



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: 29th November 2023

Appeal Ref: APP/H2733/D/23/3325460
50A Scalby Avenue, Scarborough YO12 6HP

- 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 Mrs Bonnie Purchon against the decision of North Yorkshire Council.
 - The application Ref 23/00403/HS, dated 1 March 2023, was refused by notice dated 9 June 2023.
 - The development proposed is a rear extension.
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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 North Yorkshire 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 host property and the surrounding area, and 2) the living conditions of the occupants of 50 Scalby Avenue with regard to outlook and light.

Reasons

Character and appearance

4. The appeal property is a detached bungalow. It is located in a predominantly residential area. The surrounding properties are of various designs and sizes. The appeal property, like many of the surrounding properties, has been previously extended. This includes an existing rear conservatory that would be removed as part of the proposed development.
 5. The proposed development would be located to the rear of the property. It would not be readily visible from any public vantage points, save for glimpsed views from the gaps that exist between the adjacent properties.
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6. The extension would utilise materials to match those in the host property and it would have a hipped roofing arrangement with slopes to match the angles of the roof of the existing dwelling. Although the roof would be staggered, the angles would be maintained and given its limited visibility, there would not be harm caused. I do not share the Council's view that it would appear as a complicated design.
7. Due to the length of the rearward projection, the extension would give the property a noticeably elongated appearance. It would nevertheless sit beneath the main roof of the property and given its position at the rear of the property it would not be highly discernible.
8. I therefore conclude that the proposed development would not cause harm to the character and appearance of the host property or the surrounding area. It would comply with 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 comply with the Residential Design Guide Supplementary Planning Document (SPD) (2022) which outlines that the design of an extension should respect the scale and form of the original building, and in terms of their scale, extensions should not dominate the original building but should normally be subservient to the main building.

Living conditions

10. The proposed extension would run along the common boundary with no. 50 Scalby Avenue. According to the Council's figures, the existing conservatory, which would be removed, projects 3.35 metres along the common boundary. Again, according to the Council's figures, the proposed extension would project 8 metres from the rear of the dwelling following removal of the conservatory.
11. There are existing windows in the rear elevation of an off-shoot to no. 50 Scalby Avenue that look onto the appeal property.
12. Due to its size, scale and the length of projection along the common boundary, I find that the extension would appear dominant and create an increased sense of enclosure when viewed from no. 50 Scalby Avenue. It would be significantly greater in height than the existing boundary treatment and would appear oppressive. This is despite the presence of an outbuilding further along the common boundary in the adjacent property's rear garden. The proposed development would therefore significantly harm the outlook from the neighbouring property.
13. The SPD outlines that in order to make sure that an extension does not take away too much daylight or outlook, or otherwise overshadow a neighbouring property, a useful informal guideline to measure the potential impact is the '45 Degree Test'. The submitted plans show a 45-degree line drawn from the rear of the neighbouring property. This shows that the proposed extension would breach this line. However, it has been drawn from the edge of the off-shoot and not from the window as required. This would suggest that the breach would be greater than shown on the plan.
14. In terms of levels of light, the proposed development would be single storey with a sloping roof. Whilst there would be an increased element of

overshadowing as a result of the development, it would be by a minor amount and only at certain times given the orientation of the sun. I do not consider that the impact in terms of light levels would be unacceptable.

15. I therefore conclude that the proposed development would cause significant harm to the living conditions of the occupants of no. 50 Scalby Avenue in terms of outlook. It would be contrary to Policy DEC4 of the Scarborough Borough Local Plan (2017) which requires, amongst other things, that proposals should not have an unacceptable impact on amenity due to an overbearing impact. It would also be contrary to the SPD as set out above.

Other matters

16. The appellant has referred to their frustration in relation to timescales and considers a more proactive approach could have been adopted by the Council. Nevertheless, these are not land use planning matters that would lead me to conclude favourably on the appeal.

Conclusion

17. Although I have found that the proposed development would not have an unacceptable impact on the character and appearance of the host property and the surrounding area, it would cause significant harm to the living conditions of the occupants of no. 50 Scalby Avenue with regard to outlook.
18. The proposed development would therefore conflict with the development plan and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict.
19. 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