



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: 3rd October 2023

Appeal Ref: APP/W0734/W/23/3324323

6 Granville Road, Middlesbrough TS1 3PF

- 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 B Ahmed against the decision of Middlesbrough Council.
- The application Ref 22/0433/COU, dated 21 June 2022, was refused by notice dated 19 December 2022.
- The development proposed is described as; *'proposed change of use of part of residential property to form business unit, E(c)(ii) professional services - letting agent'*.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the above banner heading has been taken from the original application form. The decision notice includes for a single storey extension at the rear as shown on the submitted plans and I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development on bin/cycle store provision for the existing property; and
 - Whether the proposed development would provide suitable bin/cycle store provision for the proposed use.

Reasons

Character and appearance

4. The appeal site accommodates an end-terraced residential property located within a prominent position on the corner where Wilton Street meets Granville Road. The property is readily visible from approaching the site along Granville Road and Wilton Street which are both largely residential streets with some commercial uses located closer to the appeal site to the west.
5. The property forms part of a row of other similar terraced properties which share a uniformity of design, style and form including gable roofs, outriggers, bay windows to ground floor, frontages enclosed by low level walls and rear yard areas with a broadly consistent materials palette. As a result, the area has

a clear rhythm of development with an overall traditional appearance which continues along Wilton Street where the side elevation of the appeal property fronts onto.

6. The side elevation is exposed being located along the footway on Wilton Street which allows for clear and open views of both the side and rear elevation. Whilst the rear yard associated with the property may have once been an open outdoor yard, it has since become fully enclosed with single storey additions comprising a sloping roof and timber doors along the side and is not therefore used as external amenity space.
7. The proposed development would alter and extend this covered yard area to create a commercial unit including replacement of the roof at the rear with a flat roof and glazed shop front and doors along the side elevation. Such features would introduce a more modern and commercial appearance to the building which would not correspond with the traditional and residential design, style and form of other buildings in the area, thus making it a discordant addition to the street scene.
8. I appreciate that careful consideration would be given to any materials to ensure they match the existing and this could be controlled via a planning condition. However, the proposed development would still have an adverse visual impact. The proposed development may improve the current situation at the site. However, this does not justify approving harmful development.
9. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. As such, it would be contrary to Policies CS5 and DC1 of the Middlesbrough Local Development Framework Core Strategy, 2008 (CS) 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.

Bin/cycle store provision

10. As referred to above, the rear yard associated with the property has historically been fully enclosed opposed to being used as outdoor space. Although the existing occupiers would lose this additional covered space for storage purposes, I have no firm evidence that this space is presently used for bin/cycle storage provision or that there is any reasonable prospect of this space reverting back to a rear yard area. I noted on my site visit that whilst only a snapshot in time, bins were located to the front of the property opposed to the rear despite collections being made from the rear alley. Additionally, the proposed plans show a store located under the stairs which whilst small could be used by the existing occupiers for cycle storage if needed. On this basis, the proposed development would be unlikely to change the existing situation to a greater degree and would not have an unacceptable impact on the existing property having regard to bin/cycle store provision. There is also no compelling case that the changes would lead to residential waste being stored outside the constraints of the site.
11. The proposed development would however introduce a further use at the property which would be commercial, and it remains unclear how waste associated with this use would be stored onsite. It would likely require its own provision given that it would be completely separate to the residential use. The

lack of provision could therefore lead to waste being stored outside the constraints of the site which could be detrimental to the visual amenity of the area. Despite reference to internal refuse storage, such areas are not indicated on the plans and in any event, I am not convinced that any internal storage for waste would be a practical or reasonable solution.

12. From the evidence before me, the proposed use would create demand for one car parking space. It is undisputed that the site is within a sustainable town centre location and easy to reach by various transport methods and easy to reach on foot. Reliance on private car would therefore be reduced. Having regard to the location of the site and its predominant focus on the student market, it would not be unreasonable for both customers and staff to cycle to the site. No provision is made for cycle storage which would cause a barrier in terms of access by this mode of sustainable transport. However, given that the site is readily accessible by other sustainable methods of transport and is very modest in size, the lack of cycle provision in this particular case would not have a significant detrimental impact on the highway network. I am aware of the Council's concern regarding parking arrangements although this did not specifically form part of the reasoning for refusal. Nevertheless, the very modest size of the proposals, limited demand for car parking coupled with the accessible location of the site would not place significant demand on kerbside spaces and thus would also not have a significant detrimental impact on the adjacent highway. The lack of cycle provision would not materially alter this position.
13. For the reasons given above, I conclude that the proposed development would not materially affect the existing property in terms of bin/cycle store provision and the lack of cycle store provision for the proposed use would on balance, not have a significant detrimental effect. It has not however been sufficiently demonstrated that the proposed development would provide suitable bin store provision for the proposed use. It would therefore be contrary to Policies CS5 and DC1 of the CS which together, amongst other matters, requires proposals to take account of the effect upon the surrounding environment and amenities of occupiers of nearby properties.

Other Matters

14. I appreciate that the proposed development would bring the outbuilding into viable use providing a service beneficial to the area and I note the need and economic and social benefits associated with the use in this location where such uses are directed. The appeal site is not located within the Conservation Area and would not have a harmful effect on the residential amenity of residents within the area in terms of privacy and noise disturbance. However, such matters are not sufficient to outweigh the harm I have identified taking into account the main issues.
15. I acknowledge the communications that have taken place with the Council and the level of frustration in this regard. Such matters do not however alter my findings on the main issues.
16. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It is clear from the policies contained within the Council's development plan that proposals are required to secure a high standard of design for all development whilst taking account of the effect upon the

surrounding environment and amenities of occupiers of nearby properties. As such, I have no clear reason to consider the appeal proposals not in line with the development plan. I am also not persuaded that the policies applicable in this case are out of date.

Conclusion

17. I have found that some of the scheme would cause no harm for the reasons given. However, the proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated plan conflict. The appeal is therefore dismissed.

N Teasdale

INSPECTOR