



Appeal Decision

Site visit made on 30 September 2025 by J Reed MPlan

Decision by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/W0734/D/25/3371681

185 Evesham Road Middlesbrough TS3 0AS

- 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 and Mrs March against the decision of Middlesbrough Council.
 - The application Ref is 25/0160/FUL.
 - The development proposed is single storey extension to rear (demolition of existing conservatory).
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension to rear (demolition of existing conservatory) at 185 Evesham Road, Middlesbrough, TS3 0AS in accordance with the terms of the application, Ref 25/0160/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: EVE-01 Rev A, EVE-04 Rev A and EVE-05 Rev A
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building/dwelling.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. In the interests of clarity and accuracy I have adopted a shorter version of the description of development in the banner heading above.
4. For clarity, I have determined the appeal based on the plans marked with stars and in bold on the Council's list of plans.

Main Issues

5. The main issues are the effect of the proposed development on a) the living conditions of the occupants of 183 Evesham Road with specific regard to outlook and light; and b) the character and appearance of the host dwelling and the area.

Reasons for the Recommendation

Living Conditions

6. The appeal building is part of a terrace of four properties. Their gardens are side by

side and rear elevations are in close proximity. There is a timber fence forming the boundary between the appeal site and No 183. Due to the properties existing relationship and arrangement No 183 is angled towards the shared boundary treatment with their kitchen directly adjacent to the common boundary. The appeal property possesses a light weight single storey rear conservatory which is significantly set away from the boundary with No 183.

7. From my observations onsite No 183's window directly adjacent to the boundary serves the kitchen and with the above in mind, the projection, height and solidity of the proposed extension would be directly adjacent to this window and as a result the outlook from here would be limited. As such, the extension would be an oppressive addition to the extent that it would harm the living conditions of No 183. Furthermore, given the scale of the proposal and its proximity to No 183, it appears highly likely that the proposal would result in a harmful loss of light to the ground floor kitchen window at the rear of No 183 and there is no compelling evidence before me to suggest otherwise.
8. The existing conservatory has an effect on these matters, but it is set off the boundary by some distance, does not project as far and presents a much more lightweight and permeable structure due to its glass construction. There is a close boarded timber fence separating the gardens of the appeal property and No 183 but it is much lower than the total height of the extension and thus it would not mitigate its adverse effects. The occupiers of No 183 have not objected to the proposal but planning decisions are made in the public interest and I need to consider all potential future occupiers of No 183.
9. In support of the appeal, my attention has been drawn to other properties in the area that have single storey extensions to their rear. The example highlighted at 20 Grendon Walk shares a similar relationship with its neighbour to the appeal site. However, the extension in this case is of a more modest depth and has been set away from the neighbouring boundary to reduce its prominence. The examples at 6 Girton Avenue and on Farnham Walk are for deep extensions similar to the appeal scheme, but their relationship with the neighbouring properties are different to that of the appeal scheme due to their relatively parallel garden shapes. Whereas in contrast the shape of the garden at the appeal site is in the immediate direction of No 183 resulting any rear extension being more sensitive to living conditions.
10. I conclude therefor that the proposed development would result in unacceptable harm to the living conditions of occupants of No 183 with particular regard to outlook and light. As such it would fail to comply with Policy DC1 of the Middlesbrough Local Development Framework, Core Strategy (2008) (Core Strategy) which requires development to consider the effect upon the surrounding environment and amenities of occupiers of nearby properties amongst other things. The material harm arising from that conflict would be moderate.

Character and appearance

11. The appeal site is a two-storey property in a residential area. Evesham Road consists of other similar properties. Middlesbrough's Urban Design Guide Supplementary Planning Document (SPD) (2013) provides guidance on single storey rear extensions regarding design and form. The proposal would conflict with advice set out on page 28 of the SPD as it would use a flat roof design. There are a range of different extensions of different heights and roof types situated to the rear of the properties in the surrounding area. The proposed extension would be viewed

in this context. The wider area is also varied in its architectural styles. I can therefore only conclude, taking into account also the scale of the proposal, that they would have an acceptable effect on the host property and the area.

12. The Council have referred to the impact of the cumulative built form from the proposed extension. Whilst the introduction of the extension would increase the footprint of the dwelling this would not be so significant as to be unacceptable. The extension to the rear of the property would be read as subservient through the virtue of its single storey form and flat roof design. Hence, the proposal would not cause demonstrable harm to the character and appearance of the appeal property.
13. For the reasons as set out, I conclude that the proposed extension would not have any adverse effect on the character and appearance of the host dwelling and the surrounding area. Whilst there would be some limited conflict with the SPD for the reasons set out, this is outweighed by the lack of conflict with the Core Strategy Policies CS5 and DC1 which seek to ensure that development is well integrated into its context.

Personal circumstances

14. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which 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. Disability is a relevant protected characteristic to which the PSED applies.
15. I have also considered the rights of the appellant under Article 1 of the First Protocol and Article 8 of the HRA. Article 1 of the First Protocol states that every person is entitled to the peaceful enjoyment of their home. Article 8 affords the right to respect for private and family life. Dismissal of the appeal would interfere with the appellant's rights under both Article 1 of the First Protocol and Article 8.
16. Supporting information has been provided outlining that there is an occupier with additional medical needs. Details of the circumstances of their condition have been provided which explains the need for additional accommodation on the ground floor in the future. The appellant has provided a table with a detailed medical history of the occupier evidencing various medical appointments and their outcomes with the occupier's condition likely to deteriorate.
17. I have carefully considered the submissions in respect of the specific needs of the occupier, and I recognise the importance that the development and the increased floorspace plays in meeting these needs. Furthermore, given the site's constraints those needs could not be addressed satisfactorily through an alternative scheme. The only alternative would be that the appellants move out of their home. This would be a change and result in disruption and uncertainty with the appellants moving away from their long-time home which provides a settled base for them. Moving home in the context of worsening health would not be in the appellants best interests. Although there is no evidence before me regarding alternatives, the consequence of dismissing the appeal would be that the appellant's free use of all rooms in their home would be restricted and/or they would likely need to move home. Given the health prognosis and the appellants ages, I attach significant positive weight to the need to address the specific circumstances in this case.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition requiring that the development be carried out in accordance with the approved plans in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.

Conclusion and Recommendation

19. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
20. The lack of harm to the character and appearance or the host dwelling is a neutral factor in the planning balance.
21. The proposed development would result in harm to the living conditions of neighbouring occupiers with specific regard to outlook and light which attracts moderate weight.
22. The personal circumstances of the appellant attracts significant weight in favour of the proposal.
23. I conclude that the proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it having regard to the personal circumstances raised in this case.
24. For the above reasons, and subject to the conditions as listed, the appeal is allowed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Andrew McGlone

INSPECTOR