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: 12th November 2026

Appeal Ref: APP/W0734/C/25/3368407
17 Cambridge Road, Middlesborough TS5 5NG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Bakht Khan (Teesside Portfolio Ltd) against an enforcement notice issued by Middlesbrough Council.
- The notice was issued on 30 May 2025.
- The breach of planning control as alleged in the notice is Without planning permission: 1) Alterations and works to the roof of a dwelling in the Linthorpe Conservation Area namely the removal and replacement of the natural slate roof covering and the removal of the chimney stack; 2) erection of a flat roofed single storey rear extension.
- The requirements of the notice are to:
  a) Remove from the roof the unauthorised roofing materials.
  b) Recover the roof with natural slate. The slate to exactly match the slate on the neighbouring and adjoining roof at No. 19 Cambridge Road. The ridge and hip tiles to exactly match those used on the neighbouring and adjoining roof at No. 19 Cambridge Road.
  c) Rebuild the chimney stack (shown in photograph A below), copying exactly the height, profile, design and moulding of that which was removed. The joint between roof and chimney stack to be lead flashed matching exactly the lead flashing previously installed. The brick type and colour to match exactly the bricks in the façade and gable wall at 17 Cambridge Road. Source and replace, like for like, the 2no terracotta cannon top chimney pots and install them on the rebuilt chimney stack.
  d) Demolish the single storey flat roofed rear extension shown in the approximate position outlined and crosshatched black on the plan (and in photograph D below).
  e) Remove from the land the building materials, debris, plant, tools and equipment associated with step d) above.
- The period for compliance with the requirements is:
  Six (6) months.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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 is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Formal Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The appeal against the enforcement notice (the enforcement appeal) was submitted with reference within the appellant's appeal form to a '*live planning application, reference 24/0524/FUL*'. The appellant's appeal statement references both the enforcement matters and the 'live planning application', the latter having been refused planning permission on 30 June 2025 (the planning application), by which time the notice the subject of this appeal had been served[1]. The enforcement appeal was made on ground (a) only and therefore only the planning

[1] The notice was issued on 30 May 2025 and took effect on 30 June 2025.

merits of the matter enforced against are before me in this appeal. The scheme for which planning permission was sought is not before me, nor has it been argued that that scheme constitutes 'any part of those matters' enforced against, as per section 177(1) of the Town and Country Planning Act 1990 (as amended) (hereafter, the Act).

3. Nevertheless, the appeal statement principally addresses matters relating to the planning application. Whilst this tacitly includes the loss of the chimney stack – that would have arisen from the construction of a two storey side extension – and the re-roofing of the existing main house roof, the submissions fail to explicitly respond to the notice's content or focus. Any references to these matters, and to the single storey flat-roofed rear extension, are addressed in the appellant's main grounds of appeal in the context of the planning application and not in the context of the notice. The content and outcome of the planning application is not a matter before me as the extent of those works differ from those set out in the notice, and thus that for which the deemed application for planning permission under the ground (a) appeal is made. Although reference is latterly made to the alleged breaches of planning control in the appendices to the grounds of appeal, they are again referred to in the context of the unsuccessful application for planning permission.

4. A new National Planning Policy Framework (the Framework) 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 to their respective cases.

The appeal on ground (a)

Main Issue

5. The main issue is whether or not the alleged works set out in the notice preserve or enhance the character or appearance of the Linthorpe Conservation Area.

Reasons

6. The appeal site lies on a prominent corner site in the Linthorpe Conservation Area (the CA) where an Article 4(2) Direction (the Direction) is in force that restricts certain works and alterations otherwise considered to be 'permitted development' by the operation of the Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst I have not been supplied with a copy of the '*Linthorpe Conservation Area Appraisal and Management Plan*' (the AMP) itself, the Council's officer report in relation to the planning application provides a summary of the AMP's assessment of the CA's character and significance.

7. Thus, although it notes that house types and styles are varied across the CA, and again across smaller and more concentrated areas within the CA, certain features are distinctive and more broadly characteristic of the area. Slate roofed houses, hipped roof forms and distinctive, and often prominent, chimney stacks are all features noted, and that I was also able to observe during the course of my visit to the site and surrounding area. The purpose of the Direction seeks to retain original and traditional features and materials of the dwellings with the overall aim of preserving or enhancing the CA's character and appearance.

8. The appeal property is the end property of a terrace of four, double-fronted terraced properties. The terrace's distinctive appearance is derived from the rhythmical double-fronted proportions of each property, with a central doorway

access flanked by square-plan two storey bays. The terrace features a continuous single roof plane fronting Cambridge Road, with distinctive chimney stacks and pots between each property. Additionally, the opposite end of terrace property retains a further chimney stack on its hipped roof elevation, replicating the feature previously in place at the appeal property, since lost as a consequence of the works alleged by the notice. The repetition of the chimney stacks on the main ridge, and prominent hipped end chimneys are also replicated on a similarly proportioned and detailed terrace on the opposite side of the Linden Grove junction and reflect the characteristics identified in the AMP.

9. The loss of the chimney stack from the prominent hipped end of the appeal property is unfortunate but is nevertheless harmful to the overall character and appearance of not just the appeal property and the wider terraced block, but also to that of the surrounding area. So too, the replacement of the previous natural slate roofing. Rather than the thin profile of natural slate roofing, the replacement tiles have a much thicker leading-edge profile giving the roof covering an incongruously heavy and visually intrusive appearance, and the clear delineation of the rows of tiles as a consequence of a thicker leading edge is harmfully at odds with the understated and more natural appearance of the remainder of the terrace's slate roof covering.

10. The appeal property's position on an open corner of Cambridge Road and Linden Grove, and with a wide field of vision across the junction from Cambridge Road, compounds the harm that I have identified. As a consequence, these works highlight the harmful effects of alterations, the very purpose of which the Direction seeks to prevent, upon the traditional materials, detailing and features, and thus character and appearance, of the CA.

11. The plans submitted with the planning application showed the single storey rear extension that is part of the focus of the notice as being part of the 'existing elevations'. Whilst what is shown on the plans appears to be materially similar to the extension as built, for the purposes of this ground (a) appeal, the application deemed to have been made is for that which has been built and is the subject of the notice.

12. The appeal site's prominent end-of-terrace corner location opens up views of the upper portion of the extension above the existing boundary treatment. Thus, whilst the overall scale of the extension is partially disguised the overall extent and scale of the flat roofed extension is nevertheless evident. Also evident is the somewhat clumsy intersection of the extension's flank wall with that of the main house, where the mis-matched bricks are clearly and incongruously visible. So too, the heavy-handed and overly deep fascia board which further directs the eye to the visible portions of the flat roofed extension. This therefore sits at odds with not only the pitched, hipped roof of the main house, but also the well-proportioned paired hipped roof outriggers along the rear of the terrace.

13. Core Strategy (CS) Policy DC1 sets out the Council's broad approach to securing high-quality design. Amongst other factors, the scale, design and materials of development schemes will be of high, taking account of the relationship with the surrounding area. CS Policies CS4 and CS5 reflect the statutory test set out by the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

14. '*Middlesbrough's Urban Design*' Supplementary Planning Document[2] (SPD) also provides further guidance and advice on how to secure high-quality development across the borough. With regard to extensions to domestic properties, the SPD sets out a range of basic principles, including the importance of consistent design details for fenestration, roof form and roof styles and materials, whilst the sensitivity of corner plots within streetscapes is also noted. For the reasons set out, the appeal scheme fails in respect of these key principles set out within the SPD and therefore fails to secure the quality of development that CS Policy DC1 seeks to secure. The scheme also fails to preserve or enhance the character or appearance of the CA, thereby harming the significance of the CA, and as such is contrary to the aims and provisions of CS Policies CS4 and CS5.

15. Whilst the Framework no longer refers to 'less than substantial' harm to the significance of a heritage asset, where the significance of a designated heritage asset is harmed, any such harm should be weighed against any public benefits arising from the scheme. The appellant has not set out any public benefits of the appeal scheme and, in the absence of such there are no benefits to outweigh the harm that I have identified above and the appeal scheme is contrary to the provisions of Policies HE6 and HE7 of the Framework.

16. As the site lies within a settlement boundary, Framework Policy S4 establishes a principle that schemes should be approved unless the benefits of so doing would be substantially outweighed by any adverse effects when assessed against the Framework's decision making policies. The appeal scheme provides the appellant with additional residential floorspace as part of the extension and adaption of an existing dwelling. However, for the reasons I have set out, the works alleged within the notice fail to preserve or enhance the character or appearance of the appeal property or the CA and, as such, cause harm to the significance of the CA. The harm arising substantially outweighs any benefits and so the scheme does not benefit from the presumption established by Framework Policy S4.

Conclusion

17. For the reasons set out, and having considered all other matters raised, I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

G Robbie

INSPECTOR

[2] Adopted January 2013