



Appeal Decision

Site visit made on 19 November 2024 by J Reed MPlan

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/U2750/D/24/3352869

65 Ruswarp Lane, Whitby, North Yorkshire YO21 1ND

- 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 Ali Tahmassebi against the decision of North Yorkshire Council.
- The application Ref is ZF23/01560/FL.
- The development proposed is alterations to existing dwelling and proposed second floor.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are;
 - the effect of the development on the character and appearance of the host property and the wider area; and
 - the effect of the development on the living conditions of the occupants of 64 and 66 Ruswarp Lane, with particular regard to outlook, potential overlooking and privacy.

Reasons for the Recommendation

Character and appearance

4. The appeal site is located on Ruswarp Lane which is a linear street consisting of detached dwellings of a variety of differing architectural styles on the periphery of the built-up area of Whitby. The dwellings, including the appeal property, have a modest and unobtrusive character and appearance due to their setback position from the highway and size of built form compared to their plots. The appeal dwelling itself is set further back than the directly surrounding properties in a generously sized plot with a harshly falling gradient to the rear.
5. In contrast to the modest size and character of the existing dwelling, the appeal proposal would result in a significant increase in the footprint, bulk and massing of the existing dwelling and would result in the resultant dwelling dominating the adjoining properties and the streetscene as a whole despite its set-back from the road frontage. This is particularly the case given the

combination of the additional width and height of the resultant dwelling together with its uncharacteristic depth when compared to the surrounding development in the area. In summary, the proposal would not be subservient to the existing host property.

6. In coming to that view, I note that when approaching from longer distances in either direction along Ruswarp Lane, views of the dwelling would be partially screened by existing boundary treatments and the surrounding dwellings. However, the upper walls and roof would project above these and at closer distances the dwelling would have an unduly dominant and conspicuous appearance. This would be at odds with the low key and unobtrusive character of the surrounding development and would be harmful to the rural character of the area.
7. Furthermore, the legibility of the existing dwelling would be lost due to the change to a flat roof design together with the increase in massing to all elevations. Overall, the proposed extensions would fail to respect the unobtrusive and modest character and appearance of the existing dwelling and the wider streetscene.
8. In respect of the external materials, the proposal would utilise white render which would match the existing material palette, and the introduction of natural stone cladding would complement the visual appearance of the dwelling. However, these acceptable materials would not overcome the harm I have identified.
9. Taking all of the above into account, the proposal, as a result of the combination of its bulk and massing would have a significant detrimental effect upon the character and appearance of the host dwelling and the surrounding area. Consequently, it would conflict with Policies DEC1 and ENV7 of the Scarborough Borough Local Plan (2017) (LP). These, amongst other matters, seek to ensure that new development responds positively to the local context, in terms of its scale, form, height, layout and architectural detailing and should protect and where possible enhance the distinctiveness or special features that contribute to the landscape character of a particular area.

Living conditions

10. The proposed extension to the South side of the property would be situated close to the boundary with No.66 and would project well beyond its rear wall. As a result, the proposal would be situated directly adjacent to an area of hardstanding which appeared to be used for sitting by the occupiers of that dwelling.
11. Due to the combination of its length and height, users of the patio would feel hemmed in and would have a much lower quality outlook than the current situation. The overall visual impact would result in an oppressive environment and a significant sense of enclosure. This would result in an unacceptable reduction in outlook available to the occupiers of No.66 when they utilise their rear garden. The blank expanse of the new side elevation wall would also appear inescapably dominant and overbearing which would exacerbate the situation. Additionally, the overbearing impact would also extend to views from the ground floor rear windows.

12. Turning to matters of privacy, the appeal scheme includes a balcony to the rear that would occupy the entirety of the width of the proposed top floor. This balcony would allow for views into the rear gardens of both Nos 64 and 66 from a higher level than currently exists.
13. Without any screening to the sides of the balcony, there would be opportunities to overlook the main amenity areas to the rear of both neighbouring properties, and to a much lesser extent their rear windows. However, the appeal plans show two different types of screen – a 1.8 metre high block screen on the proposed second floor plan and a similar height natural planted screen on the elevations plans. Should I be minded to allow the appeal, I am satisfied that a suitable screen to prevent such overlooking of the most important garden areas would be possible and this could be controlled via a suitably worded planning condition.
14. I also acknowledge that there would be views down the respective gardens. That said, given the location of the balcony, this would not be too dissimilar to the existing situation where there is already a degree of mutual overlooking over the gardens in that respect.
15. In summary, the proposal would harm the living conditions of the occupiers of No.66 and, as such, it would conflict with the aims of Policy DEC4 of the LP which requires development to consider the effect upon the surrounding environment and amenities of occupiers of nearby properties.

Other Matters

16. My attention has been drawn to a previous planning permission for extensions at the appeal site. However, very limited details of this have been provided and I cannot therefore be sure there are sufficient similarities in respect of the impacts of that development when compared to the appeal proposal. Therefore, this does not provide a compelling reason to alter my conclusions on the main issues.

Conclusion and Recommendation

17. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR