



Appeal Decision

Site visit made on 25 April 2012

by **Philip Major BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 April 2012

Appeal Ref: APP/W0734/A/12/2167928

7 Bedford Road, Nunthorpe, Middlesbrough TS7 0BY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Sharkey against the decision of Middlesbrough Borough Council.
 - The application Ref M/FP/0785/11/P, dated 12 July 2011, was refused by notice dated 12 September 2011.
 - The development proposed is the construction of 2 No three bedroom semi detached houses and associated car parking access from the highways.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - (a) The effect of the proposed development on the character and appearance of the area;
 - (b) The effect of the proposed development on the safety and convenience of highway users.

Reasons

Character and Appearance

3. The area around the appeal site is a pleasant suburb of residential character. There is a wide mix of dwelling styles, sizes and forms. External finishes are also varied. As such I see no inherent problem in accepting that the relatively simple design of the proposed houses would be acceptable in the general locality. The same applies to the proposed external finishes.
4. However, the site itself is not without constraints. It is relatively narrow for a pair of semis, and although other pairs of dwellings are separated by modest gaps, the distance between the houses proposed and its neighbours would be at the lower end of anything seen locally. I agree that the development would appear to be squeezed into the available space, and this would be at odds with the generally spacious nature of the surroundings. Some rear windows of No 7 Bedford Road would be faced with a blank gable. This suggests that insufficient consideration has been given in the design process to the relationship between the proposed dwellings and those existing. The result

- would be dwellings which would not follow the established character of the locality.
5. Stepping the houses up the slope of the hill would address the topographical lay of the land, but it would also emphasise the height of the buildings. Accommodating rooms in the roof is not unusual, but in this case it means that there would be brickwork between the tops of first floor windows and eaves. This would raise the perceived height of the dwellings, and when seen from lower parts of the street, would give the dwellings a bulky and obtrusive appearance, notwithstanding that some vegetation would be retained. In this respect the dwellings would not sit well with their surroundings.
 6. One of the consequences of squeezing 2 dwellings onto the site would be the formation of 2 access points. These would puncture the existing hedge and have some effect in reducing the vegetated nature of the immediate surroundings. I recognise that there is no protection afforded to the hedge or the trees on site, but nevertheless reducing the vegetation close to the road in an area which benefits from such features would be bound to impact negatively on the character and appearance of the locality to some degree.
 7. Taking all of these matters into consideration it is my judgement that the proposed development would be too bulky and cramped on the site, and would be unacceptably harmful to the character and appearance of the locality. As a result there is conflict with Middlesbrough Local Development Framework Core Strategy Policies DC1 and CS5, which amongst other things seek to ensure that new development is of a high quality design which complements its surroundings.
 8. The adopted Nunthorpe Design Statement (NDS) has similar objectives, and additionally seeks to retain trees and hedges where possible. Despite having been adopted after the Council refused permission for the proposal the NDS is a material consideration which I am bound to take into account. The development would not accord with the aims of the NDS.

Highway Safety and Convenience

9. The streets surrounding the appeal site are typical of a suburban locality. There is a degree of on street parking, some of which I saw during my site visit. Most, but not all, dwellings in the area have some off street parking. On the basis of what I have seen and read I am satisfied that the combination of off street parking provision, and the unrestricted nature of on street availability, means that there is sufficient parking in the general area to satisfy likely demand.
10. I note that local residents are concerned that the development would reduce available on street space, and this is true insofar as the proposed access points would remove some availability (effectively 2 spaces). However, in the context of this street and neighbouring streets I am satisfied that this would not cause undue difficulty. It is apparent that the Highway Authority takes a similar view. Even if the occupants of the proposed dwellings were to choose to park on the street rather than use the somewhat small parking area proposed it would be unlikely to cause significant difficulty. In addition I have no substantive evidence that the few vehicles likely to be associated with occupation of the dwellings would result in increased safety risk. On this issue, therefore, I find

that the proposal would not be likely to cause material harm to the safety or convenience of highway users.

Other Matters

11. Structural stability has been questioned, but this is a matter dealt with by other regulations and is not a matter to which I can afford weight. Similarly, though I note the concerns relating to flooding at lower levels nearby, this is a matter which can be dealt with through adequate drainage design. Whilst I agree that works of construction of the dwellings would impact upon local residents this could be mitigated by the imposition of suitable conditions, and is not a matter which is determinative in the appeal.
12. I have considered those representations which suggest that the dwellings would lead to overlooking of adjacent property. However, bearing in mind that this is an urban area, and in view of the distances between properties and the design and orientation of the proposed dwellings, I am satisfied that there would be no unacceptable loss of privacy in surrounding property.

Conclusion

13. On balance it is my judgement that the harm I have identified in relation to the character and appearance of the area outweighs the lack of harm in other respects. For the reasons given above, therefore, I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR