



Appeal Decision

Site visit made on 13 November 2018

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2018

Appeal Ref: APP/W0734/D/18/3213129

7 Emerson Avenue, Middlesbrough TS5 7QW

- 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 Mo Akhmed against the decision of Middlesbrough Borough Council.
 - The application Ref 18/0170/FUL, dated 22 March 2018, was refused by notice dated 1 August 2018.
 - The development proposed is the erection of an orangery to the front/side and a retrospective application for alterations to boundary fence and the placement of a shed.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an orangery to the front/side of 7 Emerson Avenue, Middlesbrough TS5 7QW in accordance with the terms of application ref: 18/0170/FUL, dated 22 March 2018, and subject to the conditions set out in the schedule attached to this Decision.

Procedural Matters

2. The original application sought retrospective planning permission for alterations to the boundary fence separating the front garden areas of Nos 5 and 7 Emerson Avenue. Retrospective consent was also sought for the placement of a shed in the front garden area of the appeal property. During the course of the application process, the appellant agreed to the Council's request to remove the shed and reduce the height of the boundary fence due to the adverse impact on the street scene. However, the shed and 1.5 metre high boundary fence were still in place at the time of my visit to the site.
3. The appellant submitted revised plans to reflect the above agreement and included amendments to the proposed orangery, particularly in relation to the elevation of the appeal property facing Hawnby Road. It is those revised plans upon which the Council assessed the application. Accordingly, I have also determined this appeal on that basis. As a result, I find that the only matter of dispute between the Council and the Appellant in this case relates solely to the proposed orangery.

Main Issue

4. The main issue is the effect of the proposed development (the orangery) on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located on a prominent corner plot within an established residential area. Properties in the area are set back from Emerson Avenue and have large gardens to the front. These are defined by a mix of low boundary walls

- with timber fencing, railings or hedges. There is also a range of house types which include detached and semi-detached properties and terraces. These are mainly constructed in traditional red brick with grey roof tiling. However, some properties have a mix of brick and render.
6. The appeal property is an end of terrace house with elevations facing Emerson Avenue and Hawnby Road. The front elevations of the properties which form the terrace, including Nos 1 to 5 Emerson Avenue, are broadly characterised by smaller windows and a single front doors with a canopy over and trellis detail to the sides. There have been some historic alterations to the front elevations of these properties which include a bay window at No.5 and a 'lean to' glazed and enclosed addition at No.1.
 7. Policies DC1 and CS5 of the Middlesbrough Core Strategy 2008 (CS), amongst other matters, seek to ensure that all development proposals demonstrate a high quality of design and make a positive contribution to the character and appearance of the area. Furthermore, I note that the Council's Urban Design Supplementary Planning Document (SPD) states that extensions to the front of properties are not generally considered acceptable and are extremely conspicuous. In addition, corner plots occupy highly visible and sensitive locations within the street scene. As such, careful design consideration of the proposed details of extensions will be required in order to preserve building lines.
 8. The Council argues that the projection of the proposed orangery would result in the elevation of the appeal property facing Emerson Avenue going beyond the original building line of the wider terrace facing Emerson Avenue. However, I note that the terrace has a number of existing projections forward of the original building line in the form of a bay window, porch canopies with associated trellising and the 'lean-to' glazed addition to 1 Emerson Avenue. Having viewed these during the site visit, I find that the appeal proposal would not extend beyond the existing additions to the other properties. As such, in my view, the proposed extension in terms of scale would be in keeping with the other nearby additions.
 9. In addition to the scale of the proposed extension, the Council state that the overall width of the proposal, its 'lean-to' roof design and the floor to ceiling glazing would not be in keeping with the character of the area. This includes the traditional brick and smaller windows which form part of the original character of the elevations of the properties in this terrace. I note the Council's comments regarding the glazed lean-to addition at 1 Emerson Avenue. Whilst I appreciate that it was constructed prior to the SPD in 2013, I find it to be an addition which should best be described as more than simply around the entrance. The width and therefore extent of the proposed orangery along the Emerson Avenue elevation would be significantly less than that of the addition to No.1. Moreover, I find that the proposal would be similar appearance to the addition at No.1.
 10. Whilst I appreciate it would be constructed in white uPVC, and would be on a corner plot, I find that the visual prominence and impact of the proposal would not be so significant as to result in material harm to its surroundings. Its position would be set back from the public highway and it would be similar in scale and appearance to existing additions to the other properties that form the adjoining terrace.
 11. I acknowledge that the Council's SPD indicates that extensions to front elevations of properties would not generally be acceptable. However, I have also taken account of the surrounding area and other properties on corner plots nearby. One example is the property opposite the appeal site at 10a Emerson Avenue which sits on the corner of Emerson Avenue and Tollesby Road. That property has a large

conservatory attached to its side elevation. Due to the orientation of the property on its plot, the conservatory is located on the Emerson Avenue elevation.

12. Notwithstanding this, I find that the visual impact of that conservatory, which I note to be larger than the appeal proposal, is minimal on the character and appearance of the street scene as it is set back from the public highway. Moreover, the conservatory appears to be constructed with a white uPVC frame, similar to the proposal. The arrangement and layout of the property on its plot at No 10a is also similar to the appeal property. As a result, I consider that the proposed orangery would, in effect, be a side extension to the appeal property as its principle elevation and frontage, with a front door and access, faces Hawnby Road.
13. Having due regard to the above, I find that the physical and visual impact of the proposed development would be limited on the established character of the adjacent terrace of properties and the surrounding area along Emerson Avenue. Furthermore, whilst I have considered the proposal on its own merits, given its context, I find that it would not appear conspicuous in the street scene. As such, there would be no significant harm to the locality resulting from this proposal.
14. Consequently, I conclude that the proposed development would have no significant detrimental effect on the character and appearance of the surrounding area. It would, therefore, comply with Policies DC1 and CS5 of the CS.

Conditions

15. I have considered the suggested conditions indicated by the Council in its appeal submissions. Where necessary, and in the interests of conciseness and enforceability, I have altered the conditions to better reflect the relevant guidance within the Planning Practice Guidance.
16. In addition to the standard implementation condition relating to time (1), I have imposed conditions specifying the approved plans (2) and the details of external materials (3). I have also imposed a condition regarding the timing and removal of the shed and the reduction in the height of the boundary fence (4). These conditions are considered to be reasonable and necessary to provide certainty and clarity with the development and for reasons of character and appearance.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed. Therefore, planning permission is granted subject to the attached conditions.

Andrew McCormack

INSPECTOR

SCHEDULE OF 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 the following approved plans:
 'Site Location Plan' - Plan No: 9-1; 'Existing Site Plan' - Plan No: 9-2;
 'Proposed Site Plan' - Plan No: 9-3 (Rev B); 'Existing Plans and Elevations' - Plan No: 00-1; and Proposed Layouts and Visuals' - Plan No: 00-2 (Rev D).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those set out on the original application form (ref:18/01780/FUL) so approved.
- 4) Within three months of the date of this Decision letter, the shed located within the front garden of 7 Emerson Avenue shall be removed and also the height of the boundary fence located to the front between the appeal site and 5 Emerson Avenue shall be lowered to no more than 1 metre in height, as set out in the approved plans.

END OF SCHEDULE