



Appeal Decision

Site visit made on 31 August 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2021

Appeal Ref: APP/W0734/D/21/3278401

1 Cambridge Square, Middlesbrough TS5 5PG

- 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 Shamsul Babul against the decision of Middlesbrough Borough Council.
 - The application Ref 21/0224/FUL, dated 26 March 2021, was refused by notice dated 15 June 2021.
 - The development proposed is two storey side extension, boundary wall and creation of new access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice to 'Proposed two storey side extension, removal of boundary wall, creation of vehicle access'. That on the decision notice more accurately describes the proposals and has been adopted on the appeal form. I have therefore determined the appeal on this basis.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of Linthorpe Conservation Area (the Conservation Area). This is with regard to the design of the extension, the effect of the removal of part of the front boundary wall to create a vehicle access and with regard to potential impact on an existing Elm Tree. The second main issue is the effect of the proposal on highway safety and the free-flow of traffic.

Reasons

Character and appearance

4. At and around the appeal site, the Conservation Area has a mature and verdant character with established properties set back from Cambridge Road behind well sized front gardens. The form and detailing of these residential buildings along with the trees and hedges within the front gardens are among the defining features of the character and appearance of this part of the Conservation Area.
5. The host dwelling is modern yet has an established appearance. The proposal, although described as being two-storey could perhaps be better described as a

single storey extension incorporating accommodation within the roof space. It would be provided with a front dormer and would incorporate a gabled roof. It would not incorporate a setback, although I do not consider that this itself would be especially visually harmful, and the SPD¹ guidance about setback on residential extensions appears to more specifically relate to a requirement to set back the first-floor section of an extension.

6. However, the prevailing roof form within the area is hipped, as evidenced on the adjacent property to the west, within the residential terrace opposite and on No.s 2-6 Cambridge Square to the east of the site. Whilst the extension would be subordinate to the main dwelling, the use of a gabled roof would be an incongruous feature which would jar against the established roof form within the immediate locality.
7. The Elm Tree which is close to the western boundary of the site contributes positively to the character and appearance of the area within its own right and as part of the wider planting within the street scene. The extension would sit a short distance from the tree such that the branches as they currently sit would closely fringe the front elevation of the extension. On top of this, the plans indicate that the proposed driveway would be constructed almost adjacent to the tree.
8. There is no information provided as to how the impact on the tree will be managed as a result of both aspects of the development. It appears clear from the evidence, however, that the extension, in the absence of any information to indicate otherwise would be a threat to the tree, both through the direct construction impacts from the extension and driveway and as a result of potential longer-term pressure to remove the tree were it to come into conflict with the extension.
9. Driveway openings form an established part of the character of Cambridge Road. For this reason, the introduction of a driveway opening by removing part of the boundary wall would not harm the character and appearance of the area.
10. Despite the use of matching materials, I therefore conclude on this matter that the design of the extension and the potential loss of the Elm Tree would detract from the heritage significance of the Conservation Area which lies in part with the form and detailing of its buildings along with the trees and hedges within the front gardens.
11. The harm to the significance of the Conservation Area would be less than substantial. Paragraph 202 of the National Planning Policy Framework requires such harm to be weighed against any public benefits of the proposal.
12. The benefits of this scheme would be limited to the provision of increased living space at the appeal property. However, any benefit of increased space would primarily be a personal one for the appellant. Given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to Conservation Areas, such benefit is not sufficient to outweigh this harm.
13. The development would fail to preserve the character and appearance of the Conservation Area. The extension would therefore fail to accord with Policies CS4 (k), CS5 (h) and DC1 (a+b) of the Middlesbrough Local Development

¹ Middlesbrough's Urban Design Supplementary Planning Document (SPD) January 2013.

Framework Core Strategy (2008) (CS) which amongst other things require high quality development, the protection of Middlesbrough's historic heritage and the provision of sufficient information. I have not identified specific conflict with SPD guidance.

Highway safety and traffic

14. As noted above, driveway openings are an established feature on Cambridge Road. Whilst noting this, the neighbouring No.s2-6 Cambridge Square to the east of the site are provided with parking within their rear/side gardens accessed from Cambridge Square itself. Such provision is clearly sensible as it avoids a proliferation of front accesses onto the busier Cambridge Road.
15. However, the provision of parking to the rear of the appeal property would be much more awkward. This is due to the presence of what appears to be an electricity substation close to the rear of the property which would make accessing the rear/side garden of the appeal property very difficult with a vehicle.
16. Given this situation, I therefore conclude that the principle of providing off street parking to the front of this property from Cambridge Road would not be unreasonable. Comings and goings are likely to be limited given the access would serve a single dwelling and sightlines are good in both directions.
17. There is nothing within the evidence to indicate that highway safety or the free-flow of traffic would be compromised as a result of this additional access. The proposal would not therefore conflict with Policy DC1 (d) which amongst other things requires development proposals not to impact on highway safety.

Other Matters

18. Given that the Elm Tree has importance through its positive contribution to the character and appearance of the area, it would not be reasonable to clarify the possible implications via condition. This is because the findings of any investigations associated with such a condition may have influence on the design or layout of the development. Such matters are best considered early in the development process.

Conclusion

19. The side extension would cause less than substantial harm to the significance of the Conservation Area and no public benefits would outweigh this harm. The development would fail to preserve the character and appearance of the Conservation Area.
20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR