

---

## Appeal Decision

Site visit made on 3 April 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

---

**Appeal Ref: APP/W0734/D/24/3357554**

**27 Maltby Road, Thornton, Middlesbrough TS8 9BU**

- 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 Alan Feasby against the decision of Middlesbrough Council.
  - The application Ref is 24/0270/FUL.
  - The development proposed is detached garage.
- 

### Decision

1. The appeal is dismissed.

### Applications for Costs

2. An application for costs has been submitted by Middlesbrough Council against Mr Alan Feasby and is the subject of a separate decision.

### Preliminary Matters

3. The appeal site lies within the Stainton & Thornton Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
4. The updated version of the National Planning Policy Framework (the Framework), which came into force on 12 December 2024, introduces no changes that would materially affect the outcome of this appeal.

### Main Issues

5. The main issues are whether the proposed development would be acceptable having regard to:
  - the character and appearance of the area, including whether the character or appearance of the CA would be preserved or enhanced; and
  - highway safety.

### Reasons

#### *Character and appearance*

6. The appeal site is located at the southwestern edge of the CA and is the first property encountered when entering the village of Thornton via Maltby Road. The CA encompasses the northern part of Thornton and the southern part of Stainton,

with the two settlements linked by Thornton Road. Each settlement retains its distinct character, separated by the open land surrounding Stainton Beck.

7. The Thornton portion of the CA is primarily residential, with development focussed along Thornton Road, Maltby Road and Seamer Road. It features a mix of traditional terraced and semi-detached cottages, along with farmhouses and converted farm buildings. The appeal site lies within an area characterised by larger, more modern detached houses, which still reflect a traditional palette of materials. Most properties are set back from the street with front gardens, and the area is defined by an abundance of mature trees and greenery, both within private plots and in the wider landscape.
8. The Stainton part of the CA is also mainly residential, though it includes notable non-residential uses including a church, public house, shops and community facilities. Compared to Thornton, Stainton is more built-up, with many properties set directly against the street, yet retaining significant greenery and broad architectural consistency.
9. As a whole, the CA derives its significance from its traditional village character and verdant residential setting, qualities especially evident by the presence of large, detached dwellings set within spacious landscaped grounds.
10. The existing garden of the appeal site contains various domestic structures including sheds, polytunnels and containers. Like other properties in the area, these elements are largely screened from public view and remain modest in scale, subordinate to the main dwelling and softened by mature boundary planting.
11. I note previous, unsuccessful proposals for similar developments on the site. The current proposal is for a garage of reduced size, intended to accommodate a single vehicle. It would occupy a smaller footprint than earlier schemes and would feature brick cladding, which would be consistent with the appearance of the main dwelling.
12. However, the proposed garage would be topped with red corrugated fibre cement roofing sheets, which would introduce a utilitarian appearance out of keeping with the area's established residential character. Despite the existing boundary vegetation, the location and height of the garage, along with the slope of its roof, would result in the roof being clearly visible from outside of the site. As such, it would appear as a prominent and incongruous structure that would conflict with the prevailing character of the CA. Whilst there are already some elements within the CA that detract from this character, these do not justify further harmful development.
13. Paragraph 212 of the Framework emphasises that great weight should be given to the conservation of designated heritage assets. Paragraph 213 adds that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Based on my findings, I conclude that the proposal would harm the character and appearance of the area, and the overall significance of the CA. Although the harm is less than substantial, it is nevertheless of considerable importance and weight.
14. Under paragraph 215 of the Framework, any such harm should be weighed against the public benefits of the proposal including, where appropriate, securing

its optimum viable use. In this case, I am presented with no specific public benefits. Whilst the development may improve the private functionality of the property, such personal benefits carry only limited weight in the planning balance. Accordingly, I find the harm to the significance of the CA is not outweighed by public benefits.

15. For these reasons, I conclude that the proposed development would harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA, resulting in harm to its significance that would not be outweighed by public benefits. In respect of this issue, the proposal would therefore conflict with Policies DC1, CS4 and CS5 of the Middlesbrough Local Development Framework Core Strategy, adopted February 2008 (the CS), which together seek to deliver sustainable development of high-quality design, and to preserve or enhance the character or appearance of conservation areas. It would also conflict with the relevant provisions of the Framework, which have previously been set out.

#### *Highway safety*

16. The appeal site is located on a roughly 90-degree bend of Maltby Road. The property's front and side boundaries adjoin Maltby Road, and there are existing vehicular access points from the road to the front of the property.
17. At the time of my visit, a temporary structure had been erected on the proposed garage site, housing a large pickup truck. A gravel driveway and side access had also been constructed. The appellant asserts that this access has existed for many years and that the proposal seeks only to upgrade it. However, the Council contends that the access does not benefit from formal consent, and the evidence presented does not substantiate the appellant's claim.
18. The access point lies just within the 20mph speed limit zone for Thornton. When exiting the site, the speed limit signs are immediately to the left. Beyond them, the speed limit increases to 40mph. Although the road in this direction is relatively straight, the speed limit signs significantly restrict visibility for vehicles exiting the access. They also inhibit visibility of the access for vehicles approaching the village. Although the appellant has provided photographs to support their case regarding benchmark visibility requirements, these are not accompanied by any substantive technical evidence and do not override my site observations.
19. At the time of my visit, vegetation on the highway verge appeared to have been cut back, allowing for a reasonable sightline to the right. However, much of this verge appears to lie outside the appellant's control, and there is limited evidence as to how visibility would be maintained in the long term. Whilst the appellant expresses a willingness to manage this vegetation, and to provide additional mitigation such as highway lighting and signage, no substantive evidence or enforceable mechanism has been provided to secure these measures in perpetuity.
20. The appellant refers to the Council's responsibility to maintain verges for highway safety reasons. However, based on my observations and the available evidence, there is no indication that the Council is currently failing in this duty. It is not reasonable, however, to expect the Council to undertake additional work to facilitate the safety of a new access. Such arrangements should be integral to the development proposal, and as noted, I am not convinced that adequate mitigation has been demonstrated in this case.

21. Approaching the access from the village, the entrance is largely obscured by the verge vegetation. Whilst acknowledging the 20mph speed limit, vehicles slowing or turning into the access may be unsighted to vehicles travelling around the nearby bend, heightening the risk of collisions at or near the access point.
22. Whilst the appellant states that the access would serve only a single vehicle stored in the garage, there is no mechanism in place to secure this limited use or to prevent more intensive use should site circumstances or ownership change in the future. The appellant also refers to the lack of response from the local highway authority to the planning application. However, given my findings based on the available evidence and site observations, this is not a determinative factor in my decision.
23. Accordingly, for these reasons, I conclude that the proposed development would have an unacceptable impact on highway safety and would conflict with Policy DC1 of the CS. In respect of this issue, this policy seeks to ensure development does not impact on highway safety.

### **Conclusion**

24. The proposal conflicts with the development plan as a whole, and there are no material considerations to indicate that the appeal should be decided other than in accordance with the plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*P Storey*

INSPECTOR