



Appeal Decision

Site visit made on 9 August 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2022

Appeal Ref: APP/W0734/D/22/3301967

6 The Gardens, Middlesbrough, TS4 3DU

- 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 Ms Maria Makin against the decision of Middlesbrough Council.
 - The application Ref 22/0230/FUL, dated 21 October 2021, was refused by notice dated 18 May 2022.
 - The development proposed is first floor rear extension; alteration to side elevation first floor window; alterations to existing rear extension openings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area, and on the living conditions of the occupiers of 19 Pemberton Crescent in respect of their outlook and privacy.

Reasons

Character and appearance

3. The appeal property is a semi-detached hip roofed house located in an established residential area. The house has been extended to provide a sunroom and store to the rear. The area was designed and laid out as blocks of largely uniform housing with short front gardens alongside reasonably wide roads. There are substantial areas of grassed open space in the area. Regular junctions in the pattern of the layout are characterised by pairs of houses situated on corners, facing the road, and mostly at right-angles to each other. The appeal property is one such example of this pattern being situated at right angles to 19 Pemberton Crescent.
4. Typically, in the area surrounding the appeal site, the pairs of semi-detached houses on corners have a substantial separation between them, most notably above ground floor level. The distance between buildings is emphasised at height because of their hipped roofs. There are instances of single storey additions to the sides of houses, mainly to provide garages, on some of these corner plots. However, the separation between houses in these locations is distinct and this, along with the width of the roads and substantial areas of open space, contributes significantly to the feeling of openness which is a positive characteristic of the area.

5. Single storey and two-storey extensions to No 19 are situated close to the boundary with the appeal property. Whilst the two-storey extension at No 19 narrows the gap between that house and the appeal property, a substantial gap remains between the two. When read alongside the extensions at No 19, particularly the two-storey extension, from most public vantage points to the front, sides, and rear of the two houses, the appeal proposal would have the effect of substantially narrowing the separation between these houses. Given the rarity in the locality of such arrangements on corner plots, this would significantly alter the character and appearance of the area. That alteration would be harmful because it would remove, to a large degree, the characteristic openness between the houses on these corner plots.
6. The appeal proposal is substantial. It effectively spans the whole of the rear of the appeal property. As a result of this excessive width, and the resultant size of its roof, the extension would appear as an uncomfortably large, bulky, and incongruous addition to the appeal property when viewed from some public vantage points, including from the rear access road, and from the rear windows and gardens of neighbouring houses. In these regards the extension would not constitute good design.
7. The harm created by the proposal when viewed in context would conflict with Policies DC1 and CS5 of the Middlesbrough Core Strategy (February 2008) ('the MCS') which both seek to ensure development provides high quality design. The proposal also fails to have regard to Middlesbrough's Urban Design Supplementary Planning Document (January 2013) in that the scale of the extension is not appropriate to the existing house, it would not enhance the character of the area and would contribute significantly to a harmful change in the character of the area.

Living conditions

8. The proposed first floor rear extension would be built above the existing sunroom extension. This is shown on the application plans as projecting about 3 metres beyond the original rear wall of the appeal property. This would bring the proposed extension very close to the rear wall of 19 Pemberton Crescent. This would have the effect of creating an oppressive outlook from the rear ground floor kitchen window in the extension at No 19.
9. The proposed extension would appear as a long and high overbearing and dominant structure when using the paved patio in the rear garden of No 19. This would normally be expected to be the most well-used and private area of that garden. This would substantially diminish the enjoyment of the private outdoor space that could reasonably be expected by occupiers of that house.
10. The proposed extension includes bedroom windows which face towards the rear garden of 19 Pemberton Crescent. I note that an existing first floor bedroom window in the appeal property faces in the same direction. However, the bedroom windows in the proposed extension would be significantly closer to the rear garden of No 19. I recognise that some overlooking of rear gardens is evident in the area, in part due to the somewhat complex layout employed in the original design of the area to accommodate rear gardens on corner plots. However, except for the bedroom window in the extension at No 19, overlooking is generally at some distance, and the existence of that window would not justify unacceptable overlooking from the appeal proposal. The proximity of the proposed bedroom windows to the rear garden of No 19 would

result in direct overlooking, and the perception of being overlooked, from a position at height, by the occupiers of No 19 while using their rear garden.

11. Overall, the size, bulk, and proximity of the proposed first floor extension to No 19 would cause harm to the living conditions of its occupiers in terms of their outlook and their privacy. The harm to living conditions would, for the reasons I have set out, conflict with Policy DC1 of the MCS which requires development to have a minimal effect on the amenities of occupiers of nearby properties.

Other Matters

12. The appellant has outlined the personal circumstances associated with seeking planning permission for the development. Whilst I recognise the benefit that would arise to the appellant and her relatives in terms of family living arrangements, I can give these matters only limited weight in reaching my decision, which must be made having regard to the wider public interest. The harm I have identified would not be outweighed by the benefits associated with the circumstances explained by the appellant.

Conclusion

13. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR