



Appeal Decision

Site visit made on 4 April 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/W0734/W/22/3291539

73-75 Corporation Road, Middlesbrough TS1 1LY

- 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 Mohan Palanisamy of Samy Limited against the decision of Middlesbrough Council.
 - The application Ref 21/0718/FUL, dated 5 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is described as "the sub-division of ground floor redundant retail unit to decrease the size of the retail unit, introduce a retail management office and create four studio apartments".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have only raised concerns with regards to the proposed apartments. I have assessed the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed apartments on the living conditions of future occupiers of the residential accommodation in respect of outlook, light, privacy and waste refuse; and the effect of the proposed apartments on the character and appearance of the surrounding area.

Reasons

Living conditions

4. The proposed apartments would have windows that face directly onto the narrow Fry Street, with the footpath abutting these windows. Given the close proximity of the footpath and road to the windows, this would result in passer-by's being able to look directly into the main rooms of the apartments and thus adversely compromising the privacy of future occupants. As the apartments only have one window each, the outlook from these windows onto an urban narrow street would be poor. This would result in the apartments having an oppressive feel to the detriment of the living conditions of future occupiers.
5. Whilst the appellant has indicated that windows would be large providing clear area of circa 4.0 square metres, due to the apartments only having one window looking onto the narrow streets with surrounding tall buildings, the apartments would suffer from reduced amounts of light.

6. It has been indicated that reflective coating/film can be applied to the windows to remove privacy concerns. This addition to the windows could further reduce outlook from the apartments and also have an effect on the amount of light the apartments would receive. There is insufficient information on the specific details of the reflective coating/film to convince me that the living conditions of future occupiers would not be adversely compromised in terms of light and outlook.
7. The proposal would adopt the existing waste and recycling area currently used by the building. This area would be detached from the proposed apartments and would be a convoluted route, including walking along the adjoining highway, for future occupiers to reach the waste and recycle area. The proposed waste and recycle arrangement would not be suitably located and would not provide adequate living standards for future occupiers of the apartments. I note that the appellant offered to reconfigure the internal layout to provide a dedicated waste and recycling space however, I do not have these details before me and I have determined the appeal on the submitted evidence.
8. Accordingly, the proposal would have a harmful effect on the living conditions of future occupiers with regards to outlook, light, privacy and waste refuse. The proposal would be contrary to Policy DC1 of the Middlesbrough Core Strategy 2008 (MCS), the Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses and the National Planning Policy Framework (the Framework) which seeks development to have acceptable standards of accommodation.
9. Given the size of the apartments, I am satisfied that the proposed apartments would not conflict with requirements set out in the Technical Housing Standards 'Nationally Described Space Standards'. It is indicated that the proposed windows would provide adequate natural ventilation. These matters however, would not outweigh the harm I have identified above.
10. There were concerns relating to the proposed security grilles which the appellant indicated could be omitted from the scheme. Whilst I am unsure on how this would affect the security of the apartments, the removal of the security grilles would not alter my findings above.

Character and appearance

11. The area surrounding the appeal site is characterised by dense urban development of mixed uses. The built form in the area has varied design and detailing elements including metal shutters on openings and metal fencing.
12. The proposed security grilles are not common features on residential accommodation, and they would be visible from Fry Street. In this location though, given the varied features visible in the street scene, the proposed security grilles would not be completely out of keeping with the appearance of the area.
13. Accordingly, the proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would not conflict with part b of Policy DC1, parts c and f of Policy CS5 of the MCS and the Framework which seeks all development to demonstrate a high quality of design that contributes to the character and appearance of the area.

Other Matters

14. The proposal would deliver a mixed-use scheme, including larger self-contained student accommodation, that provides a retail frontage, regeneration of a redundant retail space being near a wide range of transport hubs, town centre uses, activities and open spaces, including being within walking distance to a number of Teesside University buildings. The appellant has also indicated that there is zero market demand for retail accommodation. These are all benefits and given the scale of the development, I attribute minimal weight to them.
15. I have had regard to the appellants statement of case including reference to student accommodation to the upper floors of Rede House. Insufficient information has been provided on this scheme and I cannot be sure it is directly comparable to the appeal scheme, particularly with regards to location and effects on living conditions. In any case, I have determined this appeal on its own merits.
16. I also note comments relating to Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015. This matter does not alter my findings above.

Conclusion

17. The proposal would not have a detrimental effect on the character and appearance of the surrounding area. However, this matter and the benefits described above would not outweigh the harm I have identified with regards to the effects on living conditions of future occupiers.
18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
19. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR