



Appeal Decision

Site visit made on 4 August 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/W0734/D/19/3242426 29 Tollesby Road, Middlesbrough TS5 7PH

- 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 Khaliq against the decision of Middlesbrough Council.
 - The application Ref 19/0580/FUL, dated 30 September 2019, was refused by notice dated 26 November 2019.
 - The development proposed is two storey extension to side/rear, single storey extension to rear and dormer window to rear.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The effect of the proposal upon the character and appearance of the surrounding area, and the living conditions of occupants of nos. 27 and 31 Tollesby Road.

Reasons for the Recommendation

Character and appearance

4. No.29 is a two-storey semi-detached dwelling located around the middle of Tollesby Road in Middlesbrough. It is symmetrically paired with no.31. The surrounding area is residential and is predominantly characterised by pairs of symmetrical two-storey semi-detached dwellings with driveways to the side, leading to detached garages at the rear and front gardens with low walls. Modest gardens at the rear are also characteristic of these properties.
5. Somewhat unusually, the entrance doors to dwellings on the eastern side of Tollesby Road, including the appeal site, are at the side rather than the front of the dwelling. Directly above the side entrance each dwelling contains a projecting upper bay window and these original and distinctive features have largely been retained; houses on this side of the street being devoid of any extensions to the side. This presents a neat unified street scene with regular

spacing between dwellings allowing the interesting and attractive original form of the properties to be viewed.

6. The side extension element of the proposal would be located on part of the existing drive and would extend to the boundary shared with no.27 and would effectively block off the existing garage. It would be set back from the front of wall of the host property. Whilst it may appear subservient to the host property, it would eliminate a substantial portion of the drive and reduce the parking space significantly. It would also result in the loss of the attractive projecting bay window and would result in the entrance door being relocated from the side to the front of the property, in contrast to the prevailing pattern. As noted above, the distinctive design features on the side and the sense of openness created by the driveways are important features which add to the appearance of Tolleby Road. Consequently, although some aspects of the design would accord with guidance in Middlesbrough's Urban Design Supplementary Planning Document (2013) (the 'SPD'), for example the lowered roof line and set back to the front, the extension would be at odds with the distinctive character of the street.
7. Additionally, the extensions to the rear would take up the entire width of the plot and would be significantly larger than the existing single storey rear extension and other minor single storey extensions to the rear of properties in the area. The flat roof dormer window would also occupy the majority of the roof space at the rear and would dominate the roofscape of the property. It would not appear subservient and secondary to the existing property but would appear as a bulky and box-like addition that would contrast awkwardly with the hipped roof of the dwelling.
8. The appellant refers to the existence of a fallback position having regard to permitted development (PD) rights. A dormer window could be erected without express planning permission, but the dormer on the appeal scheme would extend across the roof of the existing dwelling and onto the side facing roof of the proposed extension. In other words, the extension and dormer are an integrated part of the whole scheme as proposed. I must assess that scheme as a whole and I find it would be unacceptable given the bulk and scale of the rear extension and the proposed dormer window. It has not been demonstrated that a comparable scheme could be constructed under permitted development rights and this matter attracts limited weight. Combined with the slight increase in height compared to the existing extension, the volume of the proposed rear extensions would be at a scale which would not be subordinate additions to the host property.
9. I acknowledge that the rear extension and dormer would not be visible from the street. However, the character of the area comprises of all spaces whether seen at the principle elevation or at the rear. The requirement for good design is not limited to elements visible from public vantage points. The shared party walls on each boundary either side as well as at 14 Benton Road at the rear are not high enough to completely screen the development therefore it can be viewed from neighbouring occupiers at the side and rear and would be likely to reduce the appreciation they have of the environment within which they live.
10. Taking the above arguments altogether I find that by virtue of its excessive size, design and location, the proposed extension would be insubordinate and disproportionate to the host property, amounting to an incongruous addition

that would be harmful to the character and appearance of the dwelling and the surrounding area. Consequently, it would conflict with the aims and objectives of the National Planning Policy Framework (the Framework), Policies DC1 and CS5 of Middlesbrough's Local Development Framework Core Strategy (2008) (the 'CS') which amongst other things seeks to ensure that the visual appearance of new development and its relationship with the surrounding area in terms of scale, design and materials is of a high quality.

Living conditions

11. As previously stated, the side extension would extend up to the boundary with no.27. Consequently, the two-storey side elevation of the extension would be noticeable from the closest windows to the side of No. 27 and would tower above the driveway leading to the garage at the rear. Due to its height and proximity, directly on the shared boundary, the proposal would have an unduly dominant appearance, which would be overbearing when viewed from the windows of the neighbouring property.
12. There are also windows proposed on this side elevation. Due to the proximity at the boundary this would enable views into habitable rooms at no.27 as well as views from no.27 into rooms in the proposed extension. The appellant states they are willing to accept a condition to remove the windows from the side and they would reconfigure the internal layout accordingly. However, this would fundamentally alter the proposal. Where an appeal is made it is made against the decision of the planning authority, based on the plans submitted with the application. To consider a different proposal, without the opportunity for neighbouring residents to comment could result in prejudice and I am not satisfied that I am able to consider the suggested alternative. In any event, no plans have been provided to show a potential alternative layout and it is not clear how the property would be configured without having habitable room windows on the side elevation.
13. The extension at the rear would also extend up to the shared boundary with no.31. There are patio doors which serve a main habitable room in the rear elevation of the neighbouring dwelling. The addition of the rear extension would create an enclosed area between it and the neighbouring extension at the rear, with a resultant tunnel effect. That would effectively cast a shadow which would affect the ability to enjoy adequate light in that room. Consequently, the proposed rear extension, by virtue of its siting, scale and massing, would have an unacceptable impact on the occupants of no. 31.
14. I find that the development would have a materially harmful effect upon the living conditions of the occupiers of nos.27 and 31. Accordingly, it would conflict with the objectives of the Framework and Policy DC1 of the CS which amongst other things seeks to ensure that the effect of new development upon the surrounding environment and amenities of occupiers of nearby properties will be minimal both during and after completion.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR