



Appeal Decision

Site visit made on 1 March 2022

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal Ref: APP/W0734/D/22/3290152

27 Maltby Road, Thornton, Middlesbrough TS8 9BU

- 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 Alan Feasby against the decision of Middlesbrough Council.
 - The application Ref 21/0567/FUL, dated 29 July 2021, was refused by notice dated 22 October 2021.
 - The development proposed is erection of a detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on i) the character and appearance of the area, including whether it preserves or enhances the Stainton and Thornton Conservation Area, and ii) highway safety.

Reasons

3. The appeal site is located in the rear garden of a 2-storey detached residential dwelling on a large corner plot. It is on the end of a row of predominantly detached dwellings with large gardens that back on to open countryside being bounded by existing trees and hedgerows. Access to the appeal site is from Maltby Road through existing tall metal gates in a break in a hedgerow and tree line set back from the carriageway behind a grass verge.

Character and appearance

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Stainton and Thornton Conservation Area (the CA). In considering the significance of the CA I have had regard to the Stainton and Thornton Conservation Area Character Appraisal and Management Plan (2008) (the CAMP) and observations during my site visit.
5. I accept there would be reduced visibility of the proposal by virtue of hedges, trees, and that it would be muted in colour and to some extent emulate a functional form typically associated with agricultural buildings. I also acknowledge that there is some variety in the age, design, and materials of nearby buildings, not all of which speak to or contribute positively towards the history of the CA in the present. I note that the principal cluster of historic buildings, referenced in terms of the medieval and later evolution of Thornton,

is some way away, and that the CAMP notes how 27 Maltby Road originated at some point between 1966 and 1985.

6. However, the scale of the plot of No 27, along with its verdant nature, is consistent with the prevailing good-sized plots nearby which have established predominantly open and green rear gardens. No 27 therefore contributes to providing a comfortable transition to the countryside surrounding the village, which speaks to the historic connection between settlement and rural environs in the present. Whilst No 27 is not historic, in design and materials it has a traditional aesthetic which is similarly consistent with the handmade historic craftsmanship of many buildings within the CA.
7. Consequently, insofar as this appeal is concerned, the character and appearance of the CA derives not only from historic materials and craftsmanship, reflecting an historic overlay of development, but how it relates to rural surroundings (and therein lies its significance). As reasoned above, the appeal site contributes towards that significance to some extent.
8. I find that the modern engineered design and materials of the proposal would be incongruous in the context of the traditional local vernacular of the CA. It would be inconsistent with the Council's guidance in Middlesbrough's Urban Design Supplementary Planning Document (2013) (the SPD) which states at paragraph 5.18 c) that garages should normally *'be constructed of materials to match the adjacent home; prefabricated garages will therefore be discouraged in specific parts of the town, especially in ... conservation areas.'* Whilst the proposal would have a shallow roof pitch it would still be of an unacceptably substantial scale and mass, particularly compared to other garages and rear outbuildings of neighbouring dwellings.
9. Whilst the siting of the proposal is away from neighbouring properties its proximity to Maltby Road at the entrance to Thornton, coupled with its design and scale, would make it an inappropriate addition to the street scene and the CA, even allowing for the screening provided by existing trees and hedgerows. It would also unacceptably dilute the local grain of the large residential plots and detrimentally affect the open green edge of the CA, both of which are important characteristics of the CA, by increasing the density of the built form through insensitive infill development.
10. I appreciate that the scale of the proposal was determined by the classic vehicles that would be stored, and the slab base of the proposal would not disrupt nearby tree roots compared to foundations. However, I find these to be neutral factors in my determination of the appeal.
11. Whilst I acknowledge that the appellant has liaised with the Council including offering to add further landscaping to screen the proposal and considered alternative scheme designs, I do not have details of any such proposals in front of me. Notwithstanding this, it is not for me to comment on the relative merits or otherwise of any other options.
12. Therefore, whilst the Council's Conservation Officer considered that the proposal would have a neutral effect on the CA, I find that it would neither preserve nor enhance either the character or appearance of the CA. Overall, the proposal would result in less than substantial harm to the significance of the CA. I give considerable importance and weight to that harm and note that there are no public benefits that would outweigh it.

13. Consequently, I conclude that the proposal would detrimentally affect the character and appearance of the area and result in less than substantial harm to the CA. It would be contrary to the provisions of the National Planning Policy Framework (the Framework), Policies CS4, CS5, and DC1 of the Middlesbrough Local Development Framework Core Strategy (2008) (the CS), and the principles of the SPD. Taken together these require development to demonstrate a high quality of design in terms of scale, design, materials, layout, form, and contribution to the character and appearance of the area, and to protect and enhance historic heritage and townscape character.

Highway safety

14. I acknowledge that the appellant has provided evidence of the visibility splays for the access point for the proposal on Maltby Road. However, I noted on my site visit that there is an existing speed limit sign located in close proximity to the access point. This sign already restricts part of the visibility splay to the south of the access restricting visibility of vehicles approaching the settlement. Therefore, whilst I appreciate that access would be used on a limited basis it would not, in my view, benefit from adequate southwards visibility.
15. I noted that there is also vegetation along the boundary towards the bend in Maltby Road to the north of the access for the proposal. Whilst the appellant has offered to manage the vegetation to ensure that it does not impact on visibility, I note that some of the trees appear to be in the highway verge and would be outside their control to maintain (and there is no mechanism before me to secure that). On approach from the north, the access would appear in an unexpected location by virtue of that screening.
16. I acknowledge that there appears to be sufficient space in the highway verge for average sized vehicles to pull in off the carriageway in order to open the existing gates. However, I note that the length of one of the vehicles identified to be stored in the garage exceeds the distance between the gate and the carriageway. Longer vehicles accessing the site could therefore protrude into the carriageway whilst the gates are opened. Whilst the appellant is prepared to reposition the access gate to increase its distance from the carriageway, I do not have details of any such revised arrangement and can only assess the proposal on the basis of the information before me.
17. Vehicles arriving at the appeal site would also have to slow down significantly in the carriageway before turning in towards the gate. This would potentially result in conflicts with vehicles coming around the sharp corner on Maltby Road and reduce highway safety. Whilst I appreciate the speed limit is 20mph in this location vehicles would have limited forward visibility as they come round, and then, in all likelihood, accelerate out of the corner on Maltby Road towards the access point.
18. Whilst there are other points of access to the property from the highway which are comparable or more compromised than the access proposed, their presence and nature does not justify sub-optimal development. Whilst the appellant has provided details showing vehicles at different stages of manoeuvres accessing and egressing the garage and highway these do not provide sufficient detailed evidence in the form of a swept path analysis to effectively demonstrate that the manoeuvres can be carried out safely without impeding other traffic.

19. I appreciate that the appellant has offered to provide additional lighting in relation to the access arrangements. However, the provision of lighting from within the site of the access arrangements would not in itself address the overall highway safety concerns that I have identified above.
20. Consequently, I find that the access arrangements for the proposal would increase the risk to highway safety without acceptable mitigation. This would be contrary to Policy DC1 of the CS which states that development is required to demonstrate that there should be no impact on highway safety at all throughout the development process. It would also fail to accord with paragraph 111 of the Framework as it would result in an unacceptable impact on highway safety.

Other Matters

21. Whilst I appreciate that the appellant was disappointed with the timing of the provision of the comments on the proposal from the Council's Highways Officer, this is an administrative matter for the appellant and the Council. It does not affect my determination of the appeal.

Conclusion

22. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, the appeal should be dismissed.

Richard Newsome

INSPECTOR