



Appeal Decision

Site visit made on 11 July 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2023

Appeal Ref: APP/W0734/D/23/3317384

4 Hall Drive, Middlesbrough TS5 7EN

- 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 Ghafoor against the decision of Middlesbrough Council.
 - The application Ref 21/1048/FUL, dated 31 October 2021, was refused by notice dated 23 December 2022.
 - The development proposed is amendments to approved granny annex and rear side extension as per attached drawings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in 2020 for the conversion of the existing garage and an extension to the side and rear of it to create a residential annex¹. The planning application that is subject to this appeal sought to regularise changes to the approved plans which were made when the development was built. These are primarily identified as changes to the approved dormers to the two side elevations, changes to the fenestration at ground floor level on the side elevation facing Hall Drive including a garage door, and the addition of a single storey side extension.
3. However, it was evident at my site visit that the development shown on the plans submitted with the appeal planning application does not entirely match with what has actually been built. In particular, the dormer on the side elevation facing the rear garden of the original dwelling has had a partial catslide roof added, although a section of it remains flat roofed. For the avoidance of doubt therefore, I have made my assessment on the basis of the plans that are before me.
4. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Acklam Hall Conservation Area (CA).

Main Issues

5. The main issues are the effect of (i) the development upon the character and appearance of the area and the CA and (ii) the single storey extension on the living conditions of the occupiers of 6 Hall Drive, with particular reference to massing and outlook.

¹ 20/0316/FUL

Reasons

Character and appearance

6. The annex is located in a prominent position fronting onto Hall Drive close to its junction with Acklam Road, and it is within the CA. It sits along with the original dwelling on a large plot of land which by reason of its size and spaciousness contributes positively to the character and appearance of the CA. In that respect, it is noted in the Acklam Hall Conservation Area Appraisal and Study 2006 (CAAS) that the trees within its garden area make a positive contribution to the CA, although the modern building is of little architectural interest.
7. The significance of the CA lies predominantly in the presence of Acklam Hall, the oldest surviving country house in Middlesbrough and a grade I listed building. Although the annex is not in the immediate vicinity of the hall, the development that has taken place around the hall and within its former grounds contributes to the character and appearance of the area in which the hall is found and appreciated and to the CA in general. Due to its position on the edge of the CA, the appeal site makes an important visual contribution at an entrance point into the designated area.
8. The dormer on the side elevation facing towards the rear garden of the original dwelling adjoins the large catslide roofed dormer that covers most of the rear roof plane of the original dwelling. In that context, a box style dormer with a full catslide roof on the annex would not be unduly harmful, as it would in effect be read as an extension to the existing dormer. But, as I have outlined, the plans submitted instead show a flat roofed box dormer. This would be an incongruous and visually dominant addition and one that would appear out of keeping with the design of the original dwelling.
9. I acknowledge that the dormer would not be visible from the public domain, but nonetheless it would be seen from adjacent dwellings. It would from those views cause significant harm to the character and appearance of the annex on which it would be located, and it would represent a poor design solution. This in turn means that there would be harm to the character and appearance of the area. There would be no specific harm to the character or appearance of the CA when considered in terms of its significance and because of the location of the dormer, however this does not overcome the other aforementioned harm I have found.
10. The single storey extension to the side elevation facing towards the garden of the original dwelling has a flat roof, which the Urban Design Supplementary Planning Document 2013 (SPD) advises should be avoided. However, the incorporation of a pitched roof would be difficult to implement given the relationship to the roof of the annex and would considerably add to the bulk of the extension close to the common boundary with 6 Hall Drive. The inclusion of parapet walls at either side aids in screening the flat roof and on balance achieves a reasonable compromise between providing the additional floorspace and not causing unacceptable harm to the character and appearance of the area or the CA.
11. The side elevation that faces onto Hall Drive contains three dormer windows, which are broadly in accordance with the guidance set out in the SPD. Subject to pitched roofs being added to these as is indicated on the submitted plans,

the Council does not raise an objection to this element of the development. I find no reason to disagree with that assessment, and therefore I concur that the dormers as intended to be completed on this elevation would not cause harm to the character and appearance of the area or the CA.

12. The side elevation facing Hall Drive now also includes the presence of a garage door to which the Council takes exception as a dominating and characterless feature. However, the garage door is of a modest size in comparison to the width of the elevation on which it is located. Furthermore, the presence of a garage door on what is a modern domestic property is not objectionable or visually harmful, even in the context of the site being within the CA. It would also appear that prior to the development taking place a garage door of some type was present facing towards Hall Drive.
13. In conclusion, the dormers on the side elevation facing Hall Drive would not, subject to the incorporation of pitched roofs, cause harm to the character and appearance of the area or the CA. The changes to the ground floor fenestration on that elevation and the addition of the single storey extension to the other side elevation also do not cause harm to character and appearance.
14. However, the flat roofed box dormer to the side elevation facing the rear garden of the original dwelling would cause significant harm to the character and appearance of the area and would fail to accord with Policies DC1(b), CS4(k and l) and CS5(f) of the Core Strategy 2008 (CS), where they seek to protect character and appearance. There would also be a conflict with the SPD in the same regard, and with the aim of the National Planning Policy Framework to achieve well-designed places.

Living conditions

15. The single storey extension is situated close to the rear area of 6 Hall Drive. However, its projection beyond the rear elevation of that adjacent dwelling is not substantial, it extends along only part of the common boundary, and it is not positioned close to the main rear garden area of No 6. As a result, even in its current built form, it has not caused an undue impact upon the living conditions of the occupiers of the adjacent property with respect to its massing or from a loss of outlook. Whilst there is a window on the side elevation of No 6 facing the extension, this is a secondary window and therefore there has not been harm in terms of a loss of light.
16. For these reasons, I conclude that the single storey extension has not caused harm to the living conditions of the occupiers of No 6. Consequently, this element of the development accords with Policy DC1(c) of the CS, where it seeks to protect living conditions. There is also no conflict with the aims of the SPD in the same regard.

Conclusion

17. Whilst I have not found harm to result from the single storey extension or from the development on the elevation facing Hall Drive, I have found that there would be harm to the character and appearance of the area arising from the flat roofed box dormer on the side elevation of the annex facing the rear garden of the original dwelling.
18. For this reason, the proposal fails to accord with the development plan and there are no considerations in its favour that indicate that a decision should be

made otherwise than in accordance with the plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR