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## Appeal Decision

Site visit made on 25 February 2025

**by M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

**Decision date: 20<sup>th</sup> March 2025**

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**Appeal Ref: APP/W0734/D/24/3351925**

**1 Marton Avenue, Middlesbrough TS4 3SQ**

- 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 Haroon Hussain against the decision of Middlesbrough Council.
  - The application Ref is 24/0085/FUL.
  - The development proposed is first floor extension above existing garage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal had been partially built when I visited. Whilst the appellant considers that it should be described as 'part retrospective first floor extension above existing garage', as the term 'retrospective' is not an act of development, I have removed it from the description. Moreover, although one wall of brickwork was visible between the proposed garage and garden room, the rest of the building was new blockwork. Furthermore, the plans show that the building is wider than what was there previously. For the avoidance of doubt, I have determined the appeal based on the plans as submitted and the description, as discussed above.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024, however, the principles relevant to this decision remain the same. Therefore, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the dwelling and the character and appearance of the area; and, whether the proposal would provide acceptable living conditions for the occupiers of No 3 Marton Avenue (No 3) with regards to outlook and the use of their private garden space.

### Reasons

#### *Character and appearance*

5. The appeal site (No 1) is in a residential area on the corner of Marton Avenue with Ladgate Lane. Marton Avenue is a wide road of mainly large, semi-detached, houses characterised by double bay windows and hipped, pitched roofs with tall

chimneys. Low brick boundary walls predominate with trees and hedges visible along the street.

6. No 1 is at the end of a row of three properties. It is on an extensive plot, with a large garden to the side, as well as to the rear. There is a significant drop in height from the front of the site to the rear boundary, where there are high metal railings separating it from the adjoining railway line which runs behind this side of Marton Avenue. The rear of the site has been partially landscaped with an area of lawn, and some brick enclosed areas.
7. A sizeable, rendered boundary wall has been built along the southern side of the site adjoining Ladgate Lane, where there is an additional vehicular access and metal garage door. The front of the site has tall metal railings and gates. The house has two, double height, square bays to the front and a hipped roof.
8. At the rear of the two-storey house is a utility room and store with a hipped roof, and a flat roofed garden room. These are located along the boundary with No 3 and are stepped down because of the change in levels. Attached to the garden room is a partially constructed blockwork garage which replaced a previous garage that had a mono-pitched roof and a door in one corner.
9. The proposed building would have a hipped roof and a gym on the 1<sup>st</sup> floor reached by a connecting stairway from the ground floor. The appellant has set out the benefits of having an on-site family gym that is away from the main part of the house, to improve physical activity and create a healthy lifestyle. However, whilst the previous garage was in a poor state of repair and the existing plan suggests that it would be unlikely used by vehicles, the apex of the garage was barely higher than the garden store. Instead, the proposed plans show that the two-storey garage would be seen at a similar height to the existing utility room.
10. Although some of the houses along this part of Marton Avenue have two storey rear extensions, these do not extend to the rear as far as the proposed garage site. Whilst the evidence includes photographs from outside the site, these show the proposal when it has not reached 1<sup>st</sup> floor level or has a roof. Even though it has been designed to utilise the drop in land levels, with a window on the 1<sup>st</sup> floor, hipped roof and white render finish, it would be seen above the boundary walls, highly visible from Ladgate Lane. This would interrupt the open views of trees and sky along the rear of the housing.
11. Marton Avenue is a road of attractive, traditional houses. The site already has linear development stretching along the boundary, almost to the rear of the site. Whilst the existing extensions on No 1 are subservient, the two-storey height development would appear incongruous in this location, and would dominate the rear of the site, particularly because of its visibility on a prominent site on the corner of two roads, and opposite the railway station. In addition, the form and scale of the proposal would not be sympathetic to the character of the house.
12. I therefore conclude that the proposed development would result in moderate harm to the character and appearance of the dwelling and the area.
13. It would conflict with Policy CS5 of the Middlesbrough Local Development Framework Core Strategy, 2008, (CS) as well as Middlesbrough's Urban Design Supplementary Planning Document, 2013 (SPD) which requires high-quality design in terms of visual appearance and layout, and its contribution to the

character and appearance of the area. Additionally, it would not accord with chapter 12 of the Framework.

### *Living conditions of No 3*

14. The proposed development would be part of the extensive development along the southern boundary of No 3. No 3 has a smaller and narrower garden than Nos 1 and 5 Marton Avenue that adjoin it. The photographic evidence, and from what I saw on site, show that the proposal, which has only reached the ceiling height of the ground floor, is already extremely high along the boundary because of the changes in height and differing ground levels. Once it reaches roof level, it would be very dominant and oppressive to the occupiers of No 3, even if finished in white render, or not affecting their privacy.
15. A photograph, although it does not state the time of the day or month, shows that the existing building is already casting large shadows across the garden of No 3. The proposal would, therefore, create a sense of enclosure, which would reduce the outlook and the enjoyment that the occupiers should expect from the use of the garden.
16. Although No 3 is currently occupied as a House in Multiple Occupation (HMO), this does not affect the right of the current and future occupiers to have acceptable living conditions. I therefore conclude that the proposal would cause significant harm to the living conditions of the occupiers of No 3 with regards to outlook and the enjoyment that the occupiers should expect from their private garden space.
17. It would conflict with Policy DC1 of the CS and the SPD, which amongst other things requires that the effect upon the surrounding environment and amenities of occupiers of nearby properties will be minimal.

### **Other Matters**

18. There is no dispute regarding the amount of parking on the site. Moreover, it is agreed that the building is not listed, or within a conservation area, or affects any existing trees or hedges.
19. Whilst the appellants refer to No 3 having had a two-storey extension on the rear elevation, I have not been provided with any details, or the circumstances of this development. Whether the appeal site limits where additional accommodation can be created, that is not before me. I have determined the appeal on the evidence and merits of the case.

### **Conclusion**

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and associated development plan conflict.
21. For the reasons given above, I conclude that the appeal is dismissed.

*M J Francis*

INSPECTOR