



Appeal Decision

Site visit made on 11 September 2025

by D M Love BA(Hons) PGCert MRTPI PISEP

an Inspector appointed by the Secretary of State

Decision date: 20th November 2025

Appeal Ref: APP/U2750/W/25/3365610

3A Southend Gardens, Whitby, North Yorkshire, YO21 1JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr. Glenn Ackroyd against North Yorkshire Council.
 - The application Ref is ZF24/01987/OL.
 - The development proposed is described as “outline planning application for residential development”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process the appellant has sought to alter the description of the proposal from “outline planning application for two semi-detached dwellings” to residential development as referred to in the banner heading above. I consider that change of description would not be prejudicial to any interested parties, and I have determined the appeal accordingly. All matters (access, appearance, landscaping, layout and scale) have been reserved for future consideration. Representations have been submitted that the proposed development would be occupied as holiday let accommodation. The development for which permission has been sought has been described as being for dwellings, rather than accommodation for holiday letting and I have therefore determined the appeal on the basis of the type of accommodation for which the appellant has sought permission. Accordingly, I have made no further reference to holiday let accommodation in my reasoning below.
3. The appellant, as part of this appeal, has also sought to increase the extent of the site boundary (its red line area) so as to incorporate the whole of the ground of 3A Southend Gardens (No 3A) and the drive in front of No 3B to identify where off-street parking could be provided for Nos 3A and 3B. Amending the site area in that way would be a significant change to the appealed application and I have concerns that interested parties would be disadvantaged were I to accept this amendment. I have therefore determined the appeal on the basis of the originally submitted site plan.
4. The appeal has been submitted because of the Council’s failure to determine the appealed application. The Council in response to the appeal’s submission has not submitted an appeal case. In determining this appeal I have relied on the case made by the appellant at the application stage and its appeal statement and the

submission made by interested parties to the Council and following the appeal's submission.

Main Issues

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of Chubb Hill Road.

Reasons

6. The site occupies land in front of Nos 3A and 3B and lies within Whitby's residential area. This part of the town is characterised by a mix of dwelling types. The site is just outside the Whitby Conservation Area and slopes steeply down towards Chubb Hill Road. Access to the site is via Southend Gardens, a sloping street.
7. The appeal site backs onto the rear of 10 and 11 Chubb Hill Road (Nos 10 and 11) and is elevated above those properties. Having regard to a difference in levels of around a storey between the appeal site and Nos 10 and 11 there would be a potential for the proposed development to cause a loss of privacy for, or to have an overbearing effect on, the occupiers of Nos 10 and 11. No drawn details have been provided showing how the proposed development could be accommodated so as to safeguard the living conditions for the occupiers of Nos 10 and 11. Whilst I recognise that the appealed application has been submitted in outline form, with all matters reserved for future conditions, I am not persuaded that it has been demonstrated that the proposed development would not unacceptably harm the living conditions of the occupiers of Nos 10 and 11.
8. On the basis of the limited information available about the nature of the proposed development, I consider the proposal would be harmful to the living conditions for the occupiers of Chubb Hill Road. The proposed development would therefore be contrary to Policy DEC4 of the Scarborough Local Plan 2017 (the SLP) because it has not been demonstrated that there would be no harmful impacts by means of overbearing, overlooking or loss of privacy for existing occupants of the area. Given the potential harm to living conditions I have identified, I consider the proposed development would also be contrary to paragraph 135(f) of the National Planning Policy Framework because it has not been demonstrated it would ensure "... a high standard of amenity for existing ... users ...".

Other Matters

9. The owners or occupiers of nearby properties have raised concerns as to whether sufficient parking would be available to serve the proposed development. The highway authority has raised no objection observing that parking provision would be a matter for consideration at the reserved matters stage in the event of an outline planning permission being granted. With respect to on-site parking provision, I see no reason to take a contrary view to that of the highway authority. Loss of property value has been raised. That is not a land use planning matter and is therefore not for my consideration.

Conclusion

10. The proposed development would make a very modest contribution to housing provision within the Council's area. However, I consider that any benefit of the

proposed development would be outweighed by the harm that I have identified. I therefore conclude that the appeal should be dismissed.

D M Love

INSPECTOR