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## Appeal Decision

Site visit made on 20 November 2018

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 December 2018**

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**Appeal Ref: APP/W0734/D/18/3212463**

**30 Thornfield Road, Linthorpe, Middlesbrough TS5 5DE**

- 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 A Latif against the decision of Middlesbrough Borough Council.
  - The application Ref 18/0192/FUL, dated 5 February 2018, was refused by notice dated 4 July 2018.
  - The development proposed is removal of front wall to create a driveway for access of transport for disabled person.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. At the time of my site visit, I saw that the development had commenced in that the wall had been removed and the area of hard standing was substantially complete.
3. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed and neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

### Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, with due regard to the Linthorpe Conservation Area.

### Reasons

5. The appeal site is located within the Linthorpe Conservation Area (CA), which in the vicinity of the appeal site is characterised by substantial terraced dwellings set back from the highway with amenity areas to the front. Although the appeal site and the adjacent semi-detached dwelling are comparatively modern, they are of a typical suburban appearance and arrangement which reflect the character of this area of the CA and which contribute to the importance of the CA as a designated heritage asset. More specifically, the enclosed front garden of the appeal site as shown on the existing 'front section'

- plan provided by the appellant would contribute to the pleasant residential character of the CA.
6. In contrast, the loss of a boundary wall to the front of the site and the extent of hard surfacing will lead to a stark and open appearance. The extent of vehicle parking will also lead to a car-dominated frontage which would detract from the separation between the dwelling and the highway provided by the original front garden. I acknowledge that the front boundary wall of the appeal site which has been removed may not have been of a traditional appearance, but this does not outweigh the harm arising from the unsympathetic opening and surfacing of the site.
  7. I saw that there were a number of nearby properties which had parking spaces within the front gardens. However, I do not have full details of the circumstances of those properties and so cannot be certain that they represent a direct parallel to the appeal proposal. Moreover, those that I saw demonstrated the harm to character and appearance that can arise from the proliferation of car parking in front gardens. Whilst the appellant has endeavoured to reflect the design and layout of the nearby properties, this will not mitigate the cumulative harm to the CA created by the proposal.
  8. Furthermore, I note that the CA Appraisal<sup>1</sup> identifies the provision of in-curtilage parking in front gardens as a negative factor affecting the CA. I also note that an Article 4 Direction is in place which includes provisions to control this form of development. On the basis of what I have seen and read, the prevalence of in-curtilage parking provision to the front of dwellings in the vicinity of the appeal site does not justify the cumulative harm to the CA that will arise from the proposal.
  9. I am mindful of the personal circumstances of the appellant, and in particular the need to provide access and care for his father. However, although the original gateway to the property may have been of restricted width, this does not provide sufficient justification for the nature and extent of the development. Whilst the harm to the CA arising from the proposal will be less than substantial, the public and private benefits identified by the appellant do not outweigh that harm.
  10. I conclude that the proposal will fail to preserve or enhance the character and appearance of the CA and in that regard will be contrary to Policies DC1 and CS5 of the Council's Core Strategy 2008. The proposal will also conflict with the National Planning Policy Framework which seeks to conserve and enhance the historic environment. The proposal will also be contrary to the advice of the CA Appraisal which seeks to resist proposals for the formation of a hard surface within the front gardens of dwellings that would be detrimental to the character or appearance of the wider CA.
  11. I note the frustrations expressed by the appellant in relation to the advice from the Council leading up to its decision. However, this is not a matter for this appeal which I have determined on its planning merits. I also note that no objections from local residents have been received to the proposal, but this does not lead me to a different conclusion in respect of the harm to the CA.

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<sup>1</sup> Linthorpe Conservation Area Appraisal & Management Plan 2006.

12. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR