



Appeal Decision

Site visit made on 26 July 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2022

Appeal Ref: APP/W0734/D/22/3298039

111 Mandale Road, Middlesbrough TS5 8AN

- 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 Sohir Uddin against the decision of Middlesbrough Council.
 - The application Ref 22/0026/FUL, dated 4 January 2022, was refused by notice dated 15 February 2022.
 - The development proposed is described as a double storey side extension with pitched roof and a front porch. The ground floor area will accommodate a disabled bathroom and bedroom. Additional car parking will be incorporated.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development upon:
 - the character and appearance of the area,
 - the living conditions of the occupiers of the neighbouring property, with particular regard to outlook and light, and
 - highway safety.

Reasons

Character and appearance

3. The appeal building is a semidetached two-storey dwelling in a long street of similar uniform dwellings, fronting onto a main road. General form is simple, with buildings arranged conventionally, set back from and facing the road with parking to the front and sides. Two-storey side extensions are not a regular feature in the street and buildings are arranged such that gaps between them and their boundaries contribute positively to a sense of spaciousness in the street scene.
4. Despite being set back from the front and down from the ridge, due to the space the extension would occupy, built form would all but fill the side of the plot, appearing crowded and eroding the spaciousness of the street scene. The appeal scheme would therefore result in an incongruous and dominant form of development that would unacceptably harm the character and appearance of the area. As such, it would conflict with Policies DC1 and CS5 of the Middlesbrough Core Strategy (2008) (the Local Plan) and the Middlesbrough

Urban Design Supplementary Planning Document (2013) (the SPD), which require new development to respect the character and appearance of the area.

Living conditions

5. The adjacent property has a number of windows within its side elevation and the two-storey appeal proposal, in such close proximity to the boundary, would have a significant enclosing effect on the outlook from these windows and would substantially reduce the amount of daylight reaching the accommodation. As a result, the proposed development would have a harmful effect upon the living conditions of the occupiers of the neighbouring residential property, with particular regard to outlook and light. The proposal is therefore contrary to the amenity protection aims of Policy DC1 and CS5 of the Local Plan, the SPD and the Framework, which seek to protect the amenity of existing residents.

Highway safety

6. At the time of my site visit there were two cars parked on the driveway, one with its rear in the space which will be occupied by the appeal proposal and the other on an angle across the front of the house. The appeal proposal will reduce the car parking space available. Due to the restricted amount of manoeuvring space and the awkward access arrangement, I am not convinced that it would be possible within the reduced driveway space to provide the required three parking spaces.
7. I noted some cars along the street parked on street and on the wide pavement. Due to the presence of the central reservation and pedestrian crossing facility adjacent to the entrance to the driveway, on street parking at the appeal property would not be possible without risk to highway and pedestrian safety. For the above reasons I consider highway safety would be unacceptably prejudiced as a result of the proposed development. The proposal is therefore contrary to Local Plan Policy DC1 and the Framework which seek to ensure proposals do not impact upon highway safety.

Other Matters

8. My attention has been drawn to other extensions in the area. I have limited evidence on these cases. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
9. The appellant has stated that the ground floor area will accommodate a disabled bathroom and bedroom but has provided no further information in this regard. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. For this reason, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan, the SPD and the Framework.

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

10. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
11. Whilst I appreciate the appellants aim to provide a bedroom and bathroom space, it is not sufficiently clear to me that this is the only way of fulfilling this need. Having due regard to this, and to the need to eliminate discrimination and promote equality of opportunity, in my view, the adverse impacts of dismissing the scheme on those with protected characteristics would be proportionate.

Conclusion

12. The appeal scheme conflicts with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR