



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: 30 May 2022

Appeal Ref: APP/W0734/D/21/3285528

27 Cornfield Road, Middlesbrough TS5 5QJ

- 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 A Rafakat against the decision of Middlesbrough Council.
 - The application Ref 20/0500/FUL, dated 27 August 2020, was refused by notice dated 16 August 2021.
 - The development proposed is described as substantial remodelling of existing property to form 2 storey house including increase in the roof height of the property to provide a first floor level including front and rear roof lights, two-storey extension to the front and new entrance porch, single-storey rear extension and attached single-storey garage to side. (Demolition of the existing single storey rear extensions and detached garage).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development that is common to the appeal form and the Council's decision notice as it reflects amendments that were made during the application process and which subsequently formed the basis on which the Council made its decision. I have determined the appeal on the same basis.

Main Issues

3. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Linthorpe Conservation Area; and
 - The effect of the development on the living conditions of the occupiers of 4a The Crescent with regards to outlook, light, and privacy.

Reasons

Character and appearance

4. The appeal site lies within the Linthorpe Conservation Area (the LCA). In so far as it is relevant to this appeal, the LCA derives some of its significance from its predominantly residential character, with mainly well-proportioned and attractively-detailed dwellings of two stories that are set back from the road within spacious plots defined by low walls and hedges to the front.
5. The appeal site is a spacious corner plot at the junction of Cornfield Road and The Crescent. The bungalow within the site is a late twentieth century building which fronts onto Cornfield Road. It is identified in the Linthorpe Conservation

Area Appraisal and Management Plan 2006 (the CAAMP) as a negative element in the LCA on account of its inappropriate scale and timber fence along the front boundary, although I noted the bungalow is not highly conspicuous. Separate to the effect on neighbouring occupiers, it appears to be common ground between the main parties that the replacement/remodelling of the bungalow with a two-storey dwelling is acceptable in principle.

6. By using the existing bungalow as the basis for the development, the new dwelling would remain confined to the north east corner of the plot, and on a footprint that is not much greater than the existing. The ratio of built-form to plot size and the overall spacious character of the plot would therefore be suitably maintained. Whilst the dwelling would project slightly further past the front of 23/25 Cornfield Road, these properties do not form part of the defined linear building line that is found along the straight section of Cornfield Road. Consequently, the proposal would not harmfully prejudice any important building line consideration. Nor would it appear as a form of overdevelopment.
7. The proposed dwelling would present a traditionally detailed and proportioned frontage to Cornfield Road, referencing some of the design elements found on Cornfield Road and The Crescent. In this respect, there are similarities with the plans for a new dwelling that the Council approved on a site to the north of 4a The Crescent. However, the rear elevation has not been designed to the same style and proportions. In particular, the lower eaves line at the rear would create a heavy rear roofslope and an unbalanced gable profile. In addition, all of the first floor windows in the rear would contain obscure glazing, and would be incorporated into a visually jarring arrangement of half dormers. This would contrast markedly with the balance and quality of the front elevation. I appreciate that the design of the rear elevation has been influenced by an attempt to mitigate any impact on the neighbouring occupiers. However, the result is a design that, despite some positive elements, appears highly contrived and uncomfortable when considered as a whole. For this reason, the development would be harmful to the character and appearance of the LCA.
8. In reasoning the above, I have taken into account that the rear elevation would be the least visible part of the development from public vantage points, but it would nonetheless be visible down the driveway of 4a The Crescent, and more widely when the trees and vegetation along The Crescent would not be in leaf. In any event, the requirement for development proposals to preserve or enhance the character or appearance of the LCA applies irrespective of whether development is prominent, or in public view. I have also taken into account the variety in roof slopes along Cornfield Road, but I am not persuaded that the design has responded positively to the prevailing character in all respects.
9. The harm to the significance of the LCA would be classed as 'less than substantial', but that is nevertheless a matter of considerable importance and weight. In terms of countervailing public benefits, the proposal would remove a feature that has been identified as a negative element within the LCA. However, any visual benefits that its removal might bring would be negated by the harmful effects of the proposed development. As such, I find that the public benefits would not outweigh the harm.
10. To conclude on this matter, the development would not preserve or enhance the character or appearance of the LCA, and would undermine its significance. Thus, the proposal conflicts with Policies DC1 and CS5 of Middlesbrough's

Core Strategy 2008 (the CS), which among other things, require development proposals to produce an acceptable visual appearance and relationship with the surrounding area, with a high quality design, and the preservation or enhancement of the character or appearance of conservation areas. The proposal also conflicts with the Council's Urban Design Supplementary Planning Guidance (SPD) and the CAAMP in this regard. For the same reasons, it does not accord with the design and heritage protection objectives of the National Planning Policy Framework (the Framework).

Living conditions

11. The existing bungalow is positioned approximately 7 metres from the boundary with 4a The Crescent which lies to the north and forward of the appeal property. The Council specifically allege an unacceptable effect on the occupiers of 4a The Crescent in relation to a loss of privacy. However, the objections from the occupiers of 4a The Crescent also include concerns over loss of light and a dominating effect, to which I have had careful regard.
12. At my site visit I was able to enter the rear garden of 4a The Crescent, where I observed that the roof of the bungalow rises significantly above the boundary fence and spans the majority of the length of this neighbour's rear garden space at a relatively close proximity. However, due to its height and hipped roof form, it is not overly dominant. This is particularly important given that the eastern boundary of the garden is further enclosed by a tall hedge and the two-storey rear projection of 25 Cornfield Road.
13. The proposal would see the bungalow transformed into a two-storey, gable-ended dwelling, including an additional floor of accommodation within the roof space. In my judgement, the combination of the height of the proposal, its gable-ended roof form, and distance from the common boundary, would mean that the proposal would introduce an overbearing and visually dominant feature in views from the conservatory and rear garden space of 4a The Crescent, as well as an undue sense of enclosure, thus diminishing the enjoyment of these spaces. The dominating and enclosing presence of the proposal would therefore detract from the quality of the living environment for occupiers of this neighbouring property. I acknowledge that a lower eaves height has been introduced to the rear roof slope in an attempt to minimise such impacts. Nonetheless, this change would not discernibly reduce the overall scale of the building when viewed from 4a The Crescent.
14. Furthermore, due to the orientation of the proposal to the south/south-west of 4a The Crescent, there is also a reasonable likelihood for increased shadowing of this neighbouring property, particularly in relation to its rear garden, conservatory, and south facing kitchen window. However, the application was not accompanied by any form of shadow analysis or a daylight and sunlight assessment. It is therefore unclear how the Council were able to determine that the impact in terms of loss of light would not be significant. In the absence of any substantive evidence on this matter, it has not been satisfactorily demonstrated that the proposal would not result in a harmful loss of light to the occupants of 4a The Crescent.
15. The proposal would include a number of windows in the rear elevation facing 4a The Crescent, which the Council advises fall short of the separation distances required by its SPD. However, the windows and French doors on the ground floor would not result in overlooking because of the intervening

boundary fence. Those at first floor level would serve bathrooms and a walk-in wardrobe. As these are not classed as habitable rooms, it would not be unreasonable to require these windows to have full height obscure glazing and restricted opening. This could be secured by an appropriately worded condition, thereby mitigating any potential for overlooking from these windows. The Council also refers to the rooflights, but these would be above the stairwell and facing towards the sky, so would not result in overlooking. Consequently, the proposal would not cause a loss of privacy to the occupiers of 4a The Crescent.

16. Overall, notwithstanding my findings on privacy, the development would harm the living conditions of the occupiers of 4a The Crescent with particular regard to outlook and light. Thus, the proposal is contrary to Policy DC1 of the CS, where it requires that the effect on the amenities of occupiers of nearby properties is minimal. It is also contrary to the Framework, where it requires development to provide a high standard of amenity for existing and future users.

Other Matters

17. The Avenue Methodist Church is a nearby grade II listed building. I have a statutory duty to consider the effect of the proposal on this designated heritage asset. However, having regard to the intervening distance, buildings and vegetation, I have no reason to find that the setting of the listed building and its significance would be adversely affected by the proposal, and I note that the Council did not identify any harm in this respect.
18. The support from the neighbouring occupiers of 25 Cornfield Road has been noted, but for the reasons given above, I have found that the development is unacceptable.

Conclusion

19. The development would not preserve or enhance the character or appearance of the LCA, and would harm the living conditions of neighbouring occupiers. As such, it would not accord with the development plan taken as a whole and there are no considerations of sufficient weight to justify making a decision otherwise than in accordance with the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR