



Appeal Decision

Site visit made on 15 July 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/W0734/W/25/3365937

78 Acton Street, Middlesbrough TS1 3NA

- 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 Mark Stuart (ML Stuart Properties Ltd) against the decision of Middlesbrough Council.
 - The application Ref is 25/0070/COU.
 - The development proposed is change of use from a two-bedroom terraced house into a three-bedroom House in Multiple Occupation (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a two-bedroom terraced house into a three-bedroom House in Multiple Occupation at 78 Acton Street, Middlesbrough TS1 3NA, in accordance with the terms of the application Ref 25/0070/COU, 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: Ordnance Survey Plan; Proposed Ground Floor Plan Rev B; Proposed Upstairs Plan Rev B; Yard Layout.
 - 3) Prior to first occupation, secure cycle storage shall be provided in accordance with details which have first been submitted to and approved in writing by the local planning authority, and shall be retained for the lifetime of the development thereafter.

Procedural Matters

2. The appeal was accompanied by an amended drawing of the rear yard and photographic evidence confirming the presence of an existing window to the proposed communal living room. These correct inaccuracies in the original submission and do not materially alter the proposal. Accordingly, I have taken them into account in this decision.

Main Issue

3. The main issue is whether the development would provide an acceptable standard of accommodation for its occupiers in terms of privacy, outlook, and garden space.

Reasons

4. The Council cites its Interim Conversions Policy in its concerns regarding the front ground floor bedroom's proximity to the pavement and road, suggesting potential impacts on privacy and disturbance. However, the Interim Policy does not prohibit such arrangements but advises against them.
5. During the site visit, it was observed that many properties on Acton Street have similar front-facing rooms. The use of blinds or net curtains is a feature of the street scene and is a common and effective means of maintaining privacy while preserving outlook. The street is a quiet, one-way residential road with limited footfall and traffic, further mitigating concerns.
6. The occupiers would also have access to a communal living room and kitchen, providing alternative spaces for relaxation and socialising. These shared areas help to offset any potential limitations associated with the front bedroom.
7. The omission of an existing window in the original plans has been addressed through the amended plan and photographic evidence. The window faces into the rear yard and is of a suitable size to provide natural light and outlook to the communal living room, and no external changes are proposed.
8. The amended yard layout plan includes dimensions and demonstrates the capacity to accommodate bin and cycle storage, as well as a table and chairs. This indicates that the outdoor space would be functional and sufficient for the needs of the occupiers. A condition is imposed to secure the details of the cycle storage.
9. Overall, the development would provide an acceptable standard of accommodation, with adequate privacy, outlook, and garden space. It complies with the general development principles of Policy DC1 of the Middlesbrough Core Strategy (2008), and aligns with the aims of the Council's Interim Policy on residential conversions when applied flexibly and in context.

Other Matters

10. Concerns were raised by third parties regarding parking pressure and the concentration of HMOs in the area. However, these issues did not feature in the Council's refusal and there is little evidence before me to demonstrate that the proposal would result in significant harm in these respects.

Conditions

11. The standard time limit and approved plans conditions are imposed to provide certainty. The requirement for secure cycle storage is necessary to promote sustainable travel and to ensure that adequate outdoor space is retained for the occupiers.

Conclusion

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

A Caines

INSPECTOR