



Appeal Decision

Site visit made on 27 June 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Appeal Ref: APP/W0734/W/23/3320999

60 Low Lane, Middlesbrough TS5 8EA

- 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 S Rashid against the decision of Middlesbrough Council.
 - The application Ref 23/0088/FUL, dated 8 February 2023, was refused by notice dated 24 March 2023.
 - The development proposed is demolish existing bungalow and build new two-storey height detached house with double detached garage.
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Decision

1. The appeal is dismissed.

Applications For Costs

2. An application for costs was made by Mr S Rashid against Middlesbrough Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a corner plot within a residential street. Low Lane comprises semi-detached properties, and while there are differences in design and appearance, the similarity in the built form and spaces around the properties creates a consistent, spacious and harmonious character. Adjacent to the appeal site is a public footpath and next to that are a block of flats which sit at a noticeably lower ground level than the appeal site.
5. The proposal would introduce a two-storey detached dwelling with a similar width to the existing bungalow at the site. It has been sensitively designed to integrate with the semi-detached properties on Low Lane and the general pattern of development, and would be of a similar scale, height and hipped roof design, albeit with three front dormers. I acknowledge that several amendments have been made to the scheme to integrate the proposal into the street scene, over two applications. However, owing to the irregular triangular plot shape the proposed dwelling would sit awkwardly within it. While separation distances would remain to either side of the main elevation of the property, owing to the shape of the plot, and the depth of the proposal, the rear corner of the development would be close to the side boundary with the public footpath.

6. It is not disputed that the proposal adds significant mass to the site by virtue of the two-storey development. While this would not be experienced in some views along Low Lane, it would be readily apparent in views from the lower ground to the side of the site, particularly from the public footpath. Owing to the difference in ground levels the proposal would be an incongruous addition, appearing prominent in the otherwise open character. Even if the footpath is not frequently used as suggested by the appellant, this is not a reason, in itself, to allow harmful development. The flats and footpath are on the same level and so the siting of the flats close to the boundary with the footpath does not have the same effect on the character and appearance of the area as the proposal would.
7. Middlesbrough's Urban Design Supplementary Planning Document (2013) (SPD) advises that a successful development should consider the established surrounding urban grain, block and plot size, and that designs for infill sites must take account of their relationships to plot boundaries/sizes. The footprint of the proposal may only occupy a modest proportion of the site's area as a whole and is said to maximise the plot's potential. Nonetheless, the siting of the proposal, bringing development close to the side boundary at the rear, would not relate positively to the plot shape and would detract from the open qualities of the locality. Even with landscaping and fencing, the proposal would be clearly visible above this at first floor level, resulting in a noticeable difference in the built form and appearing as a dominant feature in the street scene.
8. I have considered the example of the detached dwelling at the other end of Low Lane. However, 20 Low Lane sits within a more uniform shaped plot which accommodates the property with clear spaces remaining around it. As such, that development does not undermine the character and appearance of the area in the way that the proposal would. Consequently, the context of the example differs, it is not directly comparable to the scheme before me and does not indicate that a detached dwelling at the appeal site would mirror 20 Low Lane in effect and would not therefore 'bookend' the street.
9. Overall, the proposal would unduly harm the character and appearance of the area, in conflict with policies DC1 and CS5 of the Middlesbrough Local Plan (2018) which, amongst other things, require a high standard of design that is well integrated with the immediate and wider context. It is also contrary to the guidance contained within the SPD in relation to design principles.

Other Matters

10. The proposal is said to offer improved thermal efficiency to that of the existing bungalow, and in using the existing foundations would offer a sustainable build. It would also provide a good size family dwelling. These are clear benefits of the scheme. However, in this case, I have found there would be significant harm to the character and appearance of the area, which is not outweighed by these benefits. While the scheme would provide for an increase in internal space required for the appellant's family, it has not been shown that the proposal is the only way in which to provide additional space.
11. The Council have not found the proposal to be harmful to the living conditions of neighbouring occupiers and I have no reason to disagree. However, policy compliance on this matter is a neutral factor. While the appellant has

expressed frustrations with the Council's handling of the case, this has not affected my consideration of the planning merits of the scheme.

Conclusion

12. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR