



Appeal Decision

Site Visit made on 16 November 2021

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/W0734/D/21/3281822

234 Acklam Road, Middlesbrough TS5 8AA

- 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 Mohammed Siddique against the decision of Middlesbrough Council.
 - The application Ref 21/0497/FUL, dated 5 July 2021, was refused by notice dated 16 August 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 234 Acklam Road, Middlesbrough TS5 8AA in accordance with the terms of the application, Ref 21/0497/FUL, dated 5 July 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan; ACK 01 Existing Ground Floor Plan; ACK 02 Existing Elevations; ACK 03 Proposed Ground Floor Plan; and, ACK 04 Proposed Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effects of the proposed development upon:
 - The character and appearance of the host dwelling and the surrounding area; and
 - The living conditions of the occupants of 232 Acklam Road, with regard to outlook, privacy, sunlight and daylight.

Reasons

Character and Appearance

3. The appeal site is a semi-detached house on Acklam Road. The surrounding area is predominantly residential in nature and characterised by semi-detached and detached houses with long rear gardens backing onto other long rear

- gardens. The generous plot sizes provide a spaciousness that makes a positive contribution to the character and appearance of the area.
4. The design of the proposed extension would be sympathetic to that of the existing house with respect to materials and roof design. It would be very similar in style to that at the rear of 232 Acklam Road. The appeal proposal would, however, extend beyond the neighbouring extension. Within the rear garden, is a garage on the boundary with 236 Acklam Road which is a mirror image of the one in the rear garden of No 232 and the proposed extension would project to the end of this garage.
 5. 'Middlesbrough's Urban Design' Supplementary Planning Document (SPD) provides advice on single storey rear extensions to prevent adverse impacts arising from them. The proposal would conflict with the advice set out at SPD paragraph 5.6b) and I acknowledge that it would be a large extension in terms of its depth, exceeding the 3m guide. However, it would be viewed in the context of other extensions and outbuildings immediately at the rear of adjacent properties and would not be an excessively large addition in this context. Nor would it erode the prevailing spacious character created by the generously proportioned gardens.
 6. In the refusal reason the Council have referred to cumulative dominance with previous extensions. I noted on my site visit that the appeal property was unaltered and although other properties in the locality have been extended the appeal proposal would not cause demonstrable harm to the character and appearance of the area.
 7. Accordingly, I conclude that the proposed extension would not have any adverse effect on the character and appearance of the host dwelling and the surrounding area. There would therefore be no conflict with Middlesbrough Local Development Framework Core Strategy (CS) Policy CS5 which seeks to ensure that development is well integrated into its context and enhances the built environment.

Living Conditions

8. There is a fence of approximately 1.8m in height between the appeal property and No 232. The neighbour's extension sits adjacent to this boundary. The increase in height created by the proposed extension for a short length beyond their extension would not adversely affect outlook, lead to a loss of privacy or overlooking or result in unacceptable loss of daylight or sunlight. The long back gardens on this side of the road would mean that there would be no appreciable impact on the levels of amenity enjoyed by any of these occupiers.
9. The submitted plan show the existing garage to be retained and I have not been presented with any reason that this would not be the case. The proposed extension would therefore have not any unacceptable adverse effect on the outlook, privacy, daylight or sunlight enjoyed by the occupiers of No 236.
10. Consequently, there would be no conflict with CS Policy DC1 which seeks to ensure that the impact of development on amenity is minimised. I also find no harm arising from the conflict with the SPD guidance which has similar objectives to that of the policies in the CS.

Conditions

11. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I agree that time limit and plans conditions are necessary and reasonable in the interests of good planning and to provide certainty. I have also attached a matching materials condition which is necessary and reasonable in the interests of character and appearance.

Conclusion

12. Despite technical breaches of the SPD's guidance, the site-specific circumstances of this appeal mean that the scheme would still comply with the overall amenity and design aims of the guide and those contained within CS policies DC1 and CS5 and the development plan as a whole.
13. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

Katherine Robbie

INSPECTOR