



Appeal Decision

Site visit made on 4 April 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2023

Appeal Ref: APP/W0734/D/22/3313846

32 Stewart Park Avenue, Middlesbrough TS4 3FD

- 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 Muneeb Akbar against the decision of Middlesbrough Council.
 - The application Ref 22/0560/FUL, dated 12 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 32 Stewart Park Avenue, Middlesbrough TS4 3FD in accordance with the terms of the application, Ref 22/0560/FUL, dated 12 August 2022, 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, Proposed 01 Elevations dwg no 04 and Proposed Plans dwg no 03.
 - 3) 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.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host property and the area; and
 - The effect of the proposed development upon the living conditions of the occupiers of 31 Stewart Park Avenue.

Reasons

Character and appearance

3. 32 Stewart Park Avenue is a detached house located on a modern residential development. The house has a grey tiled roof whilst the external walls are constructed mainly of brickwork but, stonework and lightly coloured render also feature. The residential development the site is within contains a variety of house types and house sizes. This includes other detached properties, properties with accommodation across 3 floors and, modestly sized bungalows.

Within the residential development there are examples of extensions and existing outriggers including those incorporating flat roofs. Reflective of the host property, brick, render and stone are incorporated widely within the neighbouring properties.

4. I acknowledge that the host property has, quite significantly, been extended in the past and, together with the proposal, a property of quite considerable floorspace and overall size would result. However, being single storey and incorporating a largely flat roofed design, the proposed extension would be a relatively low addition to the property. At the rear, the property presently features 2 hipped roof outriggers, each with a roof ridge lower than the remains of the house. Therefore, in the proposal, the property would, gradually, step down in height. This would serve to break up the scale and mass of the totality of extensions serving the property, moderate its effects and ensure that the proposal would appear subservient and not dominant or oversized, despite its width and depth.
5. During my site visit I noted the array of house types and sizes in the immediate surrounds of the property and other quite large properties are located nearby. Given this variety and, given the moderating effects described above, in the proposal, the extended property would not appear so large as to be out of keeping with the scale and character of the area.
6. Given the existing outriggers and extensions on the estate, that in the proposal, a single storey rear outrigger would project from an existing 2 storey property would be appropriate and, in keeping with the area. The extension would also incorporate detailed design features, such as the symmetrically positioned roof lanterns and the coping stonework at eaves level. This would ensure a high standard of design, even though it would be largely flat roofed.
7. For the above reasons, the development would represent high quality design and would not harm the character or appearance of the host property or area. Therefore, the development would comply with policies DC1 and CS5 of the Middlesbrough Core Strategy, 2008 (CS) and advice within Middlesbrough's Urban Design Supplementary Planning Document, 2013 (SPD). In summary, and amongst other matters, these policies and provisions seek to secure a high standard of design that enhances the built environment and, that extensions be of a scale appropriate to the existing building and area. The proposed development would also comply with advice within the National Planning Policy Framework (the Framework) including paragraph 130 which states, amongst other matters, that development should be visually attractive and sympathetic to local character.

Living conditions

8. The host property, neighbouring property No 31 and, other properties which line this side of Stewart Park Avenue are each served by large back gardens containing trees. Fencing runs along the boundary of the back gardens of Nos 31 and 32. Incorporating a 2 storey outrigger to its rear, No 31 has a loosely L-shaped footprint.
9. The rear elevation of the host property already projects farther back than the rear of No 31 and I acknowledge that, in the proposal, the overall projection beyond No 31 would be considerable.

10. However, owing to its largely flat roofed and single storey design, the extension proposed would be quite low in height. Although the existing common boundary fence is open boarded and, therefore, the proposed extension would have a more solid appearance, the fence nevertheless already has an enclosing effect upon the rear of No 31. Whilst the extension would also be higher than the fence, the fence is high enough that it would provide effective screening of much of the extension's side elevation and only the more upper sections of the extension would appear above it.
11. Although the proposed extension would not be set in from the common boundary with No 31 by a very significant distance, a gap would nevertheless remain to the fence and, this would lessen the effects of its mass. The ground floor doors within the rear outrigger of No 31 and adjacent to the host property are set more significantly away from the shared boundary and, therefore, the proposed extension.
12. In combination, this separation, the low-slung design of the proposed extension and the screening that would be provided by the existing fencing, would moderate the impact of the proposed extension and ensure that the proposal would not create harmful overbearing effects upon the occupiers of No 31. Furthermore, substantial portions of the large back garden serving No 31 would remain well away from the siting of the proposed extension so that it would appear as a largely inconspicuous feature.
13. Being situated to the north-east of the house and, east of the garden at No 31, some reduction in sunlight for that property could result from the extension. However, the existing property arrangements inclusive of the 2 storey outriggers of the host property which project beyond the rear of No 31 and, the existing fencing will already be having effects in this regard. The number and size of the trees in the rear gardens are also likely to cause some shade at times. Given this, again the single storey nature of the extension and the separation that would remain to the rear ground floor doors of No 31 in particular, I find that any additional impacts upon light would be limited.
14. Accordingly, for the above reasons, the effects of the proposal upon the living conditions of the occupiers of No 31 would be acceptable. The development would, therefore, comply with policy DC1 of the CS and advice set out within the SPD which state that the effects of development upon the living conditions of neighbouring occupiers should be minimal, should ensure their privacy and ensure that extensions do not create dominating effects. Furthermore, the proposal would comply with advice at paragraph 130 of the Framework including that development should ensure a high standard of amenity for existing occupiers.

Other Matters

15. Although not referenced within the Council's reasons for refusal, the Officer Report alleges that an unacceptable loss of privacy would result upon the occupiers of No 33 Stewart Park Avenue. However, the proposed extension would contain no window orientated toward No 33 and, coupled with the screening effects of a fence dividing the properties, this leads me to conclude that no such loss of privacy would result.

Conditions

16. I have imposed the standard condition in respect of time limitation and a plans condition in the interests of clarity. To protect the character and appearance of the property and area, a condition is needed to secure appropriate use of materials.

Conclusion

17. For the reasons set out above, I conclude that the appeal be allowed.

H Jones

INSPECTOR