



Appeal Decision

Site visit made on 6 October 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: 18 November 2020

Appeal Ref: APP/W0734/Z/20/3257338

83 Parliament Road, Middlesbrough TS1 4JF

- 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 Nazhad Mahmud against the decision of Middlesbrough Council.
 - The application Ref 20/0106/FUL, dated 20 December 2019, was refused by notice dated 9 April 2020.
 - The development is erection of canopy to frontage retrospective¹.
-

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.

Preliminary Matters

3. The Council's refusal notice refers to a smoking enclosure in addition to the canopy. The drawings submitted in support of the application do show the smoking enclosure² and the delegated report shows this was in situ at the time of the Council's visit to the site. However, the appellant has stated that this was removed prior to the Council reaching a decision and I did not observe any such enclosure on my visit to the site. He also states that the smoking shelter was to the front of an adjacent restaurant on land not within his ownership and that under his application planning permission was being sought for the canopy alone.
4. Unfortunately, the application form was only partially completed and is lacking a description of the proposed development. However, the description of the proposed materials appears to relate to the canopy and nothing else. Therefore, on the balance of the information available, I am satisfied that the application did not relate to the smoking shelter and I have considered this appeal based on the canopy alone.

¹ Taken from Appeal form as no description in application.

² Proposed ground floor plan elevation and front view

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the host property and the surrounding area.

Reasons for the Recommendation

6. No. 83 is a large detached two-storey building located on Parliament Road located in the central area of Middlesbrough. The surrounding area is a mix of residential and commercial use and the street level on Parliament Road is predominantly characterised by shop frontages at ground floor level of most buildings on the street. Whilst the appellant has referred to other canopies within the area, such features are limited in number and are not a characteristic feature of the area.
7. The host property has a central feature at the first floor with the window bounded by columns, and there are also matching entrance doors also bounded with columns on either side of the property at ground floor level. This gives the property an attractive symmetrical balance and the original design, with art deco references is still evident, notwithstanding alterations to ground floor shopfronts. There is also a unity to the materials used on the building as a whole, with painted brickwork which helps to define the architectural features on the front façade.
8. The fixed metal framed and polycarbonate roofed canopy projects at a considerable depth towards the road and appears prominent on the street. By virtue of its location and width, spanning the front of the store to the entrance of the butcher's shop, which is just underneath the central feature, it unbalances the symmetry of the host property and fails to take account of the attractive original features on the building. Moreover, the combination of plastic roofing and a metal framework give the structure a somewhat make-shift appearance when set against the more substantial and unified brickwork which is evident elsewhere on the building. As a result, it appears as an incongruous addition that is visually harmful to the appearance of the host property. The introduction of an unattractive enclosure in a prominent location on the pavement also adds clutter to the street scene which causes harm to the character of this particular stretch of Parliament Road.
9. The appellant contends that there are other canopies on Parliament Road and draws attention to nos. 156, 31 and 33. No. 156 has a traditional Dutch retractable canopy which does not project to the extent of the appeal development and is not fixed. That style of canopy relates well to the traditional shopfront of which it forms a part. It is unclear whether planning permission was obtained for the canopy which covers the front of nos. 31 and 33. However, this is a different building type compared to the appeal property and I am not satisfied that the circumstances are comparable. The distinctive original design of the appeal building and its symmetry are not replicated in the other examples. In any case, each appeal is considered on its own merits and the existence of precedence does not justify visually harmful design.
10. I find that by virtue of its location, scale, materials and prominence the canopy at the frontage detracts from the appearance of the host property and the character of the surrounding area. Accordingly, there is conflict with the National Planning Policy Framework and Policies C5 and DC1 of Middlesbrough's Local Development Framework Core Strategy (2008).

11. These policies amongst other things seek to ensure that the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials is of high quality.

Conclusion and Recommendation

12. 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

13. 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