

Appeal Decision

Site visit made on 29 August 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/W0734/D/24/3344231

90 St Marys Walk, Middlesbrough TS5 7SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Foster against the decision of Middlesbrough Council.
 - The application Ref is 24/00037/FUL.
 - The development proposed is demolition of existing garage to the rear of the property; erection of a single-storey garage extension to the side of the property including creation of entrance porch; front garden to be converted to driveway.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage to the rear of the property; erection of a single-storey garage extension to the side of the property including creation of entrance porch; front garden to be converted to driveway at 90 St Mary s Walk, Middlesbrough TS5 7SE in accordance with the terms of the application Ref 24/00037/FUL, 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 drawings: Location Plan; 001 Rev002; 002 Rev002; 003 Rev002.
 - 3) The external materials of the extension hereby permitted shall match those used in the main building.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host dwelling and surrounding area, and if any harm would occur, whether this is outweighed by other considerations.

Reasons

3. The appeal property is one half of a two-storey semi-detached dwelling in an established residential estate of similar properties. The houses are regularly spaced and the front elevations feature distinctive two-storey bay windows and a recessed front door under an arched surround. While some houses have

been extended at the side and rear, very few have been extended at the front, giving this pleasant residential area a strong cohesive character.

4. One of the rare exceptions to the established character is No 86, which has a single-storey garage extension that projects approximately 1 metre past the main front wall with a wrap-around roof forming an open canopy over the front door supported by a brick pillar. The appeal scheme is somewhat similar, but would include a fully enclosed porch area. As a result, the distinctive doorway arch would be lost and the front door would be uncharacteristically flush with the front wall of the extension. In these particular respects, the proposal would constitute an unfortunate change to the front of the dwelling in design terms, albeit the harm would be minor in degree.
5. The Council has also raised concerns in respect of subservience and a terracing effect. However, the extension would be single-storey with a shallow pitched roof and a limited forward projection not much beyond the front bay windows. It could not reasonably be described as dominant or overbearing, and while No 88 has already been extended at the side, the gap between the properties would be retained at first floor level thereby avoiding any terracing effect. It would also be seen in close context with the similar extension at No 86. Nonetheless, harm would occur for the other reasons identified above, contrary to the design principles of Policies DC1 and CS5 of the Middlesbrough Local Development Framework Core Strategy 2008 (the CS) and Middlesbrough's Urban Design Guide Supplementary Planning Document 2013 (the SPD).
6. However, the appellant refers to the property's permitted development rights (PD), particularly the ability to add a porch at the front. Indeed, Class D of the GPDO¹ allows the erection of a porch outside any external door of a dwellinghouse subject to a number of limitations. While the appeal scheme itself would not fall under this provision, it is conceivable that some form of porch could be constructed within the limitations of PD. This might even be larger than what is currently proposed and could similarly lead to the loss of the doorway arch. Such a proposal may have a greater impact than the proposal before me. Mindful of the appellant's intentions to adapt the property, I consider that there is a greater than theoretical possibility that an alternative PD scheme might take place. This potential fallback position carries significant weight in my consideration of the appeal.
7. The Council's officer report makes reference to another appeal decision (APP/W0734/D/21/3285967). However, that proposal included a two-storey side extension and was partly dismissed for the terracing effect, which is not the case here. Consequently, it has little bearing on my assessment of this appeal and I have reached my own conclusions.
8. On the basis that a PD scheme could lead to similar or greater harm than the minor harm I have identified in respect of the appeal proposal, I conclude that the appeal should be allowed. Whilst I have concluded that the proposal would conflict with adopted planning policies and the SPD, the weight I give to the PD considerations in this case indicates that the proposal should be

¹ Class D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

determined otherwise than in accordance with the development plan and relevant guidance.

Other Matters

9. The Council did not identify any harm to the setting of the grade I listed Acklam Hall which lies further to the south-east of the appeal site. Given the minor nature of the development, intervening distance, and the residential character of the surroundings, I too am satisfied that the setting of this designated heritage asset would be preserved.

Conditions

10. As suggested by the Council, I have imposed the standard time limit and approved plans conditions for certainty. I have also imposed a condition relating to matching external materials to ensure a satisfactory appearance of the development.

Conclusion

11. The proposal would lead to minor harm to the appearance of the host dwelling and would conflict with the development plan. However, the potential of a PD fallback scheme is a material consideration that indicates that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be allowed.

A Caines

INSPECTOR