



Appeal Decision

Site visit made on 24 January 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/W0734/D/21/3287509

18 Fulwood Avenue, Beechwood, Middlesbrough TS4 3HA

- 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 Mrs Elaine Livingstone against the decision of Middlesbrough Council.
 - The application Ref 21/0696/FUL, dated 6 October 2021, was refused by notice dated 12 November 2021.
 - The development proposed is demolition of existing outhouse and construction of new lobby and bedroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers at 16 Fulwood Avenue with respect to outlook and light.

Reasons

Character and appearance

3. Fulwood Avenue is off Deepdale Avenue and is a cul-de-sac, consisting of predominantly two-storey semi-detached properties with hipped roofs. The properties have a mix of brick and render finishes and are set back from the road behind modest front gardens. Many of the properties have reasonably sized rear gardens and small rear single storey extensions with flat roofs. A number of properties also have garages sited within the rear gardens. Rear boundary treatments comprise predominantly timber fencing.
4. Forming part of a semi-detached pair of houses with 20 Fulwood Avenue, the appeal property sits at the end of the cul-de-sac. It is setback from the road further than the neighbouring pair of semi-detached properties at 14 and 16 Fulwood Avenue. There are narrow paths between Nos 16 and 18 allowing external access to their rear gardens.
5. No 18's rear garden has high timber fencing to the boundaries. There is a small single storey outhouse with flat roof attached to the rear elevation of No 18. This protrudes towards No 16 and is in poor condition. The proposal would replace the outhouse with a larger, approximately 5m long and 3.8m wide,

single storey extension. This would be visible from the rear and partly from the front of the appeal property. It would have a mono pitched roof which would fall from its highest point of approximately 3.89m adjacent to the boundary with No 16 to 2.4m at its eaves.

6. Although the larger extension would provide a safer and more usable replacement for the outhouse, its increased size and uncharacteristic roof would be incongruous and unduly prominent. Given its proposed siting partially within the gap between Nos 16 and 18, the extension and the highest point of its roof would be visible from adjacent gardens and from the street. This would increase its dominant effect on the host dwelling and would harm the wider streetscene.
7. The proposed development would have an unacceptable effect on the character and appearance of the area. As such, it would be contrary to Policies DC1 and CS5 of the Middlesbrough Core Strategy 2008 (Core Strategy), which seek, amongst other things, to ensure that new development is designed to a high quality and contributes to the character and appearance of the area. It would also fail to comply with the Middlesbrough's Urban Design Supplementary Planning Document 2013 (SPD), which sets out, amongst other matters, design guidance for property alterations and extensions.

Living conditions

8. Due to the extension's location and orientation, there would be minimal effect on No 16's existing level of sunlight and daylight. However, despite the presence of the existing outhouse, the proposal would be approximately 5m long and this exceeds the SPD guidance of 3m for a single storey rear extension. Furthermore, notwithstanding the different alignment of the houses at Nos 16 and 18, the combined effect of the extension's length and height would have a negative and dominant effect on outlook from the house and garden at No 16.
9. While there would not be a harmful effect on the living conditions of neighbouring occupiers at 16 Fulwood Avenue with respect to light, there would be a detrimental effect on the living conditions of neighbouring occupiers at 16 Fulwood Avenue, with respect to outlook. This would be contrary to Policies DC1 and CS5 of the Core Strategy and guidance within the SPD which, amongst other matters, seek to improve quality of life and minimise the effect upon the surrounding environment and amenities of occupiers.

Other Matters

10. I have given careful consideration to appellant's personal circumstances in this case. While I recognise the importance of having sufficient, appropriate living space and note the physical constraints on the extension's design, it has not been shown that the specific accommodation needs cannot be met in another way, whether via permitted development or a further planning application. On the basis that an alternative could deliver similar benefits for the appellant's family, these personal circumstances do not outweigh the harm that I have found to the character and appearance of the area and the living conditions of the neighbour occupiers at No 16.
11. The appellant suggests that permitted development would allow extension of the building. Whilst this may be the case, the appeal before me follows the

refusal of planning permission and I have considered it accordingly. Furthermore, the appellant has put forward alternatives for the extension's roof. However, these are not clearly set out and their effect would therefore be uncertain. I have dealt with the appeal on the basis of the plans submitted.

12. Reference is made to various maintenance issues within the local environment. However, these are matters for the appellant to address with Thirteen group and the Council. They do not alter my findings.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR