



Appeal Decision

Site visit made on 17 May 2022

by A Caines BSc(Hons) MScTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/W0734/D/22/3296207

17 The Willows, Middlesbrough TS7 8BL

- 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 Ian Nicholas against the decision of Middlesbrough Council.
 - The application Ref 22/0055/FUL, dated 6 January 2022, was refused by notice dated 28 February 2022.
 - The development proposed is 2 storey side extension and single storey rear extension (demolition of existing garage to side).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area, and ii) the living conditions of the occupiers of 19 The Willows, with particular regard to dominance.

Reasons

Character and appearance

3. The appeal property is a two-storey, semi-detached dwelling. It is in an established residential area consisting of matching pairs of semi-detached dwellings, as well as semi-detached and detached bungalows, which are generally separated from one another by driveways at the side. As discussed further below, there are some examples where side extensions have resulted in reduced spacing between houses. Nonetheless, the overriding character is a regular rhythm of building blocks and spaces between them in the street.
4. The Council's Urban Design Supplementary Planning Document 2013 (SPD) sets out design guidance and standards expected for new development. Amongst other matters, the SPD identifies that extensions should be designed to appear subservient to the existing building and to prevent terracing between pairs of semi-detached houses.
5. The proposal would add substantial bulk and mass to the dwelling. The design does little to break up that bulk and mass. The two-storey part of the side extension would be set back just 500mm at first floor from the main front elevation, and its ridge would be only marginally lower than the main roofline. In addition, the lack of separation between the extension and side boundary would result in a significant reduction in the gap with No 19, with potential to cause a terracing effect if No 19 was similarly extended.

6. As a result, the extension would appear as an insufficiently subservient addition to the host dwelling. Furthermore, the erosion of the gap between the appeal property and No 19 in the manner proposed would harmfully disrupt the rhythm and spacing between the semi-detached properties in this part of the street. The difference in the ridge heights between the appeal property and No 19 is so minimal that it would not materially reduce these impacts on the street scene.
7. With regards to other nearby extensions, the closest example at No 15 is not set back from the front and fills the gap to No 13. However, the evidence before me indicates the extension was granted planning permission a long time prior to the adoption of the current development plan and SPD. It is also significant that No 13 is a bungalow, which helps to retain some separation at roof level. Other nearby examples include the extensions at Nos 25 and 31. I do not have any information on the planning status of the extension at No 31, but the flat roof design suggests it is also of some age. Furthermore, both Nos 25 and 31 are on outside corner plots where the dwellings are splayed and set back from the neighbouring semi-detached pairs. The gap between Nos 25 and 25A is also wider than most and includes a pedestrian cut through, such that adequate separation between the properties is maintained and the potential for a terracing effect is avoided. Consequently, these examples should not be seen as validation for the introduction of harmful development at the appeal site.
8. The appellant indicates that the set back could be increased to 1 metre to comply with the requirements of the SPD and has prepared a plan to this effect. However, it is not the purpose of the appeal process to engage in the consideration of alternatives. I must consider the appeal proposal on the basis of the plans which formed the planning application to the Council and were subject to consultation.
9. I conclude, on this issue, that the development would significantly harm the character and appearance of the area, and so, conflicts with Policies DC1 and CS5 of the Middlesbrough Core Strategy 2008 (the CS), as well as the SPD. Amongst other things, these require that all new development delivers high quality design in terms of layout, form, and contribution to the character and appearance of the area.

Living conditions

10. The two-storey part of the extension would introduce an expanse of brickwork up to the driveway boundary with No 19. The side elevation of No 19 contains a door and two first floor windows, one of which is obscurely glazed. However, I am informed that the door provides side access to a kitchen and that the upper floor windows serve a WC and a stair landing. As none of these would be classed as primary room windows, I am content that the extension would not have any significant overbearing impacts in relation to these openings.
11. The Council also refers to a potential tunnelling effect between the side extension and No 19, but given this would only be experienced along a short section of the neighbour's driveway, it would not be a reason to withhold planning permission.
12. I therefore conclude, on this issue, that the development would not unacceptably harm the living conditions of the occupiers of 19 The Willows,

with particular regard to dominance. Thus, the proposal complies with CS Policy DC1, and the SPD, in so far as they seek to minimise the effect on the amenities of neighbouring occupiers.

Conclusion

13. Although the development would not harm the living conditions of neighbouring occupiers, it would significantly harm the character and appearance of the area. The proposal therefore conflicts with the development plan as a whole and there are no considerations that would outweigh that conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR