



Appeal Decision

Site visit made on 5 September 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/U2750/D/25/3366415

20 Falcon Terrace, Whitby, North Yorkshire, YO21 1EH

- 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 Mr William Connelly against the decision of North Yorkshire Council.
 - The application Ref is ZF24/01654/HS.
 - The development proposed is described as proposed rear and side dormer, rear balcony and new driveway with dropped kerb.
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Decision

1. The appeal is allowed, and planning permission is granted for the proposed rear and side dormer, rear balcony and new driveway with dropped kerb at 20 Falcon Terrace, Whitby, North Yorkshire, YO21 1EH in accordance with the terms of the application, Ref ZF24/01654/HS and the plans submitted with it, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the materials identified on the application form and approved plans: Location Plan, DI-DR-P98-02 and DI-DR-P98-03 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby shall be in accordance with the approved details.
 - 4) The south-facing opaque glazed balcony panel hereby permitted shall be installed prior to the first use of the balcony and thereafter be retained.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area and the host property itself.

Reasons

3. The appeal site is a detached property within a predominantly residential area, properties in the area vary in terms of form and design. Situated on a corner plot with elevations facing Falcon Terrace, Springhill Terrace and Lyndhurst Close the appeal site lies opposite Whitby Hospital.
4. The site is adjacent Whitby Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation

Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area. Paragraph 212 of the National Planning Policy Framework (2024) (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.

5. Neither party have provided details relating to the conservation area or its significance. However, from my observations during my site visit I noted a mix of character and architectural styles. The conservation area includes the hospital site which is a prominent bulky building with little architectural merit.
6. The appeal property is traditional in terms of its architectural detailing, design and appearance. The proposed dormers would be flat roof modern additions to the property; The proposed dormers would dominate the roof space. I observed during my site visit that there are many examples of dormers with varying designs within the surrounding area. The proposed glass balcony would be a contemporary feature, however one which is not unusual within the wider area.
7. At the time of my site visit the proposed rear dormer had been installed whilst the appellant contends that this would be permitted development, I have not been provided with confirmation of this in the form of a certificate of lawful development. Nevertheless, the Council have confirmed that a dormer subject to conditions could be installed under permitted development rights, I give this significant weight.
8. Whilst the proposed development would introduce contemporary features to the appeal property these would not be out of keeping with the surrounding area and given the ability to install a rear dormer without planning permission I find that the proposed dormers and balcony would not be incongruous additions.
9. The Council does not raise concern with regard to the new driveway and dropped kerb, from the information before me I do not disagree.
10. I conclude that the development would not harm the character and appearance of the area and the host property itself. There is no conflict with Policy DEC1 of the Scarborough Borough Local Plan (2017) and the Council's Residential Design Supplementary Planning Document (2022) which seek amongst other things to ensure developments responds positively to the local context and reflect the character of the host property.

Conclusion and conditions

11. For the above reasons I conclude that this appeal should be allowed.
12. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.
13. In the interests of protecting the living conditions of occupiers of the adjacent neighbouring property I have imposed a condition relating to the installation of an opaque glazed panel to be installed to the side of the balcony which would mitigate overlooking of the neighbouring property.

Chris Pipe

INSPECTOR