
Appeal Decision

Site visit made on 9 February 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/W0734/D/20/3263320

7 Claremont Drive, Middlesbrough TS7 8ND

- 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 and Mrs Andrew and Jane Rae against the decision of Middlesbrough Council.
 - The application Ref 20/0528/FUL, dated 12 September 2020, was refused by notice dated 10 November 2020.
 - The development proposed is single storey extension to side and rear (with partial conversion of the roof space), and dormer windows to front and rear (demolition of existing garage).
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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 proposed side extension upon 1) the character and appearance of the area and the host dwelling and, and 2) the living conditions of occupants of No 9 Claremont Drive.

Reasons for the Recommendation

Character and appearance

4. No 7 is a detached bungalow with gable ends and a single storey flat roofed garage attached to the side. The surrounding area is residential, and the street scene is characterised by similar styled bungalows with flat roofed garages attached to the side. The flat roof design creates a gap at roof level between adjacent properties, which provides a sense of openness and makes a positive contribution in an otherwise largely built up frontage.
5. The proposal would as a result of its design and relationship to the side elevation of No 9 significantly erode the sense of openness between the host property and this neighbour, which would be at odds with the prevailing character and appearance of the area.

6. The design of the new extension would conflict with some of the criteria contained within Policy MW5 of the Marton West Neighbourhood Plan (2016) (the 'MWNP') which states that extensions should, amongst other matters, be set back from the host property, that dormers should be set below the ridge line and that hipped roofs should be considered to soften the effect on the skyline. However, in this case, I consider that the extension would be modest in scale and would complement the appearance of the host property, providing it with balance. As such it would not conflict with the overarching aims of Policy MW5 which requires alterations and extensions to reflect the scale, detailing and materials of the parent building.
7. Nevertheless, my findings in respect of the host dwelling does not alter the harm I have identified to the wider area.
8. Given the above I conclude that the proposed side extension is inconsistent with the established character of the area and would result in harm to its character and appearance, in conflict with the aims and objectives of Policy DC1 of Middlesbrough's Local Development Framework Core Strategy 2008 (the 'CS') and MW5 of the MWNP, which amongst other things seek to ensure that new development demonstrates a high quality of design which does not detract from the character of neighbouring properties. Although not referred to in the Council's decision notice, my attention has been drawn to CS Policy CS5 and MWNP Policy MW6 and I find conflict with these policies also and their aims of collectively requiring new development to reflect and enhance the character and appearance of the area.

Living conditions

9. The side extension would be in close proximity to the side elevation and side facing window of No 9 and would have a significant enclosing effect upon this feature. Moreover, the side extension would significantly erode the current pleasant, open outlook from this window by introducing an overbearing dominant feature. Consequently, this aspect of the proposal would make the room that this window serves less pleasant to use.
10. Given my findings, I conclude that the proposal would have a materially harmful effect upon the living conditions of occupants of No 9 Claremont Drive. Consequently, there would be conflict with the aims and objectives of Policies DC1 of the CS and MW5 of the MWNP which seek amongst other things to ensure that new development has a minimal effect upon the amenities of occupiers of nearby properties. There would also be conflict with MWNP Policy MW6 which, whilst not referred to in the Council's decision notice, seeks that development, amongst other matters, does not have an overbearing or a detrimental impact on the amenity of existing properties.

Other Matters

11. I note that the Council has previously found a side extension to the property to be acceptable when it granted planning permission¹ for extensions and alterations to the property. This side extension however has a hipped roof, which whilst reducing the size of the open gap between the host property and No 9, would retain a sense of openness, in keeping with the character and

¹ 20/0293/FUL

appearance of the area, which the proposal would not achieve. Moreover, this extension allows a greater degree of separation between the built form of the extension and No 9's side facing window, such that the living conditions of the occupiers of this property would not be adversely affected. This extant planning permission is materially different to the proposal before me and does not provide justification for it.

12. Though a few properties such as Nos 3 and 5 have extensions at the top of the garage, these have been constructed with hipped roofs. These are similar in design to the extant planning permission at the appeal property. Thus, they provide an essential sense of separation from adjacent properties. Moreover, the gable extension at No 35 Knaresborough Avenue is not directly comparable to the appeal proposal because it is set in from the front wall of the garage and is not at the same height as the ridge of the host property. These examples do not provide justification for the proposal either.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

14. 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.

RC Kirby

INSPECTOR