



Appeal Decision

Site visit made on 3 July 2009

by **Don Rankin DipTP MRTPI**

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

The Planning Inspectorate
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Decision date:
5 August 2009

Appeal Ref: APP/W0734/A/09/2101140

64 St. Barnabas Road, Linthorpe, Middlesbrough, Cleveland, TS5 6JT

- 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 Christopher Barber against the decision of Middlesbrough Borough Council.
- The application Ref M/FP/1941/08/P, dated 28 November 2008, was refused by notice dated 19 January 2009.
- The development proposed is a change of use from domestic garage to dwellinghouse, proposed raising of ridgeline, alterations and internal works.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are the effect on the character and appearance of the area and on the living conditions for prospective and neighbouring residents.

Reasons

3. The appeal property is a garage; the use being incidental to the shop at No.64 and the flat as approved. The single storey shallow pitch roofed structure is clearly a domestic garage. It is constructed in materials to match the style of the surrounding dwellings and its alteration to a house would not materially improve the appearance of the building.
 4. As a garage, incidental to the use of No.64, its location close to the surrounding buildings and with vehicle parking in front does not look out of place. It is a single storey structure between two storey houses and clearly subservient to them. The replacement of the garage door with domestic windows and the raising of the roof would not improve the appearance of the building. It would rather introduce a house significantly out of scale with the rest of the terraced 2 storey dwellings around. It would appear cramped for a detached dwelling and therefore incongruous. As such it would harm the character and appearance of the area.
 5. The open land in front of the property is stated by the appellant as being 6.1 metres by 2.4 metres and would adjoin the pavement. Although I accept that the open space would face towards the park opposite it would be totally exposed to the street. It is not private space which could effectively be used as a private residential amenity. This would result in inadequate such space being available to the future occupiers of the house and be harmful to the living conditions which they could expect to enjoy.
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6. I note the concern of the residents at No.62 with regard to loss of light. The existing garage extends across most of the western boundary of the garden between Nos.62 and 64. Any increase in height, beyond that already approved would result in a degree of overshadowing of the already narrow garden space available to No.62 and would be harmful.

7. The increased height of the roof would adversely affect outlook from the garden and from the rear windows at No.62 to the extent that I consider that it would be overbearing. The combined effect of over shadowing and on outlook from the garden of No.62 would harm to the living conditions for the residents living at that property.

8. I conclude that the proposal would harm the character and appearance of the area, the living conditions for prospective residents, and those living at No.62 next door. It is therefore contrary to Policy DC1 of the Middlesbrough Local Development Framework: Core Strategy 2008 (MCS).

9. With regard to other matters raised, Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: *Housing* (PPS3) and the Barker Review of Housing Supply all seek to increase the supply of housing in sustainable locations. They encourage the re-use of previously developed land to provide additional housing. PPS3 however, requires that good design is integral to such proposals. For the reasons given above I consider that the proposal is not good design and therefore not in accord with PPS3.

10. I consider that the use of the garage as a dwelling, with all the associated residential activity, would not be quieter than the current use where vehicles would arrive and depart only intermittently.

11. With respect to the different referencing of the sub-sections of Policy DC1 of the MCS in the reasons for refusal, the reference to the policy is clear and this does not alter my overall conclusion. I note the reference to appeal decision, Ref: APP/H0738/A/08/2073819, relating to a different property in another area. There is not sufficient similarity to the current appeal proposal to make this material to my decision.

12. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

Don Rankin
INSPECTOR