



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: 18 August 2025

Appeal Ref: APP/W0734/W/25/3361755

102 Ingram Road, Middlesbrough TS3 7BQ

- 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 Hardip Singh against the decision of Middlesbrough Council.
 - The application Ref is 23/0422/FUL.
 - The development proposed is proposed flat above retail unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building currently hosts a number of ground floor alterations which do not appear on the provided “existing plans”. The Council’s evidence indicates that at the time it considered the proposal before me, that these elements would be subject to a separate planning application. It is unclear whether this has occurred, and the lawfulness of these elements is therefore uncertain. I return to this below.
3. Although not initially provided to me, the parties have confirmed that the Council made its decision on the basis of an amended drawing (“Proposed Plans and Elevations 02 Rev G”), rather than those originally submitted with the planning application, and the evidence of the parties is framed on this basis. I have since been provided with this drawing, which the Council has indicated was subject to public consultation. I have therefore considered the amended drawing to comprise the appeal proposal, and no party would be prejudiced by my doing so.

Main Issues

4. The main issues are:
 - the effect of the proposal on highway and pedestrian safety;
 - whether the proposal would provide suitable living conditions for future occupiers, with particular reference to the standard of accommodation, and;
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Parking arrangements

5. The appeal property is a former public house, located on a corner plot and surrounded by its own parking. The lower floor of the property is currently operating

as a convenience shop and the plans indicate that a single flat exists at first-floor level.

6. At present, car parking spaces are laid out to the north of the building in a herringbone arrangement. Further parking is laid out to the east of the building in a linear fashion. Although not demarcated, other areas of hardstanding exist around the building, which I noted were being utilised informally by visitors to the retail unit.
7. The proposed layout indicates that the parking area to the north of the building would be rearranged to remove the herringbone arrangement. Given the proximity of these spaces to the building, this would make manoeuvres into or out of spaces more complicated than at present. Furthermore, the entrance to Flat 1 is currently, and would remain, located within this elevation of the building. Greater potential would exist, therefore, for conflict between pedestrians accessing or leaving Flat 1 and manoeuvring vehicles, to the detriment of highway safety.
8. The proposed entrance to Flat 2 would open directly onto the one-way circulation route to the east of the building, however the provided drawings indicate that a metal railing would be installed to provide protection. While I do not doubt that such a measure would lead to a greater level of safety for future residents, and the circulation arrangements work well at present, it has not been shown that its installation would leave sufficient separation to the marked car parking spaces on the eastern boundary of the appeal site such that it would allow the continued circulation of vehicles on the indicated one-way route, including larger delivery vehicles accessing the rear service area.
9. There is no substantive evidence before me in terms of any level of parking provision that would be expected in association with the existing retail unit. It is stated that a parking survey was undertaken to monitor current usage, and while it is concluded that the car park did not reach capacity and that turnover was high, I have not been provided with the data associated with the survey or its exact methodology. Accordingly, the weight that I can afford to it is limited. However, I did note that the car park was not busy at the time of my visit, and I saw that not all visitors to the retail unit were arriving by vehicle.
10. Be this at it may be, the changes to the car park layout raises doubt that all of the marked spaces would always be practically accessible, or that adequate provision for delivery vehicles to access and manoeuvre within the site would remain. This would lead to a greater demand for on-street parking by customers and for deliveries.
11. Although the appeal site is located in a residential area and the nearby roads did not appear to be subject to significant parking pressure at the time of my visit, this was just a snapshot in time and may not be wholly representative of other times. Moreover, the appeal property is located at a corner site at the junction of two roads. The possibility would therefore exist that vehicles parked on the street would restrict visibility at the junction, to the detriment of highway safety.
12. Additionally, the proposal would also increase the potential for informal parking within the appeal site itself in areas, or in a manner, which would increase risk to residents of the appeal property or customers accessing the retail unit by other means, such as on foot.

13. I conclude, therefore, that the proposal would lead to harm to highway and pedestrian safety. In doing so, it would be contrary to Policy CS19 of the Middlesbrough Local Development Framework Core Strategy ('CS'), which states that development proposals that would have a detrimental impact upon road safety will not be supported, and the Interim Policy of Conversion and Sub-Division of Buildings for Residential Use ('the Interim Policy') which states that the sub-division of buildings into smaller residential units will be allowed where proposals would not give rise to conditions prejudicial to highway safety.

Living conditions

External amenity space

14. The existing flat at the appeal property does not appear to currently have outdoor amenity space associated with it and none is proposed for either flat as part of the appeal proposal.
15. The Interim Policy states that developments should provide amenity space where deemed necessary. It provides no further advice on the circumstances in which amenity space would be deemed necessary nor sets out the amount of space that would be expected to be provided. However, Paragraph 135 of the National Planning Policy Framework ('the Framework') states that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
16. Private external amenity space fulfils important practical and well-being functions, allowing residents to enjoy fresh air in a private environment or simply air laundry. While it is not unusual for such space to be limited where existing flats are found above commercial premises, it has not been shown that means of providing any such space for the future occupiers of Flat 2 would be fundamentally impractical. For these reasons, I find that the proposal would fail to provide adequate living conditions for future occupiers in this regard, and that this harm would not be outweighed by any open aspect of the appeal site.

Entrance and bin storage

17. The entrance to Flat 2 would be within the eastern elevation of the building, at the rear of the site and accessed directly from the car park. As I have set out above, it has not been shown that the proposed external layout of the car park would provide suitable means of circulating the car park by either customers or delivery vehicles. However, this fact alone does mean that an access to Flat 2 in this location would be inherently dangerous or result in unacceptable living conditions.
18. The refuse collection point for Flat 2 would be located in the south-eastern corner of the appeal site. While this would be somewhat remote, it would remain within easy walking distance for the disposal of waste. Likewise, notwithstanding the concerns I have already set out above in relation to the layout and operation of the car park, it has not been shown that this arrangement would be inherently dangerous or result in unacceptable living conditions.
19. Overall, although I have found that the entrance and bin storage arrangements would be acceptable, the proposal would fail to provide adequate external amenity space. I therefore conclude that the proposal would fail to provide adequate living conditions for future occupiers with particular reference to the standard of

accommodation. It would be contrary to the Interim Policy and Chapter 12 of the Framework, the relevant content of which I have set out above.

20. The Council has also referred to conflict with CS Policy DC1(c) in relation to this main issue, however this relates to the effect of development upon the surrounding environment and the amenities of occupiers of nearby properties, rather than future occupiers of proposed properties. It is not, therefore, relevant to this main issue.

Character and appearance

21. Timber clad ground floor flat-roofed projections and external yards can be found to the side and rear of the property. The existing two-storey element of the property features a pitched roof with gables and is arranged in an “L” configuration.
22. The proposal would introduce a hipped roof extension to the property at first floor level, over an existing flat roof projection. It would project beyond the parameters of the original two storey element of the building when viewed from the south and north and would be a prominent addition to the building.
23. However, although it would incorporate a hipped roof design in contrast to the gable roof design of the existing building, the roof form would match the pitch of the existing roof, and the extension overall would remain subordinate in scale. Although noticeably different in form, it would nevertheless allow the overall building to remain suitably legible and would not appear as harmful within the streetscene.
24. The proposed staircase element to provide access to Flat 2 would be timber clad and tile hung. I acknowledge that there is some uncertainty around the lawfulness of the existing timber clad elements of the ground floor and therefore afford limited weight to their presence as any form of precedent. However, the extent of timber cladding that would be incorporated with the stairwell element of the appeal proposal would not be extensive, and nor would it appear unacceptably incongruous, forming a clearly modern alteration of modest proportions.
25. On this main issue I therefore conclude that the proposal would not lead to harm to the character and appearance of the area. It would accord with CS Policies CS5 and DC1 which together, and among other factors state that development proposals will be required to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area.

Planning Balance and Conclusion

26. I found that the proposal would lead to harm to highway safety and would fail to provide acceptable living conditions for future occupiers. It would conflict with the development plan when read as a whole.
27. The proposal would provide accommodation for staff associated with the shop. However, the evidence provides no indication as to why staff could not be accommodated in the existing flat above the shop, or alternatively, elsewhere in the area. It is stated that the proposal would improve security at the property, however surveillance and on-site presence can already be achieved by the existing first floor flat, and it is unclear what additional specific benefits, if any, would derive from the proposal in this respect.
28. I accept that there would potentially be some minor benefits of the proposal in terms of reducing the need to travel, if occupied by employees at the shop below,

however there is no mechanism before me which would secure the occupation of the proposal on this basis in any event. I do, however, accept that the use of sustainable construction materials would be beneficial, and that the proposal would represent the efficient use of a small brownfield site, as encouraged by the Framework. However, taken together, these stated benefits are no more than modest.

29. There is no substantive evidence of an undersupply of suitable deliverable housing sites within the area, and I note the Council's strong performance in terms of delivery in the most recent Housing Delivery Test measurement. Nevertheless, having regard to the government's ambition to boost the supply of housing as set out a paragraph 61 of the Framework, the modest contribution that the proposal would make to the overall housing supply is a further minor benefit of the proposal.
30. Nevertheless, even when taken together, there are no material considerations which would indicate that a decision should be taken other than in accordance with the development plan in this instance.
31. 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.
32. 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

33. Having regard to the above, I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR