
Appeal Decision

Site visit made on 13 February 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/W0734/D/22/3313576

27 Maltby Road, Thornton, Middlesbrough TS8 9BU

- 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 A Feasby against the decision of Middlesbrough Borough Council.
 - The application Ref 22/0329/FUL, dated 12 May 2022, was refused by notice dated 13 October 2022.
 - The development proposed is a detached garage (amended scheme for refused application 21/0567/FUL).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether the proposal preserves or enhances the character or appearance of the Stainton and Thornton Conservation Area and ii) the effect of the development on highway safety.

Reasons

Stainton and Thornton Conservation Area

3. The appeal property falls within the edge of an established residential area and is the last dwellinghouse before leaving Thornton to the surrounding countryside. It falls within the Stainton and Thornton Conservation Area (CA). This proposal follows the refusal of planning permission on appeal¹ for a detached garage in a similar location albeit that its footprint was marginally larger and with non-matching materials and a flat roof was proposed. The previous appeal decision is a material consideration of significant weight in decision making terms.
4. The appeal development would accommodate four vehicles, would have wall and roof materials to match the existing house and would have its access as part of an extended existing driveway. I agree with the local planning authority that the proposed wall and roof materials would be acceptable in design terms. They would match the existing house and, in that regard, the proposal would assimilate well into the surrounding street-scene. Nonetheless, the significance of this part of the CA derives from the mainly detached dwellinghouses set within very spacious and verdant plots. Where back garden development exists

¹ Appeal Ref APP/W0734/D/22/3290152

this is appreciated as being subservient in scale to the host properties and hence there remains an openness around properties. The appeal site shares these distinctive and positive attributes and provides a soft and undeveloped rear garden environment thereby providing a suitable transition between the built environment and the more open countryside beyond.

5. While I acknowledge that the footprint of the garage has been reduced slightly when compared to the previous proposal, the building as a whole would still be seen as a large addition in this garden environment and would take up a significant amount of space. While existing boundary vegetation would screen the garage from public views to some extent, it would not fully do so and the hipped roof would have the effect of making the development appear more imposing when seen from parts of Maltby Road and from existing rear gardens. In any event, the character of the CA derives from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view. In other words, its significance does not therefore rely only on the elements that can be readily seen.
6. For the above reasons, I find that the proposal would not preserve the character and appearance of the CA. I find that the harm to the significance of the CA would be less than substantial. However, there are no identified public benefits to outweigh such harm. I conclude that the proposal would not therefore accord with the design and conservation requirements of policies DC1(b) and CS5(c and f) of the Middlesbrough Core Strategy Local Plan 2008 (CS) and paragraph 202 of the National Planning Policy Framework 2021 (the Framework).

Highway Safety

7. The existing access/driveway to the right hand side of the appeal property would be utilised for the purposes of parking vehicles in the garage. This access is very close to an approximately 90 degree bend and where forward visibility is very poor. The proposal would have the effect of intensifying the use of an existing unsafe access to such an extent that it would have the potential to lead to conflicts between vehicles in terms of either rear shunts when turning into the site from the nearby bend, or in terms of exiting the site near to the bend. I reach this view in the knowledge of the speed restriction in the area.
8. While I am cognisant that the appellant could decide to use the rear garden for car parking purposes as part of an extended hard standing area, and utilising permitted development rights, there is no indication that there is a likely prospect of this happening. The appeal proposal relates to a building to store, restore and maintain vehicles and not to a hard standing area. The appellant's statement of case states that he is a *'keen collector of cars and needs a secure and weatherproof area for the vehicles'*.
9. The theoretical potential to park vehicles in the rear garden does not, in this case, alter or outweigh my conclusion on this main issue as it would not be a secure or weatherproof area for vehicles. While the existing access can be used by occupiers of the existing dwelling, there is an alternative and safer access that can be used on the left hand side of the dwelling. I find that the proposal would likely result in greater vehicular use being made of the unsafe access to the right hand side of the house. While the appellant says that that the building would not be used frequently in terms of vehicular trips, this is not a matter that could be reasonably controlled by condition.

10. For the above reasons, I find that the proposal would have an unacceptable impact on highway safety. It would therefore fail to accord with the highway safety requirements of policy DC1(d) of the CS and paragraph 111 of the Framework.

Conclusion

11. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR