



Appeal Decision

Site visit made on 18 March 2026

by **R Gilbert BA (Hons) MSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 June 2026

Appeal Ref: APP/U2750/W/25/3376740

14 Sea View Crescent, Scarborough, North Yorkshire YO11 3JE

- 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 Anthony Baker against the decision of North Yorkshire Council.
 - The application Ref is ZF25/00890/HS.
 - The development proposed was originally described as *"Walls were already in place on both the left and right hand side of the front elevation of the property, these walls have been extended to provide privacy to a patio area. The privacy is needed for my wife who has multiple medical diagnoses (see attached medical letter, including wheelchair bound) so that she can spend time in the fresh air without being seen from the highway. There are not any roofs on these patio areas, there are a few wooden beams across part of the structure to add floral arrangements and provide some shelter from the sun. The wooden pergola covers an area that used to contain stairs to walk up to the front of the property. These stairs have been removed and replaced by a ramp for my wife's wheelchair. The covered area provides shelter during bad weather for when she is moving between the property and the car. Photos are attached of the structures. Approximate date of start and finish of the work is included."*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The council's description, as set out in the decision notice, more concisely describes the appeal scheme and closely reflects what is shown on the plans and what has been erected on site. I have dealt with the appeal on the basis that planning permission is sought for the development set out on the plans before me.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the site and the surrounding area.

Reasons

4. The appeal property is a bungalow situated on a residential estate of similar dwellings set on consistent building lines with large front gardens. Front gardens in this part of the crescent are predominantly open and divided by low fences and hedges. Where there are front boundaries, these are generally either fences or hedges giving the area a sense of spaciousness and verdancy.
5. An area of the front garden has been enclosed with high concrete block walls which have been partially painted bright blue. The area has been enclosed with a pergola type structure and trellising. A pitched roof porch-like structure is located forward of the enclosed area.

6. The location of the structure, the materials it is constructed of, its overall height and use of bright colour mean that it appears as an intrusive and discordant feature in the street scene. Whilst trellising may be intended to aid planting, little was evident at the time of my site visit, and none is indicated on the proposed plans.
7. I appreciate that design is a subjective matter, however I find that the negative effects, as set out above, are compounded by the poor use of materials which adds to its intrusiveness and serves to exacerbate the prominence of the overall scheme rather than integrate it into the street scene.
8. The proposal is in response to the needs of the appellant's wife. These needs relate to a medical condition which necessitates the use of a wheelchair and which can be triggered by external factors. The development allows her to sit outside in privacy and provides some shelter when accessing the family car. I have kept these circumstances and the interests of the appellants wife at the forefront of my mind in reaching my decision.
9. In exercising my function on behalf of a public authority, I have also had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal is made for an adaption which the appellant's wife who, because of age or disability, is a person who has a protected characteristic for the purposes of the PSED.
10. In dismissing the appeal, I recognise that benefits for persons with such a protected characteristic would not be forthcoming. However, in my view, the adverse impacts of dismissing the appeal on those persons are proportionate to the adverse impacts that I have identified above, and it has not been demonstrated to me that the same outcome could not be reached by a less harmful scheme.
11. I acknowledge that, in isolation, the introduction of a gently sloping ramp has negligible visual impact and adapts the appeal property for older persons. Likewise, the walls and pergola may support the health and wellbeing of the occupant, however when considered as a whole they do not represent an appropriate change which is sympathetic to the host property or the overall quality of the area. As the ramp has been developed alongside the walls and pergola, the cumulative harm resulting from the development, and its conflict with the development plan, outweighs its benefit.
12. Therefore, I conclude that the development has a detrimental effect on the character and appearance of the site and the surrounding area. As such, the development is in conflict with Policy DEC1 of the Scarborough Borough Local Plan which seeks to ensure development promotes good design in order to create attractive and desirable places.

Other Matters

13. Representations were made relating to highway safety. However, this did not form part of the council's reason for refusal. This is a neutral factor and does not weigh in favour of the development.

14. The appellant has put forward a range of benefits that arise from the development including providing accommodation for older persons and the proposal being an innovative solution to allow the south facing garden to be used. I have also had my attention drawn to policies in the development plan and the Framework that the proposal complies with. None of these matters outweigh the harm that I have found on the main issue and do not lead me to an alternative conclusion.
15. I acknowledge the appellant's frustration at the Council's handling of the application, particularly in relation to their site visit. However, their administration of the application has no bearing on the planning merits of the appeal proposal before me.

Conclusion

16. The development conflicts with the development plan taken as a whole and material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above, the appeal is dismissed.

R Gilbert

INSPECTOR