



Appeal Decision

Site visit made on 11 May 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2022

Appeal Ref: APP/H2733/W/21/3289877

Land at Bog Hall, Waterstead Lane, Whitby YO21 1PG

- 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 K.D. Wood against the decision of Scarborough Borough Council.
 - The application Ref 21/00423/FL, dated 14 February 2021, was refused by notice dated 1 July 2021.
 - The development proposed is described as a "proposed conversion & extension of existing store to create a dwelling on land at Bog Hall, Waterstead Lane, Whitby, North Yorkshire, YO21 1PG."
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of the neighbouring property at 3 Waterstead Lane, with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site sits on a prominent corner and is a small triangular piece of land that features a single storey store building. The site narrows sharply to a point to the rear, where there is an area of amenity space facing the rail tracks and marina beyond. On the tight southern boundary and to the rear of the store the land rises steeply, giving the appeal site an enclosed and cramped feel. The stone wall of the conservation area boundary is across the road to the northwest, set down from a traditional terraced row of dwellings, which face the appeal site from an elevated position. Directly adjacent to the appeal site to the north are two blocks of traditional brick built semi-detached dwellings. The bricks and pantile pitched roof of the existing store building matches well with surrounding dwellings and has a regular rhythm of development.
4. The appeal proposal would erect a two storey, one bedroom dwelling, in place of the existing store, with the main living accommodation to the first floor. The proposal would include a compact, modern flat roof design with a Juliette balcony to the eastern elevation and a wraparound window to the west and south elevations. Materials would be mixed, with red facing brickwork to the

ground floor, horizontal board cladding to the first floor, a grey flat roof and white UPVC windows and doors.

5. Whilst the proposal is smaller in footprint and height than the adjacent dwellings, the modern, flat roof design and proposed materials would be distinctly at odds with the appearance of any other dwellings in the area. Whilst I appreciate that the proposal seeks to make efficient use of brownfield land, it would result in an incongruous dwelling that would appear cramped on the restricted and sloping site. Furthermore, given the prominent visibility of the site from the surrounding roads and elevated dwellings, it would unacceptably harm the character and appearance of the area.
6. Consequently, it would be contrary to Policy DEC1 of the Scarborough Borough Local Plan (2017) which in summary, requires new development to demonstrate good design and reinforce local distinctiveness. The proposal would also be contrary to the National Planning Policy Framework (The Framework), which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Living conditions

7. The appeal proposal would sit directly adjacent and forward of the building line of 3 Waterstead Lane to the south. At the time of my site visit, the existing single storey store was shading the neighbouring driveway of No 3. The two-storey appeal proposal, in such close proximity, would have a significant enclosing effect on the outlook from the front of No 3 and would substantially reduce the amount of daylight reaching the accommodation. The first-floor side window may be a secondary window, however, the proposal would also overshadow the ground and first floor front windows and driveway of No 3 and would result in the loss of sunlight to an unacceptable degree.
8. In these circumstances, I conclude that the loss of light and the overbearing outlook would cause significant and unacceptable harm to the living conditions of the occupiers of the neighbouring property at 3 Waterstead Lane. The proposal would conflict with Policy DEC4 of the Scarborough Borough Local Plan (2017) and the Framework, which seek to protect the amenity of existing residents.

Other Matters

9. The appellant states that the site is underused and has been subject to anti-social behaviour and dumping of waste. At the time of my site visit, I noted that the existing store utilises a significant part of the site, which is otherwise steeply sloping land. In addition, the site was secure, with the store building fronting the site and the rear amenity space inaccessible, other than through the store building itself.
10. The proposal is within a sustainable location, close to the town centre and the principle of residential development in the area is established. An additional dwelling would contribute towards meeting housing need. However, the adverse impacts of the proposal that I have identified above would significantly and demonstrably outweigh such benefits. The absence of objection does not in itself render the scheme acceptable.

11. My attention has been drawn to a previous planning permission granted for a dwelling on land part of which comprises the appeal site. I have limited information on this case. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

12. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR