
Appeal Decision

Site visit made on 8 February 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/V0728/D/21/3285406

215 High Street, Marske-by-the-Sea TS11 7LN

- 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 Daniel Savory against the decision of Redcar & Cleveland Borough Council.
 - The application Ref: R/2021/0522/CA, dated 23 June 2021, was refused by notice dated 30 September 2021.
 - The development proposed is described on the application form as 'Detached Boat / Tractor Store with first floor workshop above'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have described the development as 'detached boat /tractor store with first floor workshop/office above'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
3. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Marske Conservation Area (CA).
4. The appellant has raised concerns regarding the Council's handling of the case, and in particular regarding a perceived use of overly emotive language in comments by their Conservation Officer and also regarding perceived bias. These are matters 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.

Main Issues

5. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the CA; and
 - the effect of the proposed development on the living conditions of the neighbouring occupiers of 7/8 West Street having regard to matters of outlook and privacy.

Reasons

Character and Appearance

6. The appeal site is at the end of the large rear garden of no. 215 High Street. There is also a small, detached outbuilding near to the back of no. 215. The surrounding properties are residential with those on west street having an orientation perpendicular to the appeal site. The prevailing pattern of development in this part of the CA, particularly for the properties fronting onto High Street is one of larger dwellings to the front of the plot with larger gardens to the rear some of which contain relatively small outbuildings. Similarly, the properties to the rear of the appeal site that front onto Coast Road also have a similar development pattern with the exception being that they also have large front gardens.
7. The neighbouring property closest to the appeal site, no. 7/8 West Street is quite a long dwelling with two storey and single storey elements with its 'rear' elevation facing the shared boundary. It has a single storey side extension on one side of the two-storey element. This single storey extension and the two-storey portion of the dwelling are closest to where the proposal would be located. There is also a quite narrow side and rear garden between this neighbouring property and its shared boundary with no. 215.
8. According to the evidence the proposal would have an approximate height of 3.3 metres to the eaves and 6.4 metre to the roof ridge. It would also be approximately 8.7 metres wide and approximately 7.6 metres in length. Given its dimensions and according to the submitted plans, the proposal would also have a footprint that would almost cover the entire width of the developable area of the back of the appeal site.
9. The evidence also states that the proposal would be approximately 1 metre higher than no. 7/8 West Street. Consequently, given its orientation, location, scale, bulk, height, and massing the proposal would represent a cramped form of backland development which would be out of keeping with the pattern in this part of the CA. Likewise, its character and appearance would be at odds with those of other rear outbuildings nearby, meaning that it would be visually incongruous in this part of the CA. It would also therefore not respect the historic layout of this part of the CA.
10. As a result, I consider that the proposal would negatively affect the historic interpretation of this part of the CA. Accordingly, I consider that it would fail to preserve or enhance the character or appearance of the CA as a whole. Accordingly, I consider that the proposal would have a negative effect on the significance of a designated heritage asset resulting in less than substantial harm to the CA.
11. Having regard to paragraph 202 of the *National Planning Policy Framework* (the Framework) the proposed development would potentially provide economic benefits arising from its construction and use. However, given the small scale of the proposal I consider that these benefits would be limited. Accordingly, I consider that the public benefits arising from the proposed development would not be of sufficient weight to outweigh the harm I have identified above, to which I attach great weight.

12. I acknowledge that design changes were made to the proposal to lessen its potential impact when compared to the scheme originally submitted. However, even so, the appeal scheme as proposed would, for the reasons outlined above, have a significant adverse visual impact, nonetheless.
13. I therefore conclude that the proposed development would neither preserve nor enhance the character or appearance of the CA. As a result, the proposed development would conflict with paragraph 199 of the National Planning Policy Framework (the Framework), which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting. It would also conflict with paragraphs 200 and 202 of the Framework which seek to conserve and enhance the historic environment. The proposal would therefore also fail to meet the relevant requirements of Policy HE1 of the adopted Redcar & Cleveland Local Plan (CLP).

Living Conditions - outlook

14. As set out above the proposal would be a larger outbuilding than those in this part of the CA. It would also have a height greater than the building closest to it, no. 7/8 West Street, which has several ground floor windows and one first floor window serving habitable rooms on its elevation that would face the large blank side elevation of the proposal. Consequently, given its scale, height and massing and proximity to the shared boundary with no. 7/8 West Street of the proposal would reduce the outlook from these windows and would also therefore be likely to create a greater sense of enclosure for the occupiers of the ground floor habitable rooms of this property. As a result, I consider that the proposal would have significant adverse impact in these regards.

Living Conditions - privacy

15. The proposal would have two dormer windows in its front roof slope. Consequently, given the location of the rear/side garden and the proximity of the proposal to the shared boundary I consider it likely that users of the office would overlook the users of this garden area resulting in a loss of privacy. As a result, I consider that the proposal would have a significant adverse impact in this regard.
16. The Council have raised a concern that the proposal would also lead to a loss of privacy to the first-floor window of no. 7/8 West Street facing the shared boundary which according to the evidence also serves a habitable room. However, given the oblique angle between this window and the proposed dormer window closest to it, I consider it unlikely that there would be an unacceptable loss of privacy in this regard.
17. I therefore conclude that the proposed development would materially harm the living conditions of the neighbouring occupiers of 7/8 West Street having regard to matters of outlook and privacy. Accordingly, the proposal would fail to meet the relevant requirements of policy SD4 of the CLP.

Other Matters

18. I note the appellant's points with regards to similar development proposals being permitted in the CA. However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken. In addition, as highlighted in the appellant's statement, the development Ref R/2010/0888 appears to have been for two dwellings in a different part of the

CA, the circumstances applicable to the scheme are therefore not the same as those presented in this case, which I have determined on its own merits. In any event the existence of other similar development proposals in the locality does not outweigh my findings in respect of the main issues above.

19. I also note the appellant's point that the proposal due to its scale would provide a benefit to them and their family by preventing their back garden being overlooked. However, given that the separation distance between the rear of no. 215 and the rear elevation of the dwellings fronting Coast Road would be greater than the Council's officer report estimate of approximately 25 metres between the rear of no. 11 Coast Road and the proposal's rear elevation, I consider it unlikely that this would be a demonstrable benefit of the proposal.
20. The appellant has cited a potential 'fallback' position that they could pursue should the appeal be dismissed which is the '*erection of a garage with a much larger floor area right across the boundary with 7 & 8 West Street*' which would be lower in height and the re-boarding the upper section of the boundary fencing. However, whilst these options could be pursued, given that according to the appellant's statement '*the strip of land to the south of 7 & 8 that now forms part of their curtilage was bought off the subject property 215 The High Street in approximately 2003*', I consider it unlikely that this potential scheme would stretch across the shared boundary. This and the fact that it would be lower in height means that I consider that it would not be more harmful than if the appeal scheme itself were permitted in conflict with the development plan. Accordingly, I afford this matter limited weight.

Planning Balance and Conclusion

21. The proposal would not accord with the development plan when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within it. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR