



Appeal Decision

Site visit made on 8 March 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2021

Appeal Ref: APP/H2733/W/20/3264334

27 Filey Road, Gristhorpe YO14 9PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Chris Staines against the decision of Scarborough Borough Council.
 - The application Ref 20/00527/OL, dated 22 February 2020, was refused by notice dated 19 June 2020.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns regarding the Council's handling of the case, and in particular about perceived unreasonable behaviour and inaccurate reporting in relation to the size of the appeal site. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
3. The application is for outline planning permission, with all matters reserved for future consideration except for access, layout and scale. An indicative site layout, block plan and building design details such as elevations have been submitted with the application and I have taken these into account only in so far as determining the acceptability, in land use principle terms, of erecting one dwelling on the site.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupiers of nos. 27 and 29 Filey Road having regard to matters of outlook.

Reasons

Character and Appearance

5. The appeal site is situated within the large front, side and rear garden of no. 27 Filey Road a two-storey semi-detached dwelling. The garden has many mature conifer trees and other trees within it. This garden forms a gap between no. 27 and the adjacent neighbouring property no. 29 which is also a two-storey semi-detached dwelling. This part of Filey Road is primarily characterised by two-storey semi-detached dwellings and detached single storey bungalows with gaps between

them. Some of these gaps have been partially infilled by single storey garages attached to the sides of the properties. Most of these properties also have front gardens with mowed lawns, shrubbery and trees. These gaps and front gardens make a positive visual contribution to the area's suburban setting. They dwellings on this part of Filey Road are also set out in a relatively linear pattern facing the road except for a new large residential development currently under construction on the opposite side of the road to the appeal site.

6. The indicative proposal would introduce a two-storey detached dwelling to the side of no. 27 which would almost entirely infill the gap between nos. 27 and 29 Filey Road. It would also be set-back a good distance from the front building line of no. 27 and would also introduce approximately three new car parking spaces to the front of no. 27. Three new parking spaces would also be located to the front of the indicative proposed dwelling.
7. Given the indicative proposed dwelling's size and location, it would significantly reduce the gap between nos. 27 and 29 up to a two-storey height. It would also be set-back a good distance from the front building lines of nos. 27 and 29. As a result, it would represent a discordant addition to the street scene that would be at odds with the established pattern of development on this side of Filey Road. The indicative proposal would also add several car-parking spaces to the front garden thereby reducing its size and all the existing mature conifer trees would also be removed from the appeal site. Consequently, even though some of the existing holly trees would be retained, the indicative proposal would have an additional adverse visual impact in this regard. Furthermore, given the proposal's proximity to the shared boundary with no. 29, and its closeness to no. 27, it would also represent a relatively cramped form of development.
8. I acknowledge that not all the properties on Filey Road have large gaps between them, such as some of those on the opposite side of the road to the indicative proposal. I also acknowledge that a relatively new large residential development is under construction on that opposite side of the road. However, where there are gaps between the dwellings on the opposite side, none of these are almost entirely infilled up to a two-storey height. Moreover, the presence of a new residential development on the opposite side of the road does not alter the prevailing character of the properties on this part of Filey Road and their overall established pattern of development.
9. I note that the building lines of the properties on Filey Road are also not all completely linear and that some are 'staggered' in relation to each other. However, none of these are as staggered as the proposal would be in relation to nos. 27 and 29, particularly on that side of the road.
10. I also note that the garden of no. 27 appears to be slightly larger than other similar gardens on this side of the road. However, even so, the indicative proposal's height, scale, massing, and location in relation to its neighbouring properties means that it would be an incongruous addition to the street scene that would be at odds with the established pattern of development, nonetheless.
11. I therefore conclude that the proposal would materially harm the character and appearance of the area thereby failing to meet the requirements of Policy DEC1 of the adopted Scarborough Borough Local Plan (SBLP). It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which promotes good design.

Living Conditions

12. The proposed dwelling would be located close to the shared boundary of no. 29. It would also be set back a reasonable distance from the front building line of no. 29. The submitted revised indicative location and block plans (drawing no. 18.04-01), dated May 2020, also show that both nos. 25 and no. 31 project rearwards along their respective shared boundaries with nos. 27 and 29.
13. There are several ground and first floor windows on the rear elevation of no. 29 which appear to serve habitable rooms. Consequently, given its height, scale, massing and location, the indicative proposed dwelling would be likely to have a significant adverse impact on the living conditions of the occupiers of no. 29 by reducing the outlook from its rear ground floor windows. It would also be likely to do have a similar harmful impact from the first-floor window nearest the shared boundary, albeit to a lesser extent. Additionally, given that no. 31 projects along the shared boundary to the rear, the indicative proposal therefore, would also be likely to create an increased sense of enclosure for the occupiers of no. 29.
14. With regards to any potential impact on the occupiers of no. 27, as no. 29 is set slightly further forward than no. 27, the proposal's location in relation to no. 27 would not be as far back. However, even so, given its scale, massing and closeness to no. 27, the indicative proposal would still be likely to cause unacceptable harm to the living conditions of the occupiers of no. 27 in terms of loss of outlook from the windows on its rear elevation. Moreover, given the rearwards projection of no. 25 along the shared boundary the indicative proposal would also be likely to create an increased sense of enclosure for the occupiers of no. 27.
15. I therefore conclude that the proposed development would materially harm the living conditions of the occupiers of nos. 27 and 29 Filey Road having regard to matters of outlook. As a result, it would fail to meet the requirements of Policy DEC4 of the SBLP. It would also conflict with paragraph 127 f) of the Framework which aims to create places with a high standard of amenity for existing and future users.

Other Matters

16. An interested party has raised a concern in relation to drainage issues at the appeal site. However, I have no substantive evidence showing that any potential drainage capacity issues would result from the indicative proposal. In any event, as I am dismissing the appeal on other substantive grounds, I have not considered this matter further.
17. I note that the appeal site is located within the defined development limit for Gristhorpe and that the SBLP supports the efficient use of land, including development within the curtilage of existing buildings. I also note that there are no highway safety issues in relation to the proposal. However, these matters do not alter, overcome, or outweigh my conclusions on the main issues above.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR