



Appeal Decision

Site visit made on 15 May 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2024

Appeal Ref: APP/U2750/W/23/3333085

Land at the rear of 54 Main Street, Cayton, Scarborough, North Yorkshire YO11 3RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Tutti Frutti Properties Ltd against the decision of North Yorkshire Council.
 - The application reference is 22/02295/FL.
 - The development proposed is described as 'To remove the old pre-fab garage at 11 Beverley Close and then to re-build a new garage at the rear garden, this will allow access to the paddock where a new dormer bungalow is proposed to be constructed'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted to the Council prior to a decision being made on the planning application. These amended plans appear to form the basis for the Council's decision, and so I have considered the appeal on the same basis.
3. The emerging North Yorkshire Local Plan is at an early stage of preparation and no weight has been afforded to it by the Council. I have no reason to disagree.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

5. The main issues are the effect of the proposed development upon (a) the character and appearance of the area, and (b) the living conditions of occupiers of those properties adjoining the proposed access, with particular regard to disturbance from vehicle movements.

Reasons

Character and Appearance

6. The appeal proposal would introduce a dormer bungalow to a vacant area of land at the rear of Main Street and Beverley Close. The Council does not raise any concerns with the position of the proposal to the rear of existing housing, or the scale, design and appearance of the dormer bungalow itself. Instead, concerns relate the extension of the existing driveway serving No 11 Beverley Close, in order to provide access to the new dormer bungalow, and the provision of replacement parking for No 11 to its frontage.

7. Within this cul-de-sac of Beverley Close, No 11 has a consistent design and arrangement to neighbouring properties. Generally, dwellings are provided with a degree of set back from the road frontage, with driveways and garaging positioned to the side/rear, allowing for front gardens that are visible over low boundary walls. Exceptions are No's 12 and 15, which have a greater degree of frontage parking due to their angled position towards the head of the cul-de-sac. Otherwise, this similarity of design and open frontages provides a consistency and pleasant degree of spaciousness that contributes positively to the character and appearance of this area.
8. The extension of the driveway at the rear of No 11 to form the proposed access to the dwelling would not be highly visible in the street scene, nor would the dwelling itself, and so these aspects of the proposal would not harm the character and appearance of the area. However, the block plan provided indicates that the relocated parking to serve No 11 would take up all of the existing front garden, with no scope remaining for any soft landscaping. Seen with the access to the proposal, the frontage of what is a relatively modest plot, would be dominated by car parking/hardstanding. This arrangement would not achieve a well-designed place, rather, it would be at odds with the predominant layout of this cul-de-sac of Beverley Close, eroding the positive contribution resulting from the consistency of design and degree of spaciousness provided by frontage gardens.
9. The appellant has provided examples of frontage parking in Beverley Close, Beverley Road and Main Street. I am not persuaded that these examples necessarily share the predominant characteristics of properties within the vicinity of the appeal site, which for the reasons set out above, contribute positively to the character and appearance of this cul-de-sac. Further, not all of these examples suggest that frontages are dominated by parking and hardstanding to the same extent as would result from the appeal scheme. While I note that the proposed parking arrangements are a response to concerns of the Highway Authority (HA), the remit of the HA typically extends to highway safety and not the quality of design generally.
10. As such, the proposal would harm the character and appearance of the area. The proposal therefore conflicts with policy DEC 1 of the Scarborough Borough Local Plan, July 2017, (LP), which amongst other matters, requires that new development reflects the local environment and responds positively to the local context, including in terms of layout. Additionally, the proposal would fail to meet the requirements of the Framework in terms of achieving well designed spaces that are sympathetic to local character, and that are visually attractive as a result of layout and appropriate and effective landscaping.

Living Conditions

11. As a result of the proposed development, the existing driveway serving No 11 Beverley Close would become the access to a separate dwelling. This driveway is narrow in width and runs directly adjacent to the side elevation of No 11, which contains a bathroom window and the partially glazed door to a rear porch. The proposed access would then continue along the length of the private garden at the rear of No 11, as well as along the shared boundary with No 12.
12. A high solid fence runs along the shared boundary with No 12 Beverley Close. Beyond this, a parking area and outbuilding lie between the shared boundary and the dwelling at No 12. Given the existing fencing, the position of the

outbuilding, and the degree of separation from the boundary to the main dwelling and garden of No 12, the disturbance resulting from vehicle movements associated with the proposed access would be unlikely to significantly impact on the living conditions of the occupiers of this property.

13. However, no such separation would exist between the proposed access and No 11 Beverley Close. Vehicles utilising the proposed access would pass directly alongside the side elevation of the dwelling itself, including the rear entrance door into the glazed porch, which would open onto this access. It would then continue alongside the private rear garden. While fencing along the rear garden boundary could mitigate some disturbance associated with these movements, nevertheless, the access for the proposed dormer bungalow would sit uncomfortably close to this existing dwelling and the disturbance associated with vehicle movements would result in an unneighbourly form of development.
14. The plans indicate pedestrian access through to Main Street, which would offer a more direct route to local services and facilities than via Beverley Close. While this pedestrian route would offer an alternative to the private car for some journeys, the evidence before me does not demonstrate that vehicle movements would be so reduced, that the above concerns would be sufficiently overcome.
15. I appreciate that there will be existing vehicle movements along Beverley Close, including from commercial vehicles potentially, and my attention has been drawn to a taxi business operating from No 15. However, vehicles utilising the highway would not pass by No 11 in such close proximity as those vehicles accessing the appeal site.
16. I have been provided with examples of access arrangements elsewhere, including at 44a, 27a and 56-62 Main Street, which are highlighted for their length and narrow width. However, I have not been provided with the full details of these other developments, including the basis on which they were considered by the Council, and so I cannot be certain that they provide the same or similar circumstances to the appeal scheme in terms of the relationship with surrounding properties. These examples do not lead me away from my findings in relation to this main issue.
17. The Council references the inconvenience resulting from the replacement garage serving No 11, which would provide storage only, not parking. While this may be less desirable, alternative off street parking provision has been provided and the loss of a functioning garage would not impact significantly on the living conditions of occupiers of No 11.
18. Nevertheless, for the reasons outlined above, the proposal would harm the living conditions of occupiers of No 11, with particular regard to disturbance from vehicle movements. The proposal would conflict with LP policy DEC 4, which requires that existing occupiers have a good standard of amenity, and that new development does not give rise to unacceptable impacts.

Other Matters

19. The Council's refusal reasons suggest that the narrow access would limit access for emergency service vehicles. However, I have not been provided with any consultation responses from the emergency services to confirm this position.

Given my findings relating to the main issues, I have not considered this matter further.

20. The appeal scheme would utilise a vacant plot, within an accessible location. The appellant refers to the provision of multi-generational family housing, which could contribute to a mixed community, while potentially sharing fuel, transport, and care needs. Given the small scale of the proposal, these benefits are afforded modest weight.
21. The appellant highlights that the requirements of the HA have been met, along with those of the Council's drainage engineer, and that there are no ecology concerns following the report provided. These are neutral matters that do not weigh for or against the appeal scheme.
22. A number of local residents have expressed a wide range of concerns including, but not limited to: traffic congestion, disturbance from construction vehicles, flooding/drainage issues, ecology, lack of green space for children and lack of space at local schools and doctors' surgeries, as well as damage to private property. I have considered all of these comments, as well as the response provided by the appellant. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
23. The appellant raises concerns with the Council's approach to providing pre-application advice. However, it does not appear that advice from planning officers was sought in this case, and so I have not considered this matter further. The appellant also highlights that amendments were made at the request of the case officer, and yet the decision was still to refuse the planning application. I appreciate that this will have been a disappointment to the appellant. Nevertheless, at appeal, the proposal is considered afresh.
24. The appellant suggests political interference by a Parish Councillor living in the area and that objectors have been misled as to the size of the proposal. As stated above, I have considered the appeal scheme afresh, based on the plans before me, having assessed the proposal against the relevant policies of the development plan, taking into account any other material considerations.
25. Some details are provided relating to the tenancy of No 11 Beverley Close and the actions of individuals relating to that tenancy. However, my consideration of the appeal scheme has been based on the impact of the proposal on the living conditions of both existing and future occupiers of this property.

Conclusion

26. The appeal scheme would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest that the decision should be made other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR