



Appeal Decision

Site visit made on 8 July 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/W0734/W/25/3364928

41 Roman Road, Middlesbrough TS5 6DZ

- 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 H Mushtaq of Grosvenor Hamilton Ltd against the decision of Middlesbrough Council.
- The application Ref is 24/0268/FUL.
- The development proposed is refurbish the existing property both ground floor shop unit and flat above including new rear dormer window and improved access corridors etc for flat and rear ground floor extension for shop improvements.

Decision

1. The appeal is allowed and planning permission is granted for external alterations to the shop front including an additional access door to the upper floors, change of use of the upper floors into office space, replacement of windows on the rear elevation, installation of two roof lights on the front elevation, a single storey rear extension and installation of a rear dormer window at 41 Roman Road, Middlesbrough, TS5 6DZ in accordance with the terms of the application, Ref 24/0268/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the decision notice. This is because it is a more accurate reflection of the development for which permission is sought than that given on the application form.
3. The proposal is for external alterations to the shop front, including an additional access door to the upper floors, a change of use of the upper floors into office space, replacement of windows on the rear elevation, installation of two roof lights on front elevation, a single-storey rear extension and the installation of a rear dormer window. The Council has indicated that it has no objections to the change of use of the upper floors into office space, replacement of windows on the rear elevation and installation of two roof lights on the front elevation or single-storey rear extension. Based on the evidence, I have no reason to take a different view.
4. The dispute between the parties relates to the external alterations to the shop front, including an additional access door to the upper floors, and the installation of a rear dormer window, and these shall be the focus of my assessment.
5. The appeal site lies within the Linthorpe Conservation Area (the LCA). Accordingly, the statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the LCA.

6. My site visit was scheduled to be unaccompanied; however, I requested that the security shuttering be raised. As there was an on-site presence, I sought access to the gated rear lane, which only keyholders have access to. Whilst this was granted, my visit was still undertaken on an unaccompanied basis.
7. I am aware that since the submission of the appeal, No 41 has had planning permission granted¹ for a change of use of the upper floors into office space, replacement windows, the installation of two roof lights and a single-storey rear extension and dormer to the rear. This is separate from my assessment.

Main Issue

8. The main issue is whether the proposals would preserve or enhance the character or appearance of the surrounding area, including the LCA.

Reasons

9. The appeal site (No 41) is a predominantly two-storey mid-terraced property which has a commercial unit to the ground floor and accommodation above, set within the Roman Road Local Centre and located alongside similar properties. This section of Roman Road retains some attractive features, specifically at the upper floors through the retention of the bay windows and turret roof design and stone header detailing. The ground-floor commercial use is currently vacant with no internal fixtures or fittings, and last in use in approximately October 2022.
10. The frontage is described by the Council as an original shop front. I saw that it has, amongst other matters, an asymmetrical frontage with a recessed door, ceramic tiles to the stall riser, timber mullions, leaded glass above the transom, curved corbel bracket and cornice and an external roller shutter and shutter box. I also saw that the door was automatic and bi-folding, and there were some missing tiles on the stall riser, with large sections of the timber in a poor condition.
11. The rear is bound by a gated lane which provides access to the back of properties on Roman Road, Rockcliffe Road and Oxford Road. Its rear roof slope, and that of other properties on Roman Road, appeared relatively free from clutter. A large flat roof dormer was visible from within the rear lane to the rear of Rockcliffe Road.
12. No 41 is located near the northern boundary of the LCA. The significance of which derives from its high-quality suburbs with areas of planned architectural consistency. The LCA within the vicinity of the appeal site is characterised by parades of shops on both the east and west sides between Oxford Road and Rockcliffe Road.

Shop front

13. Middlesbrough's Urban Design Supplementary Planning Document (SPD) 2013 states that where an original or period replacement shop front exists, serious consideration should be given to repair and enhancement rather than replacement.
14. The LCA Appraisal and Management Plan (2006) (LCA MP) identifies the terrace within which No 41 is located as having the most variety in terms of character and appearance. It recognises that the majority of the buildings have been altered through loss of, amongst other matters, original windows. The LCA MP also

¹ 25/0046/FUL

acknowledges that the nearby Tesco and other commercial frontages in the local centre have inappropriate additions which detract from the character and appearance of the area. Map 9 of the LCA MP characterises the majority of the terrace within which No 41 is located as having a neutral effect on the LCA. Despite this, the Council's Conservation Officer considers it makes a positive contribution to the significance of the LCA.

15. I noted during my visit that a large number of commercial units within the immediate vicinity had modern shopfronts, many of which had additional doors to the side. These included units on the opposite side within Pilkingtons Buildings and units close to the junction of Roman Road and Oxford Road. Collectively, the insertion of flush shop fronts, with little detailing or articulation, detracts from the character and appearance of this part of the LCA. The current shop front at No 41, therefore, still makes a positive contribution to the LCA, notwithstanding its current condition or vacancy.
16. Proposed plans show the appellant would retain the stall riser and install a new timber shopfront with approximately equal proportions. It would also include pilasters, corbels and a recessed doorway. I note that the proportions of the current shop front would change through the introduction of an additional doorway and repositioning of the door centrally within the new shop front; however, the recessed door, timber shopfront and its detailing would be similar to the current shop front and would be sympathetic to the historic and architectural interest of the building.
17. I acknowledge that the stall riser would require some alteration to facilitate the additional access to the upper floor and creation of the repositioned access into the ground floor. There is limited evidence before me to demonstrate how the works would be undertaken and given that the stall riser is formed predominantly of ceramic tiles, it would be reasonable to impose a condition requiring the submission and approval of a method statement for its retention/re-use prior to works commencing on the shop front and additional access.
18. Given the extent of variation in shop fronts on this stretch of Roman Road, together with the design queues in the proposed design from the current shop front, which include, amongst other matters, the retention of the stall riser and recessed doorway, a replacement shop front which includes an additional doorway would not be uncommon. The loss of the historic shop frontage would therefore cause less than substantial harm. This level of harm has not been disputed by the Council. However, in my mind, the level of harm would be at the lower end of the spectrum. I am therefore satisfied that, subject to the imposition of such a condition, the proposal would preserve the character and appearance of the surrounding area, including the LCA.

Dormer

19. No 41 is sited approximately centrally within the terrace. The rear lane to Roman Road and those predominantly residential properties to the rear are gated, limiting public access. Its rear roof slope and many of its neighbours are therefore not readily visible in public views from surrounding streets. I saw no dormers visible on the rear of properties adjoining No 41 Roman Road. The Council contend that dormer windows are predominantly found on the front elevations in the LCA; however, I did see a dormer to the rear roof slope of a property on The Crescent

and the appellant's aerial imagery (Figure Set 6) also shows a flat roof dormer to the rear of a property further to the south on Roman Road.

20. The LCA MP states that the Council will generally resist all proposals that involve the construction of inappropriate large or non-traditional dormer windows. However, proposed plans show the roof of the proposed dormer to be pitched with a fascia board and finial and one sliding sash window.
21. I acknowledge that the dormer would not follow the fenestration set to the rear of No 41, and that its width would be wider than the window to the floor below; however, despite being visible from within the rear lane and nearby properties, its overall width and projection from the roof slope would retain a subservient appearance to No 41 so as not to appear as an incongruous addition. Whilst the appellant's statement refers to the use of traditional materials, I have limited details with regard to the precise materials proposed. It would therefore be reasonable to impose conditions requiring the submission and approval of precise materials.
22. Given the above, I am not convinced that the dormer detracts from how the heritage asset is appreciated. Rather, in my mind, it would result in a neutral effect upon how the heritage asset is experienced, thereby preserving, rather than harming, its significance.

Public Benefits, Heritage Balance and Conclusion

23. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It advises 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. I find the harm to the heritage asset to be 'less than substantial' in the context of the LCA. Nevertheless, the harm is of considerable importance and weight. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
24. In terms of public benefits, the Planning Practice Guidance (PPG) advises that they should be of a nature or scale to be of benefit to the public at large and not just a private benefit.
25. The Council do not dispute that the reopening of the ground-floor retail unit would be a positive addition to the local centre or that the office use to the first floor would be appropriate, attracting additional footfall and employment opportunities to the area. I consider the reuse of the commercial unit, which has direct access from Roman Road and the Local Centre, would also improve the functionality of the office. The use of a timber shop front, which takes design cues from a traditional design and retains the stall riser, also contributes towards the character and appearance of the LCA. These are of sufficient public benefit, in my mind, to outweigh the level of harm identified to the heritage asset.
26. For the reasons given above, the proposed shop front and dormer would meet the requirements of the Act, and the requirements set in the Framework, which seek to conserve and enhance the historic environment. There would also be no conflict with Policies DC1 (b) and CS5 (c & h) of the Middlesbrough Local Development Framework, Core Strategy (2008) insofar as they seek to ensure proposals preserve or enhance the character or appearance of Conservation Areas in

Middlesbrough. There would also be no conflict with the Council's SPD, insofar as it seeks to ensure that development uses traditional materials and designs which are sympathetic to the historic context and character of the area in which it is situated.

Other Matters

27. The Council have drawn my attention to appeals at 27 Cornfield Road (No 27) and 33 Barker Road (No 33)². Even if views of both properties were visible, the Inspector found in the case of No 27 that the proposed development had not been designed to the same style and proportions as the host property, which would result in a heavy rear roofslope and an unbalanced gable profile. With regard to No 33, the Inspector found that the overall height of the proposed development and its design would appear incongruous in comparison to the majority of outbuildings and structures. In the case before me, I have found that the scale and proportions of the dormer would retain a subservient appearance to the rear roof slope. I am therefore not satisfied that the examples given are directly comparable to the appeal before me.
28. The Council have also drawn my attention to 111 Cambridge Road (No 111), which it contends has recently had planning permission refused for a similar proposal³. The appellant has provided the Decision Notice and plan PCE-Sharif-August-23-Proposed dated 18 August 2023. Whilst the decision notice states planning permission was refused on, amongst other matters, the rear dormer, I have nothing from the Council to demonstrate that the dormer shown on the plan provided was the one on which it made its decision. I also do not have the officer's report to establish whether the site circumstances are similar. From the evidence, I therefore cannot be certain that this case is comparable to the appeal before me.
29. I have considered the Council's concerns that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits and does not justify withholding permission in this case.
30. The Council considers, through hindsight, that the changes to the facade of 43 Roman Road fail to achieve a positive contribution to the appearance of the original building, street scene and LCA. The changes to No 43 and other shop fronts nearby form part of the established character of the area and part of the site context. The presence of other shop fronts with additional doors, therefore, lends weight to my conclusion that the proposal is acceptable.

Conditions

31. The Council has suggested a number of conditions which I have considered against the tests set out in the Framework and PPG. In some instances, I have made minor changes to wording to improve precision and enforceability.
32. In addition to the standard time condition (1), a condition specifying the plans (2) is necessary in the interests of certainty. In the interests of protecting the character and appearance of the LCA, I have imposed pre-commencement planning conditions which require the submission and subsequent approval of the following details: external facing materials to be used on the former and shop front (6 and 7),

² APP/W0734/D/21/3285528 and APP/W0734/D/22/3306573

³ Ref 24/0188/FUL

large scale details of the replacement windows (5), and method statement for the retention/re-use of the ceramic bricks (4) for approval by the local Planning Authority. In accordance with the regulations, the appellant has been consulted on the wording of these conditions and has provided their written agreement. I have also imposed a condition requiring further details of the roller shutter to be submitted to, and approved by, the Local Planning Authority (8), a condition specifying that the rooflights to be of a conservation style and fitted flush with the adjoining roof surface (9) and that materials used in the construction of the rear extension match the external surfaces of the existing building (3), to be reasonable and necessary to protect the character and appearance of the LCA.

33. To ensure that the development provides satisfactory refuse and recycling storage (11), as well as secure cycle parking (10), conditions are necessary that require further details of such provision and their retention within the site thereafter.

Conclusion

34. I have found that there would be a low level of less than substantial harm to the LCA. This low level of harm is outweighed by the public benefits of supporting the reuse of the ground floor and improving the functionality of the upper floor office. I am satisfied that the duty to have special regard to the desirability of preserving or enhancing the character or appearance of LCA has been met in this case.

35. For the reasons given above, the appeal should be allowed.

L Clark

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the submitted drawings: Proposed Details – Drawing no. 3083-24-101 Rev B, Shop Front Details – Drawing no. 3083-24-102 Rev A.
- 3) The external surfaces of the rear extension hereby permitted shall be constructed in materials to match those used in the construction of the external surfaces of the existing building.
- 4) Prior to commencement of works to insert the additional access door, a method statement for the works to retain/re-use the ceramic bricks within the stall riser shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved method statement.
- 5) Notwithstanding condition 2, prior to the commencement of works on the insertion of replacement windows, sections at a minimum scale of 1:10 of the windows shall be submitted to and approved in writing by the Local Planning

Authority. The works shall then be carried out in accordance with the approved details and retained thereafter.

- 6) Notwithstanding condition 2, prior to the commencement of works on the dormer, sections at a minimum scale of 1:10 and materials used in the construction of the external elevations of the dormer shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and retained thereafter.
- 7) Notwithstanding condition 2, prior to the commencement of works to insert the additional access door, details of the materials of the new access door shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and retained thereafter.
- 8) Notwithstanding Condition 2, prior to the installation of the roller shutter, details including its external appearance when fully closed and colour shall be submitted to and approved in writing by the Local Planning Authority. The roller shutter shall be carried out with the approved plans and retained thereafter.
- 9) The rooflights hereby permitted shall be of a conservation style and fitted flush with the adjoining roof surface, and shall be retained in that form thereafter.
- 10) Notwithstanding Condition 2, prior to the first use of either the ground floor commercial unit or offices above, details of cycle parking facilities within the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include plans at a minimum scale of 1:50 to show the location of cycle parking and include the type of stands to be installed. The development shall be carried out in accordance with the approved details, and the spaces shall thereafter be retained as secure cycle parking for the occupiers thereafter.
- 11) Notwithstanding Condition 2, prior to the first use of either the ground-floor commercial unit or offices above, details of refuse and recycling, as well as a point of collection, shall be submitted to and approved by the Local Planning Authority. These details shall include drawings at a scale of 1:50 and show space for recycling containers and wheeled refuse bins, as well as include details of materials used in the construction of the refuse and recycling storage, enclosures or screening. The development shall be carried out in accordance with the approved details, and the space shall be retained as refuse and recycling storage for the occupiers thereafter.

****** END OF CONDITIONS ******