



Appeal Decision

Site visit made on 14 June 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/W0734/D/22/3297593

323 Marton Road, Middlesbrough TS4 2NX

- 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 Ajmal Shukri against the decision of Middlesbrough Council.
 - The application Ref 21/1131/FUL, dated 9 December 2021, was refused by notice dated 1 February 2022.
 - The development proposed is part single, part two storey rear extension, porch to front and new access to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying evidence that during the course of the Council determining the application that the proposed access to front was omitted and 3 parking spaces are, instead, now proposed to the rear of the property. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host property; and
 - The effect of the proposed development on the living conditions of the occupants of 325 and 321 Marton Road with particular reference to their rear gardens

Reasons

Character and appearance

4. 323 Marton Road is a semi-detached house located within an area of predominantly residential character though other land uses are also nearby. No 323 incorporates a hipped roof profile in part, though features a projecting gable end at the front which faces Marton Road itself. This design is also replicated at the nearest neighbouring properties on either side. The rear of the property is also visible from a lane behind the houses. At the back of the house is a garden/yard space and the boundary with No 325 is formed by fencing and

is flanked for roughly half its length by a garage within that neighbouring property. Fencing and a length of hedgerow forms the boundary with No 321.

5. The proposed porch to front has not drawn objection from the Council and is not referenced within the reason for refusal. There is no reason for me to disagree that it would not be harmful.
6. The single storey extension to rear would, in terms of floorspace, be a large addition to the property. It would incorporate a flat roof that Middlesbrough's Urban Design Supplementary Planning Document (SPD) advises would not normally be acceptable, although the Council indicate that they could be where incorporated into a high quality design solution. There are a number of other extensions in the area, including some with flat roofs, but they are not a strong influence over the prevailing character of the area.
7. In this case, the flat roofed extension would appear as a significant, box-like addition to the property, at odds with its existing pitched roofs and one which would detract from its character. The presence of a public highway to the rear of the property increases the visibility of the extension.
8. In view of the above the development would be contrary to policies CS5 and DC1 of the Middlesbrough Core Strategy 2008 (CS) which, amongst other things, require development proposals to demonstrate a high quality of design, that they would integrate well into the immediate and wider context and ensure an enhancement of the built environment.

Living conditions

9. The plans show that the single storey extension to the rear would run almost the full width of the back of the house and have only a minimal gap left to the boundary with the adjoining No 325. I note the content within the SPD which, in regard to single storey rear extensions, recommends a 3m projection limit on a shared boundary and that greater projections can be acceptable with a sufficient inset from the boundary.
10. The projection from the back of the existing house in this case would, at 6m, be twice that referenced in the SPD and the degree of inset from the boundary would be small. The extension would run closely alongside the rear garden of No 325 for a considerable length. The length of the proposed extension would mean that it would end at approximately the same point at which the detached garage to the rear of No 325 commences. This would serve to exacerbate the effect by enclosing the rear of No 325 with a large mass of single storey built development on this side, creating a harmful dominating effect.
11. In relation to the two-storey rear extension, though of greater height, the projection is half that of the single storey element. I note the SPD recommends that such extensions be set in from the common boundary by 2.5m which would not be achieved with the neighbouring No 321, however, a clear gap would nevertheless remain. Some shading of the garden may result but, nevertheless, the setback from the common boundary, degree of projection and the hipped roof nature mitigate the effects of the extension. Whilst boundaries can and do change, I am also mindful that the fence and hedgerow along the garden boundary is high and robust where adjacent to the proposed siting of the two-storey extension. With this combination of factors, the effect upon the garden space at No 321 and its usage would be acceptable.

12. I note that no neighbouring occupiers have submitted letters of objection, however, this does not in itself render the scheme acceptable nor overcome my concerns.
13. Due to the harm identified upon the occupiers of No 325, the development would be contrary to those aims of policies CS5 and DC1 of the CS which state that development proposals should minimise their effects upon the occupiers of nearby properties and ensure that development is well integrated with the context.

Other Matters

14. It may be that certain elements of the development could have been pursued under permitted development and the prior approval procedure, but there is no firm evidence as to what could be achieved under this route or that prior approval would be forthcoming. I also understand that elements of the proposal may have received planning permission previously though I have not received full details. However, while this may mean that individual parts of the proposal could be implemented, it has not been shown that any harmful effects of these would be comparable to those that I have identified.
15. I note the appellant draws some issue with the Council having not undertaken a site visit for reasons relating to the COVID-19 pandemic. However, the Council's handling of the application has little to do with the planning merits of the case.

Conclusion

16. For the reasons given, the proposal would conflict with the development plan taken as a whole. There have been no material considerations put to me that would be worthy of sufficient weight to indicate a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

H Jones

INSPECTOR