



Appeal Decision

Site visit made on 27 June 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/W0734/W/25/3363503

4 The Crescent, Linthorpe, Middlesbrough TS5 6SE

- 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 Surfaz Akbar on behalf of the Brothers Akbar against the decision of Middlesbrough Council.
 - The application Ref is 24/0509/FUL.
 - The development proposed is erection of 1no. self-build dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal upon designated heritage assets, with particular reference to the character and appearance of Linthorpe Conservation and the setting of the Grade II listed The Avenue Methodist Church, and;
 - whether the proposal would afford future occupiers of both the proposed dwelling and proposed neighbouring dwellings, with adequate living conditions, with particular reference to outlook and privacy.

Reasons

Heritage assets

3. The appeal site forms part of the large garden of No 4 The Crescent. As identified by a previous Inspector¹, properties within this predominantly residential neighbourhood are a mix of mainly detached and semi-detached villa style dwellings of at least 2 storeys and set within generous mature grounds. Although some of these plots have rear out-buildings, overall, the pattern of development and depth of plots here creates an important sense of space between buildings. I have no reason to disagree with these findings.
4. The appeal site is located within the Linthorpe Conservation Area ('the CA') and shares a common boundary with the grounds of the Grade II listed The Avenue Methodist Church ('the LB'). As identified by the previous Inspector, the significance of the CA lies in its village origins which have grown into high quality suburbs with areas of planned architectural consistency. The significance of the church is found in its clear form and original use. The significance of these

¹ APP/W07348/W/20/3265716

designated heritage assets is historically and architecturally derived. The sense of space between buildings is an important characteristic defining the appearance of this CA and the setting of this prominent LB, articulating their significance. Again, I have no reason to disagree with these findings.

5. The proposal would be located towards the corner of the large garden associated with the appeal property, partially on an area currently occupied by a timber greenhouse. To the northeast, lies a building suggested as being a former stable and servant's quarters, which, I understand is subject to an extant planning permission for its conversion to a residential dwelling.
6. To the south of the site of the proposed dwelling is a range of outbuildings situated to the rear of properties on Cornfield Road, and these form a substantial expanse of blank wall of considerable height, and would screen the proposal in many views from this direction. When viewed from the west, the appeal proposal would be seen beyond the existing extensive lawn area associated with the appeal property, and views would be filtered by existing trees to a large extent. Generally, the appeal site is well-screened from public viewpoints.
7. However, although the proposal would lie beyond the most southern extent of the LB and its grounds, clear views would be available along the side of the LB across the open grounds and parking area, and the proposed dwelling would be evident in this view, forming additional backdrop within the setting of the LB.
8. As I have identified, the characteristic of the CA is the glimpsed views between buildings towards more open rear garden areas. There is a distinct contrast between the formality of the dwellings within the CA and the informality and openness of the external areas associated with them. The LB and its setting are reflective of this, with the formal elegant architecture of the building being framed by the formal landscaping to its front and largely open car parking area to the side. The open views over the car park towards existing outbuildings and location of the proposed dwelling suggest that the LB is situated in a position of greater rurality than is the case, and overall this setting elevates the prominence and presence of the LB, highlighting its significance.
9. As a result, although views of the proposal would likely be restricted to specific viewpoints, it is notable that it would be visible when experiencing the LB while facing towards its front elevation from The Avenue. Although partially screened by existing outbuildings, which would mitigate the effect of the proposal to some extent, the introduction of a two-storey dwelling would increase the amount, and more importantly, scale of development to the rear of the LB, providing the setting of the LB with a more discernibly urban character. The breathing space which is afforded by the setting of the LB would be eroded, and in doing so, the significance of both the LB and the wider CA would be compromised. The provision of screening in the form of hedging would be unlikely to fully mitigate these effects, and in any case would take a number of years to mature.
10. The proposal would lead to the removal of some existing structures within the garden of the appeal property, including the disused wooden greenhouse. The greenhouse is in poor repair and is not of remarkable design quality, however along with the other nearby garden structures it nevertheless provides context to this part of the grounds of the appeal property. As identified by the appellant, along with the

stables and servants quarters, this area hints at a former use as a kitchen garden or servicing area subsidiary to the more formal and prominent lawns and gardens.

11. The removal of the greenhouse and other structures, while of visual benefit, would nevertheless bring its own disbenefits in terms of understanding the history of the appeal property. Accordingly, the removal of the structure would be broadly neutral, and would not weigh in favour of the proposal.
12. It is stated that the LB is currently being marketed, and that its use may change in the future as a result. This is speculation, and in any event, given the listed status of the church, even if its use were to change, its significance would be largely preserved as this is as much derived from the building itself, as it is from its use. This is not a factor which would mitigate the harm that I have found.

Public benefits and heritage balance

13. I have found the proposed development would cause harm to the significance of the heritage assets. Paragraph 212 of the National Planning Policy Framework ('the Framework') states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. With reference to paragraphs 214 and 215, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed.
14. I find the harm to the significance of the heritage assets would be towards the lower end of 'less than substantial'. Nonetheless this harm carries considerable importance and weight. Under such circumstances, paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal.
15. There is no dispute that the Council can demonstrate the required supply of deliverable housing sites. Nevertheless, I am mindful of the government's ambition to boost the supply of housing, the important contribution that small sites can make to this supply and the need to make efficient use of land. The proposal would also be located in an urban area with access to local services and facilities. I have no reason to doubt that the proposal could be delivered quickly. Having regard to the modest scale of the proposal as a single dwelling, these factors are benefits of the proposal which would carry moderate weight.
16. The proposal would also enable the appellant's family to remain in the area and contribute to the local economy, as well as to the social fabric of the area. However, given the modest scale of the proposal, these are minor benefits of the scheme.
17. The weight I ascribe to the limited public benefits above are not sufficient to outweigh the considerable importance and weight I attach to the harm that would occur to the significance of the LB and CA. Accordingly, the proposal would fail to preserve the setting of the Grade II LB and would fail to preserve or enhance the CA. As a result, the proposal would fail to satisfy the requirements of the Framework.
18. The proposal would also conflict with Policies CS4, CS5 and DC1 of the Middlesbrough Local Plan Core Strategy, which together state that all development should protect and enhance Middlesbrough's historic heritage and townscape character, achieve the preservation or enhancement of the character or

appearance of conservation areas, and take account of the visual appearance of the development and its relationship with the surrounding area.

Living conditions

19. The proposed dwelling would be located adjacent to the existing stable block/servants quarters, and would include windows in the northern elevation which would face towards the existing building at extremely close proximity.
20. In terms of outlook, the windows in the northern elevation of the proposed dwelling would be unlikely to afford future occupiers with meaningful outlook. However, the relevant rooms would also be provided with further windows within front and rear elevations. Accordingly, it is unlikely that these rooms would feel unreasonably enclosed, and the proposal would be acceptable in this regard.
21. The parties agree that planning permission was granted for the conversion of the adjacent stable block/servant's quarters into a dwelling, and that this permission commenced. This building did not appear to be occupied as a dwelling at the time of my visit, nor did obvious building works appear to have taken place in order to facilitate this. However, I have no reason to doubt that the conversion could be completed and the building occupied as a dwelling.
22. The details of this permission which are before me are limited. However, the Council has indicated, and it is not disputed, that the approved conversion would include windows in the southern elevation of the existing building. Therefore, should the previous approval continue to completion, and there is no obvious impediment to this happening, then there would be significant potential for a relationship to occur between facing windows of both proposed dwellings at extremely close proximity.
23. The appellant has highlighted both that the appeal proposal would not be sold as a separate unit, and that should this appeal be allowed, that other existing permissions for other dwellings on land within the appellant's control would be extinguished.
24. The fact that the proposal would be retained to be occupied by family members of the appellant, does not mitigate the potential for an unacceptable loss of privacy to occur, and there is no reason why the relationship of future occupiers to the appellant would lead to reduced expectations in terms of living conditions. Moreover, the permanence of buildings mean that such a relationship would remain should the property as a whole be sold on by the appellant's family in the future.
25. Furthermore, there is no mechanism before me in the form of a planning obligation which would prevent either the implementation or further completion of previous planning permissions at the appeal site, and I do not consider that a planning condition to this effect would meet the relevant tests as set out in the Framework. As a result, I cannot be certain that the conversion of the stable block/servant's quarters would not proceed to completion.
26. Drawing these strands together, I conclude that it has not be shown that the proposal would provide adequate living conditions for future occupiers, with particular reference to privacy. The proposal would conflict with CS Policy DC1 which states, among other factors, that all development should take account of the

effect upon the surrounding environment and amenities of occupiers of nearby properties.

Other Matters

27. The appeal proposal would allow a family member with a protected characteristic to have support from the appellant's wider family, in addition to those family members who currently reside in the existing dwelling. I have therefore had regard to Article 8 of the Human Rights Act 1998 and the Public Sector Equality Duty ('the PSED') set out at Section 149 of the Equality Act 2010. The PSED sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect a person with a protected characteristic for the purposes of the PSED. However, it does not follow that the appeal should necessarily succeed.
28. The proposal would enable the appellant's family to provide care for an elderly family member who has mobility issues, by increasing the number of family members who can reside within the immediate vicinity. This is of cultural importance to the appellant and his family, as well as improving the level of care which would be provided to the relevant family member. These are clear social benefits of the proposal. I appreciate that in dismissing the appeal, that the relevant family member would be unable derive the benefits of having a larger supporting network close at hand.
29. However, it has not been shown that the appeal proposal is the only means by which such support could be provided, or that a different, less harmful scheme could not be achieved, particularly as other planning permissions for new dwellings on land within the appellant's control appear to exist. Given these factors, these personal circumstances are not sufficient to outweigh the harm that I have found.
30. The proposal is stated as being a self-build dwelling, however I have been presented with no mechanism which would secure the proposal as such. Accordingly, this factor carries little weight in my determinations.
31. I am aware that the appeal proposal represents an evolution of a previous scheme for a single dwelling which was dismissed at appeal and is said to be of a smaller scale in comparison. While I acknowledge that the appellant has sought to address previous concerns, this, in itself, is not a factor which weighs in favour of the proposal, as I must consider the appeal scheme on its own merits.
32. My attention has been drawn to the grant of planning permission for a two-storey property at 27 Cornfield Road, as well as a previous appeal decision at a site in Gateshead², however I have been provided with few further details of these schemes.
33. I acknowledge that there are clear parallels with the case before me and that of the provided appeal decision, in that it also related to a new dwelling within the grounds of a villa within a CA. However, given that the harm that I have identified is specific to the relationship that the proposal would have with the LB and wider CA with particular reference to a specific view, it is unlikely that the cases would be directly

² APP/H4505/W/24/3337254

comparable, and it is evident that the conclusion reached by the Inspector in that decision was also made on the basis of the specifics of that appeal site, the proposal and its surroundings. My conclusions in relation to heritage matters would not, therefore, be inconsistent in this respect.

34. The same factors would equally apply in relation to the 27 Cornfield Road approval, which although nearby, is also unlikely to have raised the same specific issues that I have considered in this appeal.
35. Even if I were to agree that the proposal was acceptable with regard to the provision of parking, its effect upon the wider existing garden, its effect upon on-site biodiversity, its overall design and proposed materials, and would not lead to other harm in relation to the living conditions of nearby occupiers beyond that which I have discussed above, these would only be neutral factors which would not weigh in favour of the proposal.
36. The site lies within the Zone of Influence of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. The proposed development would result in an increase in the number of people living in proximity to this habitat site. In combination with other plans and projects, this is likely to have a significant effect on the habitat site through an increased nutrient load. As such, there is a need to ensure that new residential development, and any associated impacts on the European Designated Site, are compliant with the Habitat Regulations.
37. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

38. For the above reasons, the proposal would conflict with the development plan as a whole. Having had regard to all other relevant material considerations, including the PSED, none of which would outweigh the harm and conflict with the development plan that I have found, I conclude that it is proportionate and necessary to dismiss the appeal.

C Harding

INSPECTOR