Planning Inspectorate

Appeal Decision

Site visit made on 24 August 2026

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2026

Appeal Ref: APP/W0734/C/25/3375484
99 York Road, Middlesbrough TS5 6LJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Rasha Mansour against an enforcement notice issued by Middlesbrough Council.
- The notice was issued on 7 October 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the erection of a single storey extension on the rear elevation of the dwellinghouse.
- The requirements of the notice are to:
  a) Demolish the single storey rear extension shown in photograph A (in the approximate position outlined and cross hatched in black on the attached plan).
  b) Remove from the land the resulting material and debris, together with any plant, tools and equipment used to undertake the required demolition.
- The period for compliance with the requirements is Three (3) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act

Summary Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Formal Decision

1. The appeal is allowed insofar as it relates to the single storey extension on the rear elevation of 99 York Road, Middlesbrough TS5 6LJ (excluding the smaller single storey element of the rear extension as shown on photograph A accompanying the notice and which has subsequently removed) and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for the erection of a single storey extension on the rear elevation of 99 York Road, Middlesbrough TS5 6LJ, subject to the conditions in the schedule below.

2. The appeal is dismissed and the enforcement notice is upheld, insofar as it relates to the remaining parts of the development subject to the notice and planning permission is refused in respect of the smaller single storey element of the rear extension (as shown on photograph A accompanying the notice and which has subsequently been removed) at 99 York Road, Middlesbrough TS5 6LJ on the application deemed to have been made under section 177(5) of the 1990 Act as amended

Preliminary Matters

3. The appeal property as a whole, and the extension that is the subject of this appeal specifically, have a lengthy planning history, the detail of which it is not my intention to rehearse here. Notwithstanding, I am advised that the Council confirmed via two applications[1] that prior approval was not required for the

[1] LPA Ref Nos: 23/0282/PNH & 23/0669/PNH

construction of a single storey extension at the rear of the property. What was subsequently built, and is the subject of this appeal, differed from those schemes.

4. Subsequently, '*just before the Enforcement Notice was issued*[2]' an application for planning permission was submitted to essentially retain the extension 'as built' but with alterations to the roof and the omission of the smaller, lower element of the extension that projected further rearwards (since removed). That application was granted planning permission[3]. As the appeal has been made, in part, on ground (a) an application for planning permission for the works enforced against is also deemed to have been made under section 177(5) of the Act. I consider that matter below at ground (a) and, in order to give proper consideration to the alternative as present at the time of my visit to the site and to the scheme as granted permission, as lesser alternatives under ground (f) I will deal with them within ground (a) although the appellant's case in these respects was, in part at least, initially set out within ground (f).

5. A new National Planning Policy Framework (the Framework 2026) was published on 17 August 2026. The views of both main parties have been sought as to the relevance of the introduction of the Framework 2026 to their respective cases and I have taken the responses into account in my consideration of the appeal, below.

The appeal on ground (a)

Main Issue

6. The main issue is the effect of the appeal scheme upon the character and appearance of the appeal property and the surrounding area.

Reasons

7. The extension is located to the rear of the appeal property. It is accepted by the Council that the extension would not affect the streetscene as viewed and experienced from the York Road street frontage.

8. I agree. The gaps between pairs of semi-detached houses are narrow, with a correspondingly narrow field of vision between them. The extension's flank elevation is visible between the adjacent houses, but so too is a similar extension at the neighbouring property. Views of this nature are by no means uncommon, and the extension causes no harm in terms of its form and scale when viewed from the street frontage.

9. As described above, the extension is not widely visible from the York Road street frontage. However, the rear of the properties along York Road are also part of a distinct streetscene; that being experienced by, and from the rears of, other properties along York Road. It is not unreasonable therefore for the Council to consider the effect of the appeal scheme on the streetscene as experienced from the rear of properties.

10. The properties along York Road are relatively plain in their design and appearance at their rears. The extension as initially built and enforced against appeared somewhat contrived, combining generous external proportions with an unusual and large canopy overhang across the width of the rear elevation, under which

[2] Preliminary Matters - Paragraph 2 – Appellant's Appeal Statement (January 2026)
[3] LPA Ref No: 25/0534/FUL

was a further flat roofed projecting element to the extension. Although since removed and no longer present at the time of my visit to the site, photographic evidence accompanying the notice (photograph A) showed it to have had an awkward and contrived relationship with the main part of the extension. This arose from the lower roof level and eaves and fascia sitting below those of the larger main part of the extension and its canopy overhang. As such, it did not display the simplicity of form that it is otherwise typical of the appeal property's character and appearance, and that of other properties in the surrounding area.

11. Whilst I agree that the blockwork finish to the rear and side elevation walls would not be acceptable, it is clear that the structure remained a 'work in progress', and that the blockwork was unlikely to be the final material finish. Nevertheless, the scale, mass and design of the extension 'as built' would have resulted in a disruptive, harmful and incongruous form and relationship with the otherwise relatively plain and unexceptional host property. As such, and notwithstanding the subsequent removal of the smaller projecting element of the extension, the extension as originally built failed to secure the form of high quality development that is well integrated into its surroundings and which is appropriate to its context, sought by Middlesbrough Publication Local Plan (LP, 2025) Policies CR2 and CR3 or the guidance and advice set out in Middlesbrough's Urban Design Supplementary Planning Document (SPD, 2013).

Whether planning permission should be granted for any part of the matters stated in the notice

12. The appeal on ground (a) sought planning permission for the matters stated in the notice as the breach of planning control; namely the development which had actually been built. Since the initiation of the Council's investigation into this matter, part of the extension as built has since been removed. It is also common ground between the parties that an application for planning permission to retain (with some revisions) the extension has also since been granted approval[3].

13. Section 177(1)(a) of the Act enables me to grant planning permission for the whole "or any part" of the matters stated in the notice. What remains, and thus what I saw during my visit to the site, is clearly and reasonably capable of being 'any part of' the matters stated in the notice.

14. Whereas I have found harm with the original 'as built' extension for the reasons set out above, I am not persuaded that that harm arises from the extension as it currently exists. Whilst the significant canopy overhang is somewhat unusual, the main body of the extension projects no further than that of the flat roofed extension at the adjoining property, and its flat roof would be only very slightly higher. There are a variety of extension types and forms at the rear, but the appeal scheme does not stand out harmfully or incongruously. The extension's flat roof design is neither disruptive nor harmful and whilst the unfinished blockwork walls are less than ideal, should the ground (a) appeal succeed a suitably worded condition regarding materials could resolve this matter. In this form therefore, which can clearly be considered to be 'any part of the matters stated in the notice', I am satisfied that the extension would be consistent with the aims and objectives of LP Policies CR2 and CR3, and the SPD.

15. I am aware that planning permission has been granted to retain the 'as built' extension, albeit with modifications to its roof form and confirmation of the use of

brick ‘slips’ as facing materials to the rear and side elevation. However, as I have concluded that the scheme as it now exists would not cause harm to character and appearance, and the ground (a) appeal succeeds in relation to ‘any part of the matters stated in the notice’, it has not been necessary for me to consider the provisions of the previously approved planning permission scheme separately under a ground (f) appeal.

Conditions

16. The side and rear elevations of the extension ‘as built’ and as observed during the course of my visit to the site were constructed of blockwork. The appellant has stated in appeal submissions that the intention has been to finish the walls in a suitable render, albeit the planning permission subsequently granted refers instead to the use of brick ‘slips’ to match the bricks of the main house.

17. To leave the extension in bare blockwork would not be appropriate or acceptable. However, the use of render or brick slips would give the extension a completed appearance and neither option would be out of place given the limited extent to which the extension is seen more widely. I have imposed a suitably worded condition with a mechanism for enforcement in the event of non-compliance.

The appeal on ground (g)

18. The notice requires that the specified works are carried out within 3 months. Whilst that period may have been unreasonable in the context of the notice’s initial requirement for the demolition of the entire structure, the remaining requirements as a consequence of my decision in respect of ground (a) should not be problematic or unreasonable to comply with within a 3 month period. The appeal on ground (g) fails.

Conclusion

19. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should succeed in part only. I shall therefore grant planning permission for part of the matter the subject of the enforcement notice, namely the single storey extension on the rear elevation (excluding the smaller single storey element of the rear extension as shown on photograph A accompanying the notice and which has subsequently removed. The enforcement notice is otherwise upheld, and planning permission is refused on the other parts the subject of the enforcement notice, namely the smaller single storey element of the rear extension as shown on photograph A accompanying the notice and which has subsequently removed). It is not necessary for me to make any changes to the requirements of the notice as a result of this, since the provisions of section 180 of the Act mean that the requirements of the notice will cease to have effect so far as inconsistent with the planning permission I have granted.

G Robbie

INSPECTOR

Schedule of conditions

1) The development hereby approved, namely the single storey extension on the rear elevation (excluding the smaller single storey element of the rear extension as shown on photograph A accompanying the notice and which has subsequently removed), shall be demolished and the resulting material and debris, together with any plant, tools and equipment so used to undertake the required demolition be removed within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

   (i) Within 3 months of the date of this decision the details of the facing materials for the side and rear elevations, which shall be either brick slips to match in colour and texture the bricks of the main house or render the details of the colour of which shall also be set out, shall have been submitted in writing for the approval of the local planning authority.

   (ii) If within 6 months of the date of this decision the local planning authority refuse to approve the details of the facing materials or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

   (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

   (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

**** end of schedule ****