



Appeal Decision

Site visit made on 21 November 2018

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 December 2018

Appeal Ref: APP/W0734/W/18/3208727

80a The Avenue, Linthorpe, Middlesbrough TS5 6SB

- 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 M Mousa against the decision of Middlesbrough Borough Council.
 - The application Ref 18/0092/COU, dated 13 February 2018, was refused by notice dated 11 April 2018.
 - The development proposed is change of use of annex to self-contained dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is currently in use as a dwelling independent of 80 The Avenue, as referred to in the Council's decision notice. For clarity, as such a use is unauthorised, I have dealt with the appeal scheme as a proposal, based on the submitted plans.

Main Issues

3. The main issues are:
 - Whether the development would provide adequate living conditions with particular regard to internal space, and cycle and bin storage, and;
 - The effect of the development on parking provision and highway safety in the area.

Reasons

Background

4. The appeal site was previously the garage of the property at 80 The Avenue. Planning permission¹ was granted in 2015 for the alteration and extension of the garage to form a residential annex to No 80. The permission was subject to a condition restricting the occupation of the appeal site to individuals who have a direct relationship to the occupiers of No 80. The planning application to which this appeal relates sought to change the use of the site from an annex

¹M/FP/0390/15/P

to an independent dwelling. I note from the application form that the new use commenced in 2016.

Living conditions

5. The two storey appeal building comprises a two bedroom unit. The Council's document entitled 'Interim Policy on Conversions of Residential Properties' (IP) sets out principles for the sub-division of dwelling houses into smaller residential units. It states that the Council will consider the size of proposed units against the standards given in the document 'Technical housing standards - nationally described space standards' (THS).
6. The appellant contends that the IP guidance should not be applied in this particular case as it was principally given approval to become a material consideration for the sub-division of historic two up and two down terraced housing stock in the area. However, this wording does not appear in the IP, and it appears to me that the document is intended to apply to a range of dwelling types. In any case, the overarching intention of the document is to ensure good quality residential development for occupiers, which mirrors the aim of the National Planning Policy Framework (NPPF) to promote a high standard of amenity for future users.
7. I accept that the existing annex is physically separate from No 80, and so the proposal does not involve the physical subdivision of the main dwelling. However, the nature of the appeal site as a permitted annex indicates a degree of interdependency with No 80, for example, residents sharing living spaces and facilities at the main building.
8. Conversely, the creation of two separate households would inevitably give rise to material differences in terms of the intensity of use, activities, and comings and goings associated with the appeal site. Therefore, whilst the circumstances here may not exactly reflect those envisaged in the IP, the fact remains that a new independent dwelling unit would be created, and so the policy aim to provide adequate living conditions, as sought by both the IP and the THS, is in my view relevant in this case.
9. For a two storey two-bedroom four-person dwelling, the THS requires 79sqm of internal living space. The total internal floor area of the appeal site is around 66sqm, which equates to the floor space that was provided for the permitted annex. The smaller bedroom has an area of around 9.6sqm, falling short of the 11.5sqm required for a double bedroom. If this room was used as a single bedroom within a two-bedroom three-person dwelling, then 70sqm space should be provided, and the proposed scheme would still fall short of this minimum requirement, and would be at odds with the IP guidance.
10. The Council's 'Design Guide for Parking Standards' (DGPS) states that all new developments should provide secure and conveniently located cycle parking facilities. This is considered to be of extra importance in cases where, as in this case, no dedicated parking provision is possible. The IP similarly requires adequate cycle storage. On my site visit, I saw that the building has two narrow strips of outside land measuring around 1 x 4m and 1 x 5m respectively. It appears that these areas are accessed through the back door of the property, which is reached by crossing the dining area. Whilst this location may be secure, it would by no means be convenient to bring bicycles

through the building and store them in this manner. Due to the limited internal space, keeping bicycles inside would be undesirable.

11. The Council also voice concern about the storage of wheelie bins, as a three wheelie bin system is in operation. The only space available for the storage of wheelie bins is in the area to the east of the building. However, this alleyway provides access to the rear of a number of other properties in the vicinity. In the absence of any site plan showing how the required number of bins could adequately be accommodated, I am unable to be certain that the proposal would be satisfactory in this regard.
12. I accept that many properties do not have any external amenity space, and that not all occupiers desire to have such a facility. However, these circumstances would not mitigate the lack of adequate cycle or bin storage facilities in this particular case. Although the appellant contends that the appeal site is not intended as a family dwelling, there is nothing before me that would preclude its occupation by a small family unit.
13. In the absence of any compelling reason for me to set aside the Council's requirements in terms of internal space and cycle and bin storage, I conclude that the development would harmfully fail to provide adequate living conditions, contrary to Policy CS5 of the Middlesbrough Local Development Framework Core Strategy (CS), insofar as it seeks to secure a high standard of design and improve quality of life. It would also unacceptably conflict with the principles given in the IP, the THS, the DGPS, and the NPPF.
14. The Council are concerned about the use of the alleyway to reach the appeal building, as its independent use would give rise to a greater demand for access by this means. I accept that the alleyway is not in the demise of the property. However, such arrangements are common in urban areas. From my observations on site, the access appeared to be of adequate quality, and so this factor in itself would not be so harmful as to warrant the withholding of planning permission.

Parking provision and highways

15. The Council's second reason for refusal relates to concerns that the development will result in an increased demand for on-street parking, with detrimental effects on highway safety. There is no scope to provide off-street car parking at the appeal site. Occupants wishing to own a car would therefore be obliged to use on-street parking.
16. The Council state that demand for on-street parking in the vicinity is high. The situation is exacerbated by the presence of the theatre on the other side of the road. The area is predominantly residential, and I note that many dwellings do not have the facility to park off the street, and so I have little doubt that pressure for parking will be significant at busy times of the day.
17. However, the appeal site already has planning permission for residential use as an annex, and so it is likely that this previous change of use would have generated a requirement for at least one additional vehicle. The Council estimate that the change of use to a self-contained dwelling unit would generate up to two vehicles. Therefore, the net addition would be one extra vehicle. Whilst there would be some effect on parking conditions, the addition of one vehicle would be marginal at best, and there is little substantive

evidence to demonstrate that the overall effect of the appeal scheme on parking provision and highway safety in the area would be so harmful as to warrant the withholding of planning permission.

18. I therefore conclude that the development would accord with CS Policy DC1, insofar as it seeks to ensure that there is limited impact upon the capacity of existing and proposed transportation infrastructure, with no impact on highway safety.

Other Matters

19. The appeal site is in the Linthorpe Conservation Area (CA). I am therefore required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. However, I am satisfied that the proposal would have little appreciable visual impact on the character or appearance of the CA beyond that of the previously permitted annex, and so the statutory duty is met.

Conclusion

20. Although I have found that the scheme would be acceptable in highways terms, I have concluded that it would fail to provide adequate living conditions. The proposal would thus conflict with the development plan as a whole, and so the appeal is dismissed.

Elaine Gray

INSPECTOR