with the terms of the application, Ref 19/0687/FUL, dated 25 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan; Drwg No MRT 01; Drwg No MRT 02; Drwg No MRT 03 and Drwg No MRT04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The appellant has referred to the submission of amended plans and elevations for the purposes of discussions with the Council during the course of its consideration of the planning application. It is clear from the submissions of both main parties that these amended plans were not formally considered by the Council, and I shall restrict my consideration of the appeal scheme accordingly.
3. I also noted during the course of my visit to the site that masonry walls have been constructed at the side of the appeal property where it is proposed the extension would be constructed. It is stated by the appellant that these do not require planning permission, benefit from permitted development¹ and provide a point of comparison for the proposed extension. For the avoidance of doubt I have determined the appeal on the basis of the plans as submitted to and considered by the Council, not upon the partially built structure present at the time of my visit.

¹ Paragraph 2.2 – Appellant's Statement of Case

Main Issues

4. The main issues are the effects of the proposed development on:
- The character and appearance of the surrounding area and the host property; and
 - The living conditions of occupiers of 17 Maltby Road, with particular regard to daylight and outlook.

Reasons

Character and appearance

5. Policies CS5(h) and DC1 of the Middlesbrough Core Strategy (MCS) together seek to ensure proposals are of a high quality of design in terms of layout, form and contribution to the character and appearance of the area in which they are proposed. MCS policy CS5(h) in particular seeks to ensure that the character or appearance of conservation areas are preserved or enhanced, whilst the latter sets out the principles proposals will be assessed against. The site lies within the Stainton and Thornton Conservation Area (the CA).
6. The appeal property is one of a number of detached dwellings constructed between 1966 and 1985 in the Thornton area of the CA. The dwellings on this stretch of Maltby Road share a broad commonality in terms of broad scale, plot layout and siting without being identical, contributing to what the CA 'Character Appraisal and Management Plan' refers to as a 'cohesive whole' which contributes to the CA's general character.
7. The proposed single storey extension at the side of No. 19 is of limited width and height, constrained by the alignment of the fence-line between Nos 17 and 19. Although flush with the front corner of the existing house, the extension would be a discrete addition at the side of the property and would not alter the dwelling's setting or position within the streetscene.
8. I am mindful of the Council's concern that the proposal would undermine the sense of spacing between properties along this stretch of Maltby Road. Due to the slightly skewed fence-line between Nos 17 and 19, there would be a much larger gap between extension and fence at the rear than there would be at the front. Indeed, the submitted plans show that the extension's inset from the fence-line would be minimal.
9. However, the nature of the boundary and vegetation at both Nos 17 and 19 is such that the existing sense of space between the properties, and the contribution that this makes to the streetscene as a whole, is derived largely from spacing between dwellings at upper floor level. The single storey nature of the proposed extension would not therefore alter or erode this spacing at first floor level, nor would the relatively discrete and modest ground floor extension be particularly prominent within the wider streetscene.
10. Nor is it the case that dwellings do not extend up to their plot limits along Maltby Road. Where they do the prevailing sense of space and gaps between properties which characterises Maltby Road is maintained either, as is the case between Nos 17 and 19, between upper floors or in other cases where there are much larger gaps on one side of the property than the other. The proposed extension would not erode the prevailing sense of spacing around the dwellings or materially or harmfully alter the appeal property's position within the general streetscene.

11. Both the Council and the objector refer to the proposal as 'an extension to an extension', reflective, it is suggested, of a piecemeal and incremental development of the appeal property over time. There are conflicting suggestions regarding the status and evolution of the ground and first floor elements of the appeal property closest to No. 17. It is clear that the appeal property has been extended and altered over time. However, whether or not what is proposed is an extension to a previously extended part of the dwelling, I am satisfied that it would be of a scale and design appropriate to that of the main house and not out of keeping with surrounding properties.
12. The proposal would reduce the space around the dwelling and between it and No. 17. However, this would be limited to ground floor level where, due to the nature and scale of the respective dwellings and their frontage vegetation, the prevailing sense of space around the dwellings is derived largely from that at upper floor levels. The proposal would not erode the defining spacing between Nos 17 and 19 in this respect and the impact of the proposed single storey extension would be neither material nor harmful to the overall setting of No. 19 or its contribution to the Maltby Road streetscene.
13. For the reasons I have set out, I am satisfied that the proposal would result in a form of development in keeping with the host property and the surrounding area in terms of scale, character and appearance. There would not, as a consequence, be any conflict with MCS policy DC1.
14. As the appeal site lies within the Stainton and Thornton Conservation Area I am also required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay 'special attention to the desirability of preserving or enhancing the character or appearance of that area'. The National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of a heritage asset whilst MCS policy CS5(h) also requires that proposals preserve or enhance the character or appearance of conservation areas. For the reasons that I have set out above, I conclude that the proposal would have a neutral effect upon the character or appearance of the CA, thereby preserving its character and appearance. There would be no conflict with MCS policy CS5(h) and the provisions of the Framework in this respect.

Living conditions

15. There are three ground floor windows in the side elevation of No. 17 which face towards the appeal property, of which the two largest serve a kitchen and what is described as a dining room or dayroom by the neighbours. The side facing window to the is the sole window serving that room. There is a pathway at the side of No. 17 which provides access to the rear of that property between its flank elevation and the fence between Nos. 17 and 19.
16. The outlook from this room is dominated by the existing substantial bulk of the two storey flank elevation and hipped roof of the existing appeal property. At the time of my visit to the site, a wall had been constructed in the extension's proposed location which is purported to be equivalent to the height allowed under permitted development rights² for a fence or wall as a means of enclosure. Although the proposed extension would entail some additional courses of brickwork to bring the partly constructed wall up to the eaves level indicated on the submitted plans, neither those additional courses nor the pitched roof would alter the degree to which outlook from the side of No. 17 is dominated by its existing two storey flank elevation.

² Paragraph 2.2 – Appellant's Statement of Case

17. Whilst the proposed single storey extension's flank elevation would project above the existing fence level and the pitched roof would be visible, the roof itself would be a receding feature and would not add greatly to the scale, massing and bulk of the existing flank. Nor would the additional courses of brickwork materially shift the balance of the dominant feature of No. 19 from two storey flank wall to proposed extension.
18. I accept that the proposed extension would be directly opposite the side facing window at No. 17. I have also noted that this room is used by the occupiers of that property as a dining and day room. The orientation of the properties are such that this window is unlikely to get much in the way of direct sunlight, largely benefiting instead from reflected light from No. 19's flank elevation. I am not persuaded that the proposed extension would materially reduce or cause material harm thereto whilst there would remain a reasonably open oblique aspect towards the west and southwest beyond the proposed extension's rear corner.
19. Thus, I conclude that the proposal would have a minimal impact upon the living conditions of occupiers of No. 17 in respect of daylight and outlook from an aspect which is dominated by the existing two storey flank elevation of the appeal property. The effects of the proposed extension in terms of outlook and daylight would be minimal and it would not, as a consequence, be in conflict with MCS policy DC1.

Conditions

20. I have considered the suggested conditions set out in the Council's appeal questionnaire against the provisions of the Framework and Planning Practice Guidance. Notwithstanding the partially built structure I observed during my visit to the site, I have considered the wording of conditions on the basis of the plans submitted to, and considered by, the Council.
21. I agree that the materials should match the external surfaces of the existing building and that development should be carried out in accordance with the approved plans. These conditions are necessary in order to provide certainty and in the interests of good planning and character and appearance. Additionally, a time limit condition to ensure that the permitted development is begun not later than three years from the date of this decision is necessary in order to provide certainty.

Conclusion

22. For the reasons set out, and having considered all other matters raised, the appeal should be allowed.

Graeme Robbie

INSPECTOR