



Appeal Decision

Site visit made on 29 August 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/W0734/D/23/3324476

81 Low Lane, Middlesbrough TS5 8EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr J Rashid against the decision of Middlesbrough Council.
 - The application Ref 23/0186/FUL, dated 3 April 2023, was refused by notice dated 5 June 2023.
 - The development proposed is described as; *'replace existing drive entrance gates and brick pillars with new enlarged details'*.
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Decision

1. The appeal is allowed and planning permission is granted for development described as; *'replace existing drive entrance gates and brick pillars with new enlarged details'* at 81 Low Lane, Middlesbrough TS5 8EG in accordance with the terms of the application, Ref 23/0186/FUL, dated 3 April 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed External Works Drawing No. 08.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal site accommodates the residential property of No. 81 Low Lane located on a corner plot where Lincombe Drive meets Low Lane within a residential setting. The property is set back from the footpath and main road with a garden area to the front and a garden area and parking along the side. A tall hedge wraps around the front and side of the property concealing a large proportion of the dwelling and garden areas where views are limited particularly on approaches along Low Lane. There are two sets of brick pillars and gates one of which fronts Lincombe Drive providing for vehicle access with the other fronting Low Lane providing pedestrian only access to the property. These are set at a lower level than the existing hedge.
4. The proposed development would replace the existing gates and pillars with larger gates and pillars which would be taller and the existing pedestrian entrance fronting Low Lane would also become wider. Due to the site's

location on a corner plot, the proposed gates would be visible from the road including views from neighbouring properties. I observed the properties nearby and noted that although there are many front garden areas that are open, set behind dwarf boundary walls and hedging, there are many that are also more enclosed including the appeal property and a wide range of boundary treatments are evident in the immediate vicinity of the site particularly along Low Lane including large gates and pillar entrances. Such boundary treatments vary in their size and design, and I observed several higher boundary treatments at my site visit.

5. I note the council's claims that many of the higher boundary treatments in the area are at odds with the predominant character of the street scene which comprises lower height boundary treatments allowing for a sense of openness. However, given the sheer number and varying size and design of higher boundary treatments that exist nearby, these are already a common feature within the area and are well assimilated within the street scene even if some did have a negative impact. As a result, the character of boundary treatments in the area is very mixed.
6. Although the proposed gates and pillars would be higher than the existing gates and pillars and would be wider to the front, they would still be of a relatively low height and limited width with an overall design similar to others in the area. The height would also be in keeping with the existing hedging that surrounds the property and would not have a materially harmful change to the openness that exists at the property given that views are already limited. I note that the entrance fronting onto Low Lane is not a vehicle entrance and that higher boundary treatments tend to be associated with vehicle entrances. However, the overall height and design would still not be overly prominent in this residential setting and would not appear discordant when viewed in context of the diverse appearance of other boundary treatments that exists in the immediate vicinity. Additionally, the existing hedging at the site would help to screen the gates and pillars from certain views including approaching the site along Low Lane and would help to soften its overall appearance.
7. I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the host property and surrounding area. Accordingly, I find that the proposed development would accord with Policies DC1(C) and CS5 (C & F) of the Middlesbrough Core Strategy, 2008 which together, amongst other matters, requires proposals to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. For the same reasons, the proposed development would also comply with the Middlesbrough's Urban Design Supplementary Planning Document, 2013.

Other Matters

8. Concerns have been raised regarding the pedestrian access being increased in width and height as this may in the future be used to access the highway onto Low Lane. The Councils' officers report explains that the proposals do not indicate any vehicular access being created and I have no reason to disagree and have determined the appeal accordingly. Any changes in the future or future permissions would be subject to a separate assessment.

Conditions

9. I have considered the conditions suggested by the Council including the standard time for commencement of development which I have applied. I also agree that a plans condition is necessary to ensure that the approved development is carried out in complete accordance with the approved plans.

Conclusion

10. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed.

N Teasdale

INSPECTOR