



Appeal Decision

Site visit made on 23 November 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/W0734/D/23/3328282

117 Ruskin Avenue, Middlesbrough TS5 8PD

- 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 Bethany Doherty against the decision of Middlesbrough Council.
 - The application Ref 23/0196/FUL, dated 5 April 2023, was refused by notice dated 3 July 2023.
 - The development proposed is a double storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey side extension and single storey rear extension at 117 Ruskin Avenue, Middlesbrough TS5 8PD in accordance with the terms of the application, Ref 23/0196/FUL, dated 5 April 2023, 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:
 - Proposed Plans Page 03 Rev 4
 - Proposed Plans Page 04 Rev 4
 - Proposed Elevations Page 05 Rev 4
 - Proposed Section Page 06 Rev 0
 - Pyramid Architectural Design Block Plan
 - Pyramid Architectural Design Location Plan
 - 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.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but nevertheless, a different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.
3. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. In reaching my decision, I have had regard to the content of the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. 117 Ruskin Avenue (No 117) is a semi-detached house located within a residential area. The host property and many of the houses nearby to it exhibit similarities in their appearance and scale. There are, nevertheless, several properties in the area which have had quite significant extensions added to them. Between some of the pairs of semi-detached houses there are driveways. Where this is the case, a wide gap exists between the buildings. In other instances, by reason of extensions and outriggers being in situ, narrower gaps exist. At neighbouring 115 Ruskin Avenue (No 115) and running alongside the common boundary with the host property, there is a single storey garage which adjoins the timber fencing which encloses the side plot of the host property. Therefore, there are variances to the spaces which are between and to the side of properties in the area and how pronounced those spaces are.
6. The proposed single storey rear extension would replace existing outriggers and therefore, would represent only a quite modest addition to the host property. It would incorporate a simple lean-to pitched roof which would be similar to other outriggers to the rear of neighbouring properties. I therefore agree with the Council that this extension would be acceptable.
7. The 2 storey side extension would be set in from the common boundary with No 115 albeit, I acknowledge, the extent of it would be quite modest. The first floor of the extension would be set back behind that of the existing property by 1m whilst its roof ridge would be set down lower than the existing roof. The width of the 2 storey extension would be less than 50% of the width of the existing house. Each of these design measures would ensure that the proposed extension would appear subservient to the existing property and prevent it from appearing dominant or overbearing within the street scene. The incorporation of these particular design facets would accord with the quite prescriptive guidance of Middlesbrough's Urban Design Supplementary Planning Document 2013 (SPD).
8. The frontage of the No 115 house projects farther forward than the host property and this would remain the case in the proposal. Given the set-back incorporated into the proposed extension, the first floor would therefore be recessed a quite considerable distance behind the front of No 115. This layout of the properties, together with the design facets incorporated would combine to ensure that the staggering and spacing which would remain between Nos 117 and 115 would be sufficient to prevent any harmful terracing effects occurring. That said, I accept that the 2 storey nature of the extension would result in some erosion of the space between the properties but for the above reasons, harm to the street scene would not occur. Furthermore, during my visit I noted examples of 2 storey side extensions at 4 and 9 Banbury Grove, 1 Rushleigh Avenue and 93 Ruskin Avenue. Therefore, 2 storey side extensions of the type proposed would not be incongruous in the area.

9. I have had regard to the proposal at 17 The Willows (No 17) and the appeal decision made in relation to it¹. I note that the set-back of the extension proposed at No 17 would only be half the distance proposed in the appeal scheme whilst the neighbouring property 19 The Willows is not set forward of it, unlike the arrangement in the appeal scheme. The Willows is also a quite considerable distance from the appeal site and contains house types and a general street scene which are quite different from Ruskin Avenue. Therefore, there are marked differences in the context and likely effects of the appeal proposal and the scheme at No 17. The findings of the Inspector in that case therefore do not weigh against the proposal.
10. For the above reasons, the effect of the proposed development upon the character and appearance of the area would be acceptable and it would comply with Policies DC1 and CS5 of the Middlesbrough Core Strategy 2008 together with the content of the SPD. These policies and provisions require that development proposals exhibit a high quality of design which would integrate well into their context with all extensions required to exhibit subservience to the existing property. The proposed development would also comply with advice within the Framework, including that at paragraph 135, which sets out that developments should function well, add to the overall quality of the area and be sympathetic to local character.

Conditions

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

Conclusion

12. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR

¹ Appeal Decision APP/W0734/D/22/3296207