



Appeal Decision

Site visit made on 7 November 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/W0734/D/22/3306573

33 Barker Road, Middlesbrough TS5 5EW

- 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 Mrs D Wilson against the decision of Middlesbrough Council.
 - The application Ref 22/0280/FUL, dated 22 April 2022, was refused by notice dated 16 June 2022.
 - The development proposed is the erection of a first-floor extension to accommodate an artist's studio.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have been provided with alternative proposals as well as the Council's pre-application responses. I appreciate that attempts have been made to address the Council's concerns. However, I am mindful of the procedural advice¹ that an appeal should not be used as a process to evolve a scheme. Having regard also to the Wheatcroft principles², in the interests of fairness and transparency I have determined the appeal on the basis of the plans that were considered by the Council when it refused permission on 16 June 2022.

Main Issue

3. Whether the proposed development would preserve or enhance the character or appearance of the Conservation Area.

Reasons

4. The appeal property is a mid-terraced dwelling. There is an alley at the rear of the garden which serves the rear of properties along Barker Road and Oxford Road. These are gated off with only residents having keyholder access. Most properties have an outbuilding, or access from the alley. They tend to be single storey, although I acknowledge some are higher than this. There is a wide variety of outbuildings and structures, most are red brick. The appeal proposal seeks to extend the existing flat roof breeze block outbuilding and add a first-floor extension to accommodate a workshop to serve the appellants business.
5. The appeal site lies within the Linthorpe Conservation Area (LCA). The significance of the LCA, insofar as it is relevant to the appeal, is derived from the development of residential suburbs. As noted within the officer report, this

¹ Procedural Guide: Planning appeals – England Updated 12 April 2022.

² Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37].

encompasses high quality buildings within streets of planned architectural consistency, and the pattern of development.

6. I recognise the mixed nature of the other structures at the rear of neighbouring gardens. Nevertheless, for the most part, there is a cohesive height to these structures, and they are subservient in scale to the host properties. The proposal would add height and mass above the original outbuilding. At first floor, this would largely consist of blank wall facing brickwork. The increase in height would result in an outbuilding that would be significantly taller than adjacent garages. The eaves height of the enlarged building would be similar to the ridge of an adjacent outbuilding. The additional height would appear incongruous in comparison to the majority of outbuildings and structures in the alley.
7. I acknowledge that the existing garage is a flat roofed single storey structure, and does not comprise more traditional red brick materials, and that there are a variety of designs. Notwithstanding this, the scale reflects the subservient relationship between outbuildings at the rear of dwellings. The proposal in this context would not be sufficiently subservient to the host dwelling. The plans show an overall ridge height over 6m. Although the Council has identified that the rear garages and outbuildings are of lesser significance than the main dwellings, I find that the relationship of subservient outbuildings to the rear of properties, albeit more private areas due to keyholder requirement, contribute to the layout, character and spatial quality of the LCA.
8. In addition to the above, whilst the proposed development would be less visible from public facing areas, the increase in height would be clearly visible within the alley and from neighbouring dwellings and gardens. Although the proposal would utilise red brick to reflect the character of the area, this would not prevent it from having a dominating appearance.
9. The harm that would arise would be localised and the impact on the LCA as a whole would be less than substantial when considering the provisions of the National Planning Policy Framework (the Framework). However, great weight should be given to the conservation of designated heritage assets. The Framework also requires that harm should be weighed against the public benefits of a proposal.
10. Benefits in this case, include replacing unsympathetic materials on the existing building with traditional materials. This would be insufficient to outweigh the harm that I have identified above, and other claimed benefits appear to be largely private to the appellant. The totality of the benefits would not outweigh the less than substantial harm to the significance of the LCA.
11. I conclude on the main issue that the proposal would fail to preserve the character or appearance of the LCA. There would be conflict with relevant policies of the Middlesbrough Local Plan³. There would also be conflict with the provisions of the Framework that are aimed at conserving and enhancing the historic environment, as well as the objective of the Council's Urban Design Supplementary Planning Document.

³ Policies CS4 and CS5 of the Core Strategy Development Plan Document. Amongst other things, these aim to secure high quality design that enhances or reinforces local distinctiveness.

Other Matters

12. My attention has been drawn to other development in the area, including examples in the surrounding streets and opposing alleys. I have no details of the scale of the host buildings which these examples relate to, and whether they belonged to a larger terrace or corner property. During my site visit I walked the length of the alley at the rear of the appeal site and did not find that higher buildings were commonplace. Some of the examples cited do not appear to necessarily constitute an example of sympathetic development in a residential area, nor do some of the existing structures. In any event their existence is not a reason, on its own, to allow unacceptable development, which I have considered on its own merits, having regard to the character and appearance of the LCA.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR