



Appeal Decision

Site visit made on 16 January 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/W0734/D/23/3332963

5 Wycherley Avenue, Linthorpe, Middlesbrough TS5 5HH

- 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 & Mrs Doreen Yeoh against the decision of Middlesbrough Council.
 - The application Ref 23/0392/FUL, dated 21 July 2023, was refused by notice dated 6 September 2023.
 - The development proposed is part demolition of existing rear offshoot to allow for new single storey extension to rear.
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Decision

1. The appeal is allowed, and planning permission is granted for part demolition of existing rear offshoot to allow for new single storey extension to rear at 5 Wycherley Avenue, Linthorpe, Middlesbrough TS5 5HH in accordance with the terms of the application, Ref 23/0392/FUL, dated 21 July 2023 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: Existing Site Location Plan (1:1250); Proposed Block Plan (1:500); Existing and Proposed Plans and Elevations Drawing No. 01 Revision B.

Applications for costs

2. An application for costs was made by Mr & Mrs Doreen Yeoh against Middlesbrough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the host property and immediately adjacent property; and
 - The effect of the proposed development on the living conditions of existing occupiers of the attached dwelling with particular regard to outlook.

Reasons

Character and appearance

4. The appeal property relates to a two-storey semi-detached dwelling located within a residential setting along a row of other similar properties. Many nearby properties including its neighbour's benefit from extensions/additions to the rear which vary in size and design.
5. It appears undisputed that the host property already benefits from an extant planning permission for a single storey extension to rear (part demolition of existing rear extension) which is yet to be implemented but remains a material fallback position. This extant permission would amongst other things, allow for a rear extension projecting 5.3 metres from the rear elevation of the property. Based on the evidence before me, there appears to be very limited change from the previous scheme with the main change being that the proposed extension would project slightly further outwards from the rear elevation measuring 6 metres.
6. Whilst the proposed rear extension would project slightly further out from the rear elevation of the dwelling than the previously approved scheme, it would remain single storey of a relatively low height with an overall design similar and complimentary to that of the main property. This, together with the limited changes made to the depth remains subordinate to the main property and is no more harmful than the previous scheme.
7. Additionally, the extension would be well shielded from views given the location to the rear of the property and any visual impact arising from the proposed development would be limited. In any event, the extension would not appear discordant given the diverse appearance of other rear extensions/additions nearby.
8. I appreciate that the Council has previously deemed that the absolute maximum that the Council could reasonably support would be the approved scheme and thus a 5.3 metre projection. However, the size and scale of the extension proposed still remains subordinate to the main property and its adjacent property and would not look bulky or prominent compared to the size of the main building or its neighbours. On balance, the limited depth increase in this case is not considered to have a materially harmful effect.
9. The proposed extension would have a flat roof with a lantern light, and I note the guidance contained within the Middlesbrough's Urban Design Supplementary Planning Document, 2013 (SPD) which explains that flat roofs should be avoided, as they are usually inappropriate in design terms. However, this element of the scheme appears to remain unchanged to that of the approved scheme and I cannot agree that there would be any material level of harm arising from the limited change in depth of the extension or be so out of place or dominant in this setting. It would not therefore conflict with the aspirations of the SPD which requires extensions to not negatively affect neighbouring properties and not stand out from the main house.
10. Due to the overall design and position on the rear elevation, the proposed extension would not appear as a dominant addition nor be highly visible in the locality. Accordingly, I conclude that the proposed development would not unacceptably harm the character and appearance of the host property and

immediately adjacent property. It would therefore accord with Policies DC1, CS4 and CS5 of the Middlesbrough Local Development Framework Core Strategy, 2008 (CS) which together, amongst other matters, explains that all development proposals will be required to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. For the same reasons, the proposed development would also accord with the aspirations of the SPD as well as the aspirations of the National Planning Policy Framework (the Framework) relating to achieving well-designed and beautiful places.

Living conditions

11. The dwelling is enclosed by a tall fence to the rear which separates the property from its attached neighbour at No. 7 to the west. Neighbouring property No. 3 is located to the east being unattached from the appeal property and is separated by a driveway leading to detached garages to the rear as well as a similar tall fence. The rear garden areas of the appeal property and its neighbours are long and narrow.
12. As set out, the host property already benefits from an extant planning permission for a single storey extension to rear (part demolition of existing rear extension) comprising a projection of 5.3 metres from the rear elevation. I have had due regard to the drawings provided within the appellants' statement of case which shows that the first 3 metres of the previously approved extension would sit against the boundary fence closest to No. 7 and the last 2.3 metres would be set away from the boundary fence by 1.5 metres.
13. Whilst the proposed rear extension would project slightly further outwards than the previously approved extension, it would remain to be single storey of a relatively low height. It would also comprise an overall limited depth particularly when taking into account the length of the garden area which can accommodate a larger extension.
14. The extension would be visible from No 7. However, its low height and flat roof form ensures that the proposed development would not represent a visually overbearing feature for the existing occupiers of No. 7 particularly when taking into account the previous scheme which also resulted in a 3-metre extension sitting along the boundary of the neighbouring property. This element would therefore remain unchanged with the additional depth set away from the boundary. Moreover, the tall fence that currently exists along the boundary would help screen a large proportion of the extension and this, together with the proposed set back of part of the extension from the boundary would ensure that outlook would not be so severely restricted from No 7. The orientation of No 7 and the positioning of the windows within the rear elevation also means that it has direct outlook over its rear garden area and outlook from inside the property would be at an angle where general outlook would largely be retained.
15. In terms of neighbouring property, No. 3 and for completeness, this property already benefits from a single storey rear addition which sits close to the boundary with the appeal site as well as a detached garage. As a result, outlook onto the appeal site is already limited and only partial views of the proposed extension would be available. There is also a sufficient separation distance from the common boundary to ensure that the proposed development would not result in an unreasonable degree of harm in terms of outlook. In a similar way to No 3, the orientation of the property and relationship that exists

also means that any views from inside the property would be at an angle where outlook would largely be retained over their own garden area.

16. As set out above, I am aware that a 5.3 metre projection in total was the absolute maximum that the council could reasonably support and note concerns regarding repeat applications for endless increments. However, the limited depth increase in this case is not considered to have a materially harmful effect over and above that of the approved scheme and there is no evidence before me to indicate that my decision would result in further applications which would in any case need to be assessed on their own merits.
17. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on the living conditions of existing occupiers of the attached dwelling with particular regard to outlook. It would therefore accord with Policies DC1 and CS4 of the CS which together, amongst other matters, explains that all development proposals will be required to take account of the effect upon the surrounding environment and amenities of occupiers of nearby properties will be minimal both during and after completion. For the same reasons, the proposed development would also accord with the SPD and the aspirations of the Framework relating to achieving well-designed and beautiful places.

Other Matters

18. The site lies within the Linthorpe Conservation Area (CA). As such, I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Council do not appear to raise any particular concern in relation to the impact on the character and appearance of the CA given that it will not unduly harm the significance associated with the CA as detailed in the Conservation Officers' comments on the scheme. Based on the evidence before me and my own observations on site, I have no reason to disagree with this assessment.

Conditions

19. 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 in the interests of certainty. A condition relating to materials is also required in the interests of the satisfactory appearance of the development.

Conclusion

20. For the reasons given above and having had regard to the development plan as a whole, the appeal should be allowed subject to the attached conditions.

N Teasdale

INSPECTOR