



Appeal Decisions

Site visit made on 8 November 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal A: APP/U2750/W/23/3329016

Flat 4, 17 Esplanade, Scarborough YO11 2AF

- 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 David Eason against the decision of North Yorkshire Council.
 - The application Ref: 23/00289/FL, dated 10 February 2023, was refused by notice dated 26 July 2023.
 - The development proposed is proposed dormer together with the formation of balconies.
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Appeal B: APP/U2750/Y/23/3329015

Flat 4, 17 Esplanade, Scarborough YO11 2AF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr David Eason against the decision of North Yorkshire Council.
 - The application Ref: 23/00292/LB, dated 10 February 2023, was refused by notice dated 26 July 2023.
 - The works proposed are proposed dormer together with the formation of balconies.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is whether the proposal would preserve a Grade II* listed building "Wessex Court 1 to 3 Esplanade, and 4 to 19 including Crown Hotel" (Ref: 1258434) (the LB), and any features of special architectural or historic interest that it possesses, as well as the effect of the proposal on the character and appearance of the local area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of nearby listed buildings, and the extent to which it would preserve or enhance the character or appearance of the Scarborough Conservation Area (the CA).

Reasons

4. The CA covers a large part of the historic coastal town of Scarborough. It has a mixed character reflecting the town's history and evolution, but it is heavily influenced by its development as an important spa and seaside resort. This is evidenced by the significant number of fine Victorian buildings including grand terraces, villas and hotels, together with formal squares and expansive public

gardens. The CA is characterised by its Victorian architecture, including terraces with regular facades and rooflines and a cohesive palette of materials. Roof forms vary, including later attic additions and dormer extensions, but overall, recessive roof forms behind parapets contribute to the historic character. I find that the significance of the CA, insofar as it relates to the appeals, is associated with the uniform facades and historic roof forms.

5. The LB, which overlooks South Cliff and the sea, dates from 1840-50. It is a grand symmetrical terrace in 3 sections with 3-storey wings to either side of a 4-storey central block that includes The Crown Spa Hotel. It has stuccoed elevations with rusticated ground floors, first floor iron balconies and a continuous cornice. The architecturally unified building speaks of the historic prosperity of Scarborough as a coastal destination. Nos 1 to 16 have piecemeal large attic extensions, resulting in the loss of large sections of the formerly continuous parapet. In contrast, Nos 17 to 19 have recessed or no attic extensions with retained parapet. I find that the special interest of the LB, insofar as it relates to these appeals, to be primarily associated with its integrated composition and historic roof form.
6. The proposal would be a full width roof extension set back some 2m from the parapet. Its front elevation would be finished in hanging slates with 2 sets of doors, roughly 2.1m tall and 2.4m wide, opening onto a roof terrace with a glass balustrade rising above the parapet.
7. The extension would be relatively modest in size and its set back would render it less prominent than nearby roof extensions that finish flush with the front elevation of the LB. Nevertheless, the proposal would be visible from street level at close range as well as in more oblique and distant views from elsewhere along The Esplanade. It would disrupt the clean line of the roof of No 17, with its recessed historic roof form hidden behind the parapet. The alteration to the relatively well preserved historic roof form would diminish the historic legibility of the LB. Even if the proposal had not been widely visible, listed buildings are in any case safeguarded for their inherent special interest irrespective of whether or not the public can view the building.
8. The roof terrace with its glass balustrade would be a stridently contemporary and inauthentic addition to the historic building. While the two large, glazed doors in the extension would not be prominent in the street scene, they would not be well related to the pattern of fenestration in the main façade of the LB. The proposal would re-use existing slates and its contemporary materials, including uPVC windows and glass balustrades, have apparently been approved as part of development affecting the LB and elsewhere in the CA. Irrespective, by virtue of its design, facing materials, pattern of fenestration and balustrade, the proposal would be markedly dissimilar to neighbouring attic extensions. Consequently, the proposal would be a highly incongruent, alien addition that would significantly add to visual clutter rather than achieving visual harmony.
9. Turning to the settings of nearby listed buildings, the Council does not explicitly identify which listed buildings would be affected. However, the list entry for the LB identifies that it forms a group with The Villa, Esplanade Hotel, Nos 20 to 29 with the Esplanade Hotel, Belmont Road, and the Prince of Wales Hotel, Prince of Wales Terrace. These are principally 3 and 4 storey Victorian stucco terraces and hotel buildings that collectively form an imposing group of sea front buildings emphasizing the popularity and prosperity of the Victorian era resort.

There is variation between building facades in terms of their design, but they are united by the distinctive Victorian architecture and consistent palette of materials. The diminution of the historic and architectural significance of part of the group would detract from the group as a whole and therefore the proposal would fail to preserve the special interest of this group.

10. The extension would be seen in the context of the unsympathetic neighbouring large box dormer extensions. Its visual impact would be mitigated to a degree by the significantly altered roofscape of the LB. However, the glass balustrade would be an alien and jarring feature adjacent to the parapet. Although not tall, it would be conspicuous in part due to the reflection and interplay of natural and artificial light. Rooftop activity would also be conspicuous and incongruous in the context of the historic townscape. Taking all this into account, I find that the proposal would be sufficiently prominent in views to lead to harm to the CA as a whole.
11. With the exception of No 17, the roof of the LB has been much altered. The roof of the Crown Spa Hotel has been altered through the addition of a mansard roof (Ref: 05/01776/LB) and roof-mounted solar panels, although the latter are not readily visible from street level to the front of the hotel. The mansard roof is a holistic intervention across the central section of the LB and neither it nor the climate change adaptations are directly comparable to the proposal. I understand that No 17 has been re-roofed in the past, such that some of the roof materials are not historic. However, neither the earlier maintenance and repair nor the unsympathetic piecemeal roof extensions to the 3-storey wings provide a justification for further piecemeal development that would harm the remaining historic roof form.
12. Paragraph 199 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
13. Given the above, I find that the proposal would fail to preserve the special interest of the listed building, the setting of nearby buildings and the significance of the CA. Taking into account the scale and nature of the proposal, I find the harm to be less than substantial but nevertheless of considerable importance and weight in the planning balance of these appeals.
14. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The appellant is of the opinion that the proposal would be beneficial by adding to the desirability of the property as a primary residence and helping ensure the longevity of the LB, including the parapet; setting a precedent for neighbouring properties to replace unsympathetic attic extensions; and the private outdoor space and previously unobtainable sea view would add to the appellant's quality of life and that of his elderly parents.
15. The property is already in residential use and this continued use is not dependent on the proposal. I have no evidence before me that the parapet is in a parlous or unsafe condition and it would, in any event, have to be retained as part of the building's historic fabric through routine maintenance. The proposal

would not be outstanding or innovative design which promotes high levels of sustainability or helps raise the standard of design more generally in the area. There is little evidence that it would set a precedent for other owners of attic properties to replace existing box dormer extensions and reinstate the parapet wall, and each proposal must be determined on its individual merits. I therefore find these to be negligible public benefits. Access to outdoor space is beneficial in terms of health and well-being and, in this regard, I note the availability of ground floor outdoor space and the proximity of South Cliff Gardens. In any case, access to the rooftop for the appellant and his family would be a private benefit. I find that these benefits are not sufficient to outweigh the harm that I have identified.

16. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II* listed building, the setting of nearby listed buildings and the character and appearance of the Scarborough Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 199 of the Framework and conflict with policies DEC1 and DEC5 of the Scarborough Borough Council Local Plan Adopted July 2017 that require, among other things, that proposals should be a high standard of design, conserve elements that contribute to the significance of designated heritage assets and preserve or enhance the character of conservation areas and the setting of listed buildings. As a result, the proposal would not be in accordance with the development plan.

Other Matter

17. I understand the appellant's elderly parents find the several flights of internal stairs to No 17 difficult. While I have no doubt they would enjoy use of a private rooftop terrace, I am not aware that they reside at No 17 and their need for the proposal has not been robustly demonstrated. Moreover, there is little evidence that the attic would provide suitable or sustainable living accommodation for elderly persons with limited mobility in the future. Consequently, while I am sympathetic, the appellant's personal circumstances carry little weight in favour of the proposal.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Sarah Manchester

INSPECTOR