



Appeal Decision

Site visit made on 4 August 2009

by **Jacqueline North BSc MSc**

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

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Decision date:
19 August 2009

Appeal Ref: APP/W0734/D/09/2109087

3 Walton Avenue, Middlesbrough, TS5 7RN

- 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 Tariq Hussain against the decision of Middlesbrough Borough Council.
- The application Ref M/FP/0591/09/P, dated 27 April 2009, was refused by notice dated 16 June 2009.
- The development proposed is a conservatory.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 1 Walton Avenue with particular regard to visual impact.

Reasons

3. 3 Walton Avenue is a semi-detached two storey dwelling. Both 1 and 3 Walton Avenue have two storey original offshoots, although the offshoot at No. 3 appears to have been further extended. There is a living room window at ground floor level between these offshoots at both dwellings.
 4. The proposed development is a rear conservatory that would measure approximately 5 metres in length, 3.8 metres in width and 3.7 metres to ridge height. It would have a brick wall of approximately 1.8 metres in height with glass above on the side elevation facing the shared boundary with No. 1, and glazed French windows on the rear elevation facing the garden.
 5. 1 Walton Avenue has a French window to the rear elevation, leading to a patio and seating area at the rear of the dwelling. The proposed conservatory would extend 5 metres along the shared boundary with No. 1, and when combined with the existing offshoot would create a tunnel effect when seen from the rear living room window and patio area of No. 1. In addition it this rearward projection would appear oppressive and overbearing when seen from the rear windows, patio and rear garden of No. 1. This would be harmful to the living conditions of the occupiers of this neighbouring house.
 6. Policy DC1 of the adopted Local Development Framework Core Strategy (CS) expects development proposals to avoid adverse impacts upon the living
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conditions of the occupiers of nearby properties. Whilst I can appreciate the Appellant's desire to provide additional living space for his large family, I conclude that the proposed extension would not accord with the aims of CS Policy DC1 in respect of its aim to ensure new development would not result in harm to neighbours' living conditions.

Jacqueline North

Inspector