



Appeal Decision

Site visit made on 22 November 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/W0734/D/22/3308370

28 Croft Avenue, Middlesbrough, TS5 8AX

- 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 S Hussain against the decision of Middlesbrough Council.
- The application Ref 22/0538/FUL, dated 3 August 2022, was refused by notice dated 20 September 2022.
- The development proposed is proposed single storey rear extension - part retrospective.

Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 28 Croft Avenue, Middlesbrough, TS5 8AX in accordance with the terms of the application, Ref 22/0538/FUL, dated 3 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, received 4 August 2022; Proposed block plan, received 4 August 2022; Proposed roof plan – dwg no 05; Proposed floor plan 4 – dwg no 04; Proposed elevation plan – dwg no 06.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The development has been implemented but it is not completed and the application has been submitted retrospectively. Accordingly, I have determined the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are the effects of the proposal on:
 - i) The character and appearance of the property and the area; and
 - ii) The living conditions of the neighbouring residential occupiers.

Reasons

Character and appearance

4. No 28 is a 2 storey semi-detached dwelling in a residential area characterised by red brick semi-detached properties in varying styles and roof forms set in long plots. Properties are set back from the wide street with small frontages

enclosed by low brick walls. Dwellings generally have private side driveways with detached garages to the rear.

5. The proposal would be a full width single storey L shaped rear extension roughly 7m long. It would be around 2.9m to the eaves. The smaller part abutting No 26 would have a flat roof and the longer part would have a pitched hipped roof around 3.8m to the ridge.
6. Although the scheme would be a substantial addition to the property, the siting to the rear of the dwelling results in only limited and oblique public views of it. The flat roof part would not be visible and the pitched roof part, while long, would be in keeping with the design and materials of its host. Consequently, by virtue of its height, design and siting, it would appear subservient in scale and it would not overwhelm its host. Moreover, taking into account the various styles and sizes of extensions and detached outbuildings and garages visible to the side and rear of properties in the street, the extension would not appear out of character or incongruous. The proposal would not be visually obtrusive or prominent and it would not disrupt a harmonious street scene nor would it detract from local distinctiveness or sense of place.
7. The Council's Urban Design Supplementary Planning Document Adopted January 2013 (the SPD) advises that flat roofs should be avoided as they are usually inappropriate in design terms. In this case, the flat roof element would sit between the pitched roof part and the extension to the rear of No 26. The flat roof would be dissimilar to the extension roofs to either side, but the submitted photographs illustrate that it would not be unusual in that regard. It would in any case be unobtrusively sited such that the flat roof could not influence the street scene nor would it be prominent in private views. Taking into account its modest scale and the variation in built form to the rear of properties, the flat roof would not harm the character of the townscape. Consequently, irrespective that there may be no high quality justification for the flat roof, there would be no apparent adverse visual impact.
8. Therefore, I conclude that the proposal would not harm the character and appearance of the appeal property or the area. Accordingly, it would not conflict with the design aims of Policies DC1 and CS5 of the Middlesbrough Core Strategy Adopted February 2008 (the LP). These require that proposals have a minimal effect on the surrounding environment, being well integrated and contributing to the character and appearance of the area through high quality design. It would not conflict with the aims of the guidance in the SPD.

Living conditions

9. The flat roof part would adjoin, and it would be a similar length to, the single storey extension to the rear of No 26. The pitched roof part would extend beyond the neighbouring extension by a little over 2m but it would be offset from the shared boundary by around 2.7m. Taking into account the tall boundary fence, the height and shallow pitch of the roof and its separation from No 26, the proposal would not be overbearing to the neighbouring residential occupiers either in their dwelling or their garden. Although the proposal would be to the west of No 26, taking into account its height and its separation from the boundary, any slight increase in shadowing late in the day would not be detrimental to the neighbouring residential occupiers.

10. The driveways of No 28 and No 30 are open to one another and there are clear views between the neighbouring dwellings. There would be a window and a door in the facing elevation of the extension but, as there were similar glazed openings in the former rear extension, there would be no greater overlooking between neighbouring windows. The long garage to the rear of No 30 blocks views of the neighbours' rear garden from No 28 such that there would be no loss of privacy to the neighbours in their garden. The neighbours would be able to see the extension but, taking into account its siting and separation and the intervening garage, it would not result in a poor outlook or an overbearing form of development. Furthermore, by virtue of the orientation and separation of the properties and the intervening garage, the proposal would not result in a loss of daylight or shadowing to No 30.
11. Therefore, I conclude that the proposal would not harm the living conditions of the neighbouring residential occupiers, with particular regard to privacy, outlook and overbearing. Accordingly, the proposal would not conflict with the residential amenity aims of LP Policy DC1 or the SPD.

Other Matters

12. Planning permission (ref 19/0064/FUL) was granted in 2019 for single storey extension to the rear, this being about 6m long with eaves of 2.56m and ridge 3.66m. If the appeal should fail, the approved extension would be a fallback position. As the appeal scheme would not harm visual or residential amenity, it is not strictly necessary to consider whether it would be more harmful than the fallback. However, the proposal would be only 1m longer than the approved scheme and it would not be much taller to its eaves or its ridge. While the approved scheme would itself be large, there is little evidence that the modest increase in the size of the proposal would result in significant adverse impacts compared to the acceptable fallback position.

Conditions

13. The Council has suggested planning conditions in the event the appeal was allowed. I have considered these against the tests in the National Planning Policy Framework. As the development has commenced, it is not necessary to impose the standard condition limiting the lifespan of the planning permission. However, as the development is not completed, I have specified the approved plans in the interests of certainty. A condition securing matching materials is necessary to protect the character and appearance of the property and the area.

Conclusion

14. For the reasons given above, I conclude that the appeal should succeed.

Sarah Manchester

INSPECTOR