



Appeal Decision

Site visit made on 1 November 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/W0734/D/22/3306296

41 Rosewood Court, Middlesbrough TS7 8QR

- 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 Alan Horton against the decision of Middlesbrough Council.
 - The application Ref 22/0295/FUL, dated 26 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is a double storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a double storey side extension at 41 Rosewood Court, Middlesbrough TS7 8QR in accordance with the terms of the application, Ref 22/0295/FUL, dated 27 April 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 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; 2022/AH/01; 2022/AH/02 and 2022/AH/03.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have used the description on the application form. Although the appellant has used the Council's description, the appeal form does not state the change was agreed, and the original description is more succinct.
3. The Council has referenced the Marton West Neighbourhood Plan. Whilst I have not been provided with this, I am aware from the Council's website that the Marton West Neighbourhood Plan 2021 to 2029 was 'made' in 2021. However, it is not clear how this is applicable for this site, given that it is applicable in Marton West Ward only and the appeal site is outside the neighbourhood plan area. Accordingly, I have not attached weight to this.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the area and the host dwelling.

Reasons

5. The appeal property is a 2-storey house that stands within a row of semi-detached dwellings in a residential area. At the side of the host property is a single storey flat roof garage that connects with a similar side projection to the adjacent semi-detached house at 42 Rosewood Court (No.42). Properties are similar in design, age, material and spacing. As such there is a regular and pleasant pattern in the street and spaces between the buildings, however, there are examples of similar 2-storey side extensions at 40 and 43 and Rosewood Court (No.40 and No.43).
6. In this case, the first-floor element of the new side extension would be noticeably set back from the main front elevation of 41 Rosewood Court (No.41) with a ridgeline below that of the host building. The new roof would be pitched, and a new mono pitched roof at first floor. Taken together with the pattern of fenestration and external materials to match the existing dwelling, I consider that the proposal would relate well to the host building. The projection of the dwelling at the rear aligns with the adjacent neighbouring property and would also not seem at odds with the scale of the original dwelling.
7. The Council expresses concern at the reduction of the space between adjacent properties, which it states will in-part create a terracing effect and remove views of trees. At the time of my site visit, the appeal property garden did not contain any substantial trees, and none towards the rear of the garden. Therefore, the appearance of views of trees between the appeal site and No.42 was not a significant characteristic. Whilst the proposal would reduce the gap between the first floor, it would not remove it. Sufficient space would be retained to preserve the visual break between the sidewall of the proposed extended dwelling and No.42 by virtue of the flat roof garage of that adjacent property, and the views through the site. As such, on its own it would not be contrary to the Middlesbrough's Urban Design Supplementary Planning Document January 2013 (SPD). This provides design guidance for two storey side extensions, which at section 5.8 (a), amongst other matters, seeks to avoid development giving rise to a terracing effect.
8. No.40 and No.43 have also been extended to include sizeable 2-storey side additions. I have no evidence regarding any extenuating circumstances for these developments. The adjoining property at No.40 has a very similar design to the appeal proposal in that it is set back at first floor, set down and has a similar relationship with its adjacent neighbour. These other examples have retained space, which has been afforded by their adjacent neighbour. As such, this has not led to a terracing effect. Whilst I do not consider No.43, to be as successful, No.40 does not have a visually dominant appearance due to its first floor set back and lower ridge. To my mind, the appeal proposal would largely replicate this arrangement at No.43.
9. Whilst the appeal proposal would be forward of the front of the adjacent No.42, in this instance the incrementally staggered building line serves to break the visual continuity of the buildings and the subservient design would ensure that these adjacent dwellings would continue to be viewed in the local street scene as separate, distinct entities. Notwithstanding those properties are relatively close to the pavement with small front gardens, I am not persuaded that the proposal would result in a terracing effect or be visually dominant because it would be seen as a subservient addition against the host property and a

suitable design. Therefore, when viewed from the side it would not appear out of place and generally would reflect the staggered building line that already exists, and it would assimilate with the appearance and pattern of surrounding development.

10. In that context I conclude that the proposal would not be harmful to the character and appearance of the area. Consequently, I find that it would comply with Core Strategy Policy DC1 insofar as it requires development to integrate sympathetically into its surroundings in physical and visual terms. The proposal would also not conflict with the Council's SPD which provides design guidance for domestic extensions.

Other Matters

11. The Council does not raise substantial concerns in terms of parking or highway safety. The Council has queried the relationship of the parking with a streetlight, but the appellant has advised this has been agreed with the traffic department. Although the site is opposite a junction, there is no evidence to the contrary that this arrangement would be unsatisfactory from a highway safety standpoint.
12. The Council has raised some issues in respect of neighbouring occupiers' living conditions. The concerns appear to arise from the dominance of the extension. As stated above, the projection of the dwelling at the rear aligns with the adjacent neighbouring property, and in this respect would not be dominant. There would also be space afforded by the garage of No.42 which would retain a relatively open aspect from first floor windows. However, despite reference that the size and siting 'would have an overbearing upon neighbouring properties' and therefore contrary to Core Strategy DC1 and the SPD, this has not been transposed to any reason for refusal. Given that a landing window on the gable of the adjacent property at No.42 would look onto the proposed gable I see no reason to disagree.
13. The Council has stated that the proposal would be contrary to policy CS5. This has not been referenced in the reasons for refusal. This policy contains similar aims to Core Strategy Policy DC1. I have found no conflict with this policy arising from the design of the proposal. Accordingly, I also find no conflict with the aims and criterion in Core Strategy Policy CS5. The proposed design in terms of the width, set back, matching roof design and materials also comply with the Council's SPD, and the Council raise no concerns in this respect either. I see no reason to disagree on the above matters, however, they are neutral factors in my assessment.
14. I have noted the appeal decision¹ and that it relates to a similar 2-storey side extension and terracing effect. However, it is not clear to what extent there are other similarities with this appeal proposal, and it is also referenced that the neighbouring property also has a large two-storey side extension which extends very close to that boundary. I can therefore draw a distinction between the two sites, and I therefore attach limited weight to this in my assessment.
15. Whilst I acknowledge the loss of space that would occur at first floor between existing properties, due to the siting and design of the proposal it would not result in a dominant extension or terracing effect. However, should a similar

¹ APP/W0734/D/21/3285967

proposal come forward for the adjacent dwelling, the Council would be able to assess that proposal on its own merits. The presence of other similar extensions is also a factor in my decision which I have afforded moderate weight.

Conditions

16. Alongside the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, a condition is attached to require that the external materials match those of the existing building.

Conclusion

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

K Williams

INSPECTOR