



Appeal Decision

Site Visit made on 8 October 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/W0734/D/21/3272477

12 Levington Wynd, Nunthorpe, Middlesbrough TS7 0QD

- 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 Jonathan Bowden against the decision of Middlesbrough Council.
 - The application Ref 20/0597/FUL, dated 7 October 2020, was refused by notice dated 11 January 2021.
 - The development proposed was originally described as 'Ground floor extension of garage and hall, first floor extension above garage and extended hall to provide master bedroom and fifth bedroom with conversion of existing bedroom to en-suite'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development subject of this appeal is in situ and therefore, I am considering the appeal retrospectively.

Main Issues

3. The main issues are the effect of the development on:
 - The street scene within Levington Wynd; and
 - The living conditions of the occupiers of No 10 Levington Wynd (No 10) with particular reference to outlook and privacy.

Reasons

Character and appearance

4. The appeal property is a detached house located within a mixed residential area. The houses on the north eastern side of Levington Wynd from Nos 10-26 follow a broadly consistent design with a two-storey gable frontage and ridge running away from the street and single storey garage to the side. This results in the core two-storey part of the dwellings having a strongly defined rectangular plan form, with the narrower gable elevation presenting to the street. Moreover, the properties are set back from the footway creating a pleasant, soft-landscaped and open character.
5. By extending to the side and forward at two-storeys and overlapping the original gable frontage, the extension appears, from the street, to almost engulf the original host property. In this regard, it does not appear subordinate to the original dwelling. The extension has, in effect, created a new frontage to

the property. This additional built form and massing at two-storeys to the front and side, with an additional gable projecting forward, departs substantially from the more established design of houses on this side of the street.

6. Although there is no fixed building line between Nos 10-26, the development has resulted in a particularly prominent built form by projecting forward at two-storeys beyond any of these other properties. Moreover, the prominence of the contrasting design of the appeal property, as developed, is further emphasised as No 10 is set back in its plot. As such, the development appears as a striking, ad-hoc built form that does not harmonise with the prevailing design of houses in the street scene.
7. Examples of two-storey extensions elsewhere in the wider area, which are visible from the public realm, do not form part of the street scene in Levington Wynd. Moreover, none that I saw shared the same characteristics as the appeal site in terms of the combination of the overall scale and massing, the extent of forward projection and the resulting significant departure from an established pattern of house design within the street. I am required to consider the development on its own merits and my concerns relate, not to the principle of extending the property, but to the particular relationship of the resulting development within its street scene.
8. I therefore find that the development significantly harms the street scene within Levington Wynd. The development therefore conflicts with the requirements of Policies DC1 and CS5 of the Council's Core Strategy (2008) (CS), the Council's Urban Design Supplementary Planning Document (2013) and the Nunthorpe Design Guide (2011). These stipulate, amongst other things, that all development proposals will be required to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area.

Living conditions

9. The development has introduced a greater bulk and massing near the front windows of No 10 than previously existed. However, the soft-landscaped and open aspect around the frontage of No 10, due to its position set back in its plot and along a bend in the road, assists in moderating the impact of the visible increase in massing to one side. Overall, this results in a minor harmful effect to outlook.
10. There are windows to the side of the extension which overlook the front garden of No 10 and, at an angle, toward the front windows. However, the open front gardens in this road do not provide the same function as the more private rear gardens. The angle of the windows limits the extent of views toward the rooms of No 10 and the windows serve a garage/gym and wardrobe. In this respect, they could be secured as obscure glazing, were I minded to allow the development. Given this context, whilst I accept that there may still be a perception of overlooking, I am satisfied that the extent of harm would be minimal.
11. I therefore find that there is not an unacceptable effect on the living conditions of the occupiers of No 10 with particular reference to outlook and privacy. On this main issue, I therefore find no conflict with Policy DC1 of the CS which, amongst other things, seeks that the effect of development upon the amenities

of occupiers of nearby properties will be minimal both during and after completion.

Other Matters

12. Concerns regarding the processing of the application, including matters relating to communication with the Council are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the development before me.

Conclusion

13. Although I have concluded that the development does not result in an unacceptable effect on the living conditions of No 10, I have concluded that the development results in a significantly harmful effect on the street scene within Levington Wynd. As such, and for the reasons given above, the development conflicts with the development plan and there are no material considerations that outweigh that conflict.
14. Accordingly, the appeal is dismissed.

Mr R Walker

INSPECTOR