



Appeal Decision

Site visit made on 13 June 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Appeal Ref: APP/H2733/W/22/3312612

12 Carlton Road, Filey, Scarborough, North Yorkshire YO14 9AW

- 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 John Sawdon against the decision of Scarborough Borough Council.
 - The application Ref 22/01701/FL, dated 15 August 2022, was refused by notice dated 14 November 2022.
 - The development proposed is the removal of the existing commercial properties at 12 Carlton Road in Filey and to be replaced with a new residential development. 4 – 2 bedroom flats; 2 – 2 bedroom bungalows.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the Council against Mr John Sawdon. This application is the subject of a separate decision.

Preliminary Matters

3. Scarborough Borough Council has merged with several councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.

Main Issues

4. The main issues are the effects of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of nearby residents with regard to disturbance from the access road.

Reasons

Character and Appearance

5. The 2021 National Planning Policy Framework (the Framework) seeks to ensure that new development is of a high design quality which would add to the overall quality of an area, is visually attractive as a result of good architecture, and is sympathetic to local character and the surrounding built environment. The Framework is also clear that permission should be refused for development that is not well designed.

6. Policy DEC1 of the 2017 adopted Scarborough Borough Local Plan (the Local Plan) is reflective of this approach. Amongst other matters, the policy requires that good design should be demonstrated, based on an analysis of a site and its context and that detailed design should respond positively to the local context in terms of scale, form, height, layout, materials, colouring, fenestration and architectural detailing.
7. The immediate street scene which provides the context for the appeal site consists of two storey red brick terraced dwellings on both sides of the relatively short cul de sac, with a building comprising flats at the end of the road opposite the appeal site. The front elevations of both terraces have decorative brickwork, similar fenestration arrangements including small dormers in the roof and bay windows to the ground floor, a continuous sloping roofline that runs above the bay windows and front doors, chimneys at regular intervals and small front gardens bounded by low brick walls. In the traditional proportions, materials and arrangements, the terraces have an attractive appearance, and their uniformity gives a pleasing visual rhythm to the street scene.
8. The appeal site is currently occupied by a number of buildings. The application form identifies that the current use of the site is commercial, as a builders yard and electrical depot. At the time of my site visit, the buildings were not in use. These buildings have a mainly functional appearance, reflective of their commercial use. The existing buildings on the site would be removed and a two storey block of flats with four residential units would be developed fronting onto Carlton Road, with two bungalows in the land to the rear.
9. The block of flats would adjoin the two-storey end terrace dwelling at 10 Carlton Road. Its eaves and roof height have been reduced from the previous proposal¹ that was submitted for the site. The building would be lower than the neighbouring terraced dwellings and it would be of a similar height to the block of flats opposite. Nonetheless, its overall scale would be exaggerated through the design approach. The building would appear as having quite a large bulk given the not insubstantial mass of brick to the front elevation and the lack of architectural detailing to break up the built form.
10. The different pattern and proportions of the window openings would be markedly different from the pattern of fenestration on the terraced properties in particular but also the flatted development opposite. The result would be a building façade that is not as visually coherent as those of the surrounding buildings. This would be exacerbated by the absence of other architectural details that contribute to the distinctive character and appearance of the street scene here, as noted above.
11. The use of brick and slate would be consistent with the built form on Carlton Road. However, due to the distinct lack of architectural detailing, the proposed block of flats would appear as bland and undistinguished. In this regard the proposal would be in direct contrast to the neighbouring terraced properties which, as noted above, include a range of characteristic and pleasing features. Overall, while appreciating that the proposal would remove the existing buildings, the proposed development would not respond positively to the local context. Furthermore, while the existing buildings do not make a positive

¹ Application reference 22/00694/FUL

contribution to the street scene, they nevertheless sit relatively unobtrusively within it.

12. While the flatted development opposite the appeal site has to some extent changed the character and appearance of this end of the cul de sac from a scale, massing and height of development point of view, it is nevertheless important that the context of the appeal site also takes into account the character and appearance of the more prevalent terraced properties. I appreciate that there is a diversity in the built form in the wider area. However, the proposed development would be seen mainly within the street scape of Carlton Road.
13. There is also a lack of distinctive design features on the proposed bungalows. Their more modest scale and position to the rear of the site behind the block of flats means that the lack of response to the local context is less pronounced. Nevertheless, the absence of public visibility does not in itself obviate the need to achieve well designed places.
14. For the reasons given above, I conclude that the proposal would harm the character and appearance of the area. Consequently, it would conflict with Policy DEC1 of the Local Plan and the design objectives in section 12 of the Framework as summarised above.

Living Conditions

15. The access to the site for the six residential units would be along an existing track that runs in between the rear of the dwellings on Carlton Road and 29 West Road. The access track currently has a low fenced footway that runs adjacent to the rear of the dwellings on Carlton Road. The footway would be removed to enable two vehicles to pass.
16. The proposed access would therefore sit adjacent to the rear outdoor amenity areas of the properties on Carlton Road. A number of these properties have relatively high boundary walls and/or gates to their rear outdoor amenity area. However, the rear outdoor amenity areas of nos. 8 and 10 are very open. It is unclear whether the ground floor windows of 29 West View that face onto the proposed access serve habitable rooms. Nevertheless, there would be some separation between them and the access. The rear garden of this dwelling would lie immediately adjacent to the access, separated from it by a relatively tall fence.
17. The proposed access road is a particular concern for the living conditions of residents of 8 and 10 Carlton Road. This is due to the proximity of their rear outdoor amenity area to the proposed access and the open nature of the space.
18. No evidence is presented on the number of vehicle trips that would be generated by the proposal. However, even if this would be relatively low, vehicles using the proposed access would be an invasive source of noise and disturbance for residents of these properties when in their rear outdoor amenity area due to the open nature of the space combined with the proximity to the proposed access. In addition to noise from vehicle movements arising from future occupiers of the proposed development, deliveries and suchlike, there would also be light from headlights and pedestrian movements. The cumulative effects of activities on the proposed access would result in undue

noise and disturbance that would be intrusive and harmful to the living conditions of residents of 8 and 10 Carlton Road.

19. The appellant's evidence identifies that the proposed access was used for vehicles to and from the site when it was in a commercial use, six days a week from 08:00. However, there is no evidence on the level of traffic movements generated by this previous use and how this would compare to the current proposal.
20. I therefore conclude that the proposal would result in significant harm to the living conditions of nearby residents with regard to noise and disturbance from the access road. Accordingly, it would conflict with the residential amenity requirements of Policy DEC4 of the Local Plan.

Other Matters

21. While it may be the case that the proposal would provide a good standard of amenity for future occupiers and would not result in a harmful effect on the living conditions of nearby residents with regard to light, outlook or privacy, this does not alter or outweigh my conclusions on the harm that would be caused.

Conclusion

22. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR