

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: 6 September 2024

Appeal Ref: APP/W0734/D/24/3344355

88 The Avenue, Linthorpe, Middlesbrough TS5 6RT

- 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 A Adil against the decision of Middlesbrough Council.
 - The application Ref is 23/0655/FUL.
 - The development proposed is side first floor bedroom extension and rear ground floor sunroom / kitchen extension.
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Decision

1. The appeal is allowed and planning permission is granted for side first floor bedroom extension and rear ground floor sunroom / kitchen extension at 88 The Avenue, Middlesbrough TS5 6RT in accordance with the terms of the application Ref 23/0655/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 drawing nos: 03; 04.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.

Applications for costs

2. The appellant made an application for costs against the Council. This is the subject of a separate decision.

Main Issue

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

Reasons

4. The appeal relates to a two-storey detached house located on the corner of The Avenue and Westbeck Gardens. It is part of an established residential estate with various different house types repeated throughout the area. The appeal property has a gable-fronted design and contains a single-storey extension at the side. To the south are a pair of two-storey semi-detached

houses which sit slightly forward of the appeal property. Both have two-storey gable extensions at the side, with the extension at No 90 being set in slightly from the boundary with the appeal property.

5. The proposed first floor side extension would reduce the gap to No 90 at first floor level. However, this gap is only experienced at close quarters and I did not observe a strong rhythm of spacing within the street. Consequently, its value in providing a sense of consistency or visual relief within the wider mixed street scene is limited. Moreover, a narrow gap would still be retained to No 90, which together with the set back of the front wall and the staggered arrangement of the buildings, would avoid any harmful perception of terracing.
6. There is some conflict with the Council's Urban Design Supplementary Planning Document 2013 (SPD) given the side extension would marginally exceed half the width of the house and its ridgeline would be level with the main roof. Nevertheless, it would be no wider than the existing extension, which does not appear out of proportion. In addition, as the roof of the extension would run perpendicular to the main roof, its ridgeline would be set well back from the front of the dwelling in any event, thereby ensuring that the extension would not dominate the host building or street scene. A reduction in the ridgeline is therefore not necessary to achieve subservience in this case, and as the appellant points out, would cause an undesirable mismatch in roof pitches between the extension and main house.
7. I have also taken into account that many of the detached dwellings in the area have been similarly extended at the side, some of which are even wider and not set back from the front wall. Even if these were constructed prior to the current SPD, they are part and parcel of the established character and further serve to demonstrate that the proposal can be accommodated without causing harm to the character and appearance of the host property and area.
8. The proposed single-storey rear extension did not feature in the Council's refusal reasons. Based on my own observations, I agree that it would not be a harmful addition to the dwelling and surrounding area.
9. Overall, whilst the proposed first floor side extension would not fully accord with the advice in the SPD, it is not the intention of such guidance to be strictly applied in all circumstances. I have necessarily considered the proposal on its own merits, and for the reasons outlined above, I find that the proposal would not be harmful to the character and appearance of the host property and surrounding area.
10. As such, the development complies with the broad design principles contained in Policies DC1 and CS5 of the Middlesbrough Local Development Framework Core Strategy 2008, and therefore with the development plan as a whole. This outweighs the identified conflict with the SPD.

Other Matters

11. Any party wall or maintenance implications are either civil or legal matters or fall within the scope of Building regulations, so have little bearing on my assessment of the planning merits of the scheme.

Conditions

12. 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

13. For the reasons given, the appeal should be allowed.

A Caines

INSPECTOR