



Appeal Decision

Site visit made on 27 October 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2023

Appeal Ref: APP/U2750/D/23/3321772

18 Overgreen View, Burniston, Scarborough, North Yorkshire YO13 0HZ

- 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 Melvyn Pell against the decision of Scarborough Borough Council.
 - The application Ref 22/02348/HS, dated 16 November 2022, was refused by notice dated 15 March 2023.
 - The development proposed is a detached garage/workshop and new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2023 Scarborough Borough Council merged with a number of other Councils to form a new Unitary Authority of North Yorkshire Council. This appeal decision however refers to the name of the Council shown on the decision notice which is the subject of the appeal, that being Scarborough Borough Council. Development plans for the merged Councils remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the area, and 2) the living conditions of occupants of the appeal property with regard to light, outlook and amenity space.

Reasons

Character and appearance

4. The appeal property is a two-storey semi-detached dwelling. The property is located on a corner plot within a short cul-de-sac. The property has front and side gardens and has previously been extended.
 5. The proposed building would be located to the side of the property on land that currently forms part of the side garden. It would be single storey with floorspace being provided over two floors.
 6. Due to its overall size, scale and siting, the proposed building would appear as a dominant and incongruous addition to the property that would be highly prominent in the street-scene, even though it would be at a slightly lower level than the main body of the dwelling. It would erode the pleasant degree of
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spaciousness that exists around the property which positively contributes to the wider area, which when considered with the existing extensions to the property would appear as an overdevelopment of the site in terms of its character and appearance.

7. I acknowledge that there are other outbuildings and extensions to surrounding properties. None are, however, of the same scale, size and siting as the proposed development. They do not lead me to conclude differently on the matter of the effect on character and appearance.
8. The proposed development would therefore cause significant harm to the character and appearance of the area. It would be contrary to Policy DEC1 of the Scarborough Borough Local Plan (2017) which requires, amongst other things, that development is of good design which responds positively to the local context, in terms of its scale, form, height and layout.
9. The proposed development would also be contrary to the Residential Design Guide Supplementary Planning Document (SPD) (2022) which outlines that garages should generally not be built in prominent locations and should be of a scale that would not dominate the main building.
10. The proposed development would also be contrary to the requirement of the National Planning Policy Framework (2023) (the Framework) that planning decisions should ensure that developments add to the overall quality of the area; are visually attractive as a result of good architecture; are sympathetic to local character, including the surrounding built environment; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions

11. The appeal property has habitable room windows in the side elevation of the building. These serve a kitchen/dining room at the ground floor and a bedroom at the first floor. The Council outline that the proposed development would be sited around 2m from these windows.
12. Due to the size, scale and siting of the proposed building it would reduce the levels of outlook from the windows in the side elevation and also reduce the levels of light to these rooms.
13. It is pertinent however that these rooms have additional windows in the front elevation of the property, a roof light in relation to the first-floor bedroom. These windows would be largely unaffected by the proposed development. Therefore, due to these additional windows, an acceptable level of light and outlook would remain following the development.
14. The proposed development, including the driveway, would reduce the amount of private outdoor amenity space at the property. I do not, however, consider that it would be reduced to a level that would have an unacceptable impact on living conditions, as a useable and reasonable amount would remain.
15. The proposed development would therefore not have an unacceptable impact on the living conditions of the occupants of the appeal property with regard to outlook, light and amenity space. It would comply with Policy DEC4 of the Scarborough Borough Local Plan (2017) which requires that proposals ensure a good standard of amenity is provided as a result of developments.

16. The proposed development would comply with the Residential Design Guide SPD (2022) which outlines how developments should not overdevelop the plot to the extent that it harmfully erodes the amenity of the property.
17. The proposed development would also comply with the requirement of the Framework that developments should provide a good standard of amenity for new and existing users.

Other Matters

18. I note that the appellant wishes to enter into a conversation with the Council as to what form of development may be acceptable. Whilst such dialogue is encouraged prior to the submission of an application, it is not something to be undertaken as part of the appeal process.

Conclusion

19. Although I have found that the proposed development would not have an unacceptable impact on the living conditions of the occupants of the appeal property, it would cause significant harm to the character and appearance of the area.
20. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
21. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

