



Appeal Decision

Site visit made on 14 June 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 11th July 2022

Appeal Ref: APP/W0734/D/22/3298814

8 Marton Avenue, Middlesbrough TS4 3SQ

- 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 Andrew Douthwaite against the decision of Middlesbrough Council.
 - The application Ref 22/0044/FUL, dated 14 January 2022, was refused by notice dated 18 February 2022.
The development proposed is single storey infill extension to rear and conversion of part of garage to form habitable room.
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Decision

1. The appeal is allowed, and planning permission is granted for proposed single storey infill extension to rear and conversion of part of garage to form habitable room at 8 Marton Avenue, Middlesbrough TS4 3SQ in accordance with the terms of the application, Ref 22/0044/FUL, dated 14 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 'Site location plan';
 - 'Block/site plan';
 - Drawing No 05 'Proposed plans';
 - Drawing No 06 'Proposed elevations';
 - Drawing No 07 'Proposed elevations';
 - Drawing No 08 'Proposed section'.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwellinghouse.

Procedural Matters

2. The Council's decision includes a revised description of the development. It is not clear if this was agreed or why it was necessary to do this. I have therefore used the description from the planning application form as I am normally obliged to.

Main Issues

3. The main issues are:

- the effect of the proposal on the character and appearance of the site; and
- the effect of the proposal on the living conditions of the occupants of No 10 Marton Avenue.

Reasons

Character and appearance

4. No 8 Marton Avenue is a two-storey, semi-detached dwelling within a cul-de-sac of traditional housing. The western side of Marton Avenue, on which No 8 is located, is characterised by long rear gardens which back onto an expansive recreational area. The rear garden of No 8 is lawned and has mature, thick hedging on the boundaries creating a secluded space.
5. The property has an existing single storey extension to the rear used as a dining and utility area which adjoins and has been built into the corner of a brick-built, flat roofed garage which is used for storage. The proposal would convert part of the garage to a room with toilet and washing and drying facilities.
6. The proposed flat roofed extension would infill the area between, but not extending beyond, the garage and the boundary wall that exists between No 8 and No 10 to the north. This is currently a patio area with a table and seating which is accessed from double doors in the rear dining area.
7. The boundary wall is rendered with brick pillars and is covered in climbing plants. The wall is the same height as the existing kitchen extension, and would be the height of the proposed extension, apart from the addition of a roof lantern rising above.
8. Although the extension would result in infilling the width of the plot, it would be attached to an existing garage and extension which are both limited in their scale and massing. It would, as outlined in the description, be an infill within existing development which would not, apart from the lantern, be any higher than the existing development, or be seen substantially from surrounding locations. The proposal would therefore not be overly dominant, as it would not extend development beyond the existing rear garage elevation, it would not impact on the long, linear garden area.
9. This dwelling has two distinctive original roof profiles visible from the rear: a hipped roof to the front across the two semi-detached dwellings, and a lower hipped roof to the rear two storey offshoot. Attached to this are the existing single storey extensions. Therefore, there is an already established hierarchy of roof forms towards the rear. Infilling between the existing built form would, I consider, retain that subservience rather than be bulky, overbearing or dominant as considered by the Council. The development would be constrained by what is already in place, including the height of the existing extension and the adjoining boundary wall. In the context of a large plot with a long rear garden, this would ensure that the proposal would not harm the surrounding environment, securing a high standard of design and would be well-integrated with the immediate and wider context.

10. In relation to the first main issue, the proposal would not harm the character and appearance of the site. It would therefore comply with Policies DC1 and CS5 of the Middlesbrough Local Development Framework, Core Strategy Adopted February 2008 (CS). The proposal would be subservient to the existing dwelling therefore also complying with Middlesbrough's Urban Design Guide, Supplementary Planning Document, adopted January 2013 (SPD).

Living conditions

11. The extension would be built on the boundary between the appeal site and No 10 Marton Avenue. The Council considers that the proposal would have an overbearing impact on this property. I could see at my site visit that No 10 has an existing rear extension, although the position of the existing boundary wall and hedging did not enable the development to be viewed. As the proposal is single storey, no higher than the existing extension, and there is already a boundary wall between the two properties, the proposal would not be overbearing for the occupants of No 10 Marton Avenue. It would not adversely affect the environment and amenities of those neighbouring occupiers.
12. In relation to the second main issue, the proposal would not have a harmful effect on the living conditions for occupants of No 10 Marton Avenue. It would therefore comply with Policy DC1 and the SPD.

Conditions

13. The Council has not suggested any conditions if the appeal was to be allowed other than the standard ones referred to on the appeal questionnaire. I have, considered those with regard to the tests for planning conditions in section 56 of the National Planning Policy Framework and the Planning Practice Guidance. Therefore, there is a need for the standard implementation condition and a condition listing the plans to which the proposal should accord. Furthermore, to ensure the satisfactory appearance and form of development, a condition ensuring that materials match the existing house is also necessary.

Conclusion

14. For the reasons given above and having considered all other matters raised including the development plan as a whole, I conclude that the appeal should be allowed.

M J Francis

INSPECTOR