

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Eskdaleside-Cum-Ugglebarnby

Application No. NYM/2019/0395/FL

Proposal: alterations and construction of dormer window to rear together with erection of front boundary fence (part retrospective)

Location: 50 Iburndale Lane, Sleights

Decision Date: 02 August 2019 **Extended to: 20 August 2019**

Consultations

Parish - No objection.

Highways -

Site Notice Expiry Date - 01 August 2019.

Director of Planning's Recommendation

Approval subject to the following conditions:

1. **Standard Three Year Commencement Date**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2. **Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified**

The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location Plan	N/A	30 May 2019
Existing & Proposed Site Layout	212/10	30 May 2019
Elevations as Proposed	212/24	30 May 2019
Ground Floor Layout as Proposed	212/21	30 May 2019
Loft Plan as Proposed	212/22	30 May 2019
Roof Plan as Proposed	212/23	30 May 2019
Sections as Proposed	212/24	30 May 2019
Elevation to Iburndale Lane as Proposed	212/26	22 July 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. The external cladding of the dormer hereby approved shall be installed in accordance with the submitted details for 'Fortex Weatherboard' and shall be coloured 'Storm Grey' unless otherwise approved in writing with the Local Planning Authority.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

i. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority

ii. The final surfacing of any private access within one metre of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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Informatives

1	<p>Coal Referral Area</p> <p>The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at www.groundstability.com</p>
2	<p>Bats</p> <p>All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.</p>
3.	<p>In relation to condition 4 you are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.</p>

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

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Background

50 Iburndale Lane is a modest c.1960s bungalow located on the southern side of Iburndale Lane (opposite the junction for Birch Avenue) in Sleights. It is a detached property occupying a small plot with two storey dwellings either side and open fields immediately to the rear.

The property has recently been purchased by the applicants and is in need of modernisation. The applicants have a young family and are looking to increase the level of living space to accommodate their growing family. This proposal seeks full planning permission for the construction of a full width flat roof dormer at the rear to facilitate the conversion of the loft and provision of 2no. bedrooms, shower room, WC and staircase.

During the determination period, the application has been updated and amended to include a close boarded timber fence at the front of the property which exceeds the height allowed under permitted development allowances. This aspect of the application is retrospective.

Main Issues

The relevant policies contained within the NYM Core Strategy and Development Policy Document to consider with this application are Development Policy 3 (design) and Development Policy 19 (Householder Development) together with eth general advice contained within Part 2 of the Authority's adopted Design Guide.

These policies collectively seek to ensure that development maintains and enhances the special character of the National Park; is sympathetic to the character and appearance of the host dwelling and; should not have an adverse effect upon the amenities of neighbours. This is to be achieved through careful siting, high quality design and appropriate scale, mass and materials.

Part 2 of the Authority's adopted Design Guide recognises that dormer windows are a traditional feature in several parts of the National Park but the detailing varies within and between settlements. However, in general, traditional small scale dormers which are well related to the size, position and glazing pattern of existing windows beneath may be acceptable. Large flat-roof box dormers and dormers incorporating balconies are considered to be inappropriate due to their respective impact on the host dwelling and impact on amenity. The use of dormers on the front elevation will generally be inappropriate unless the street or local area is characterised by existing dormers.

This application follows a pre-application enquiry made by the applicant. At that time, Officers provided a relatively positive response to the use of catslide style dormers with modest windows so as not to appear as dominant or top-heavy features. However, the applicant's agent has explained in the accompanying supporting statement that the required headroom together with the need to meet current building regulations in respect of insulation means that the only way to achieve acceptable accommodation in the loft space is to construct one long dormer with a gently flat roof slope. The applicant's agent attempted a scheme which included a catslide dormer but has confirmed that this was stymied by the height requirement internally, the ridge height and the resulting construction which would be too shallow for tiles to be laid. In support of the application a number of photographs have been submitted of similar dormer windows on properties of a similar age in the locality.

The impact of the proposed dormer on the streetscene is off-set by its position at the rear of the property meaning that only glimpses of the structure will be seen from the pavement when looking at the gable elevation of the property. In respect of the host property, it is considered that sufficient steps have been taken to ensure the dormer does not dominate the host property to an unacceptable degree.

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The structure is set down from the ridge and inset from the sides of the roof. The window dimensions are clearly smaller than the windows below in the main dwelling ensuring the dormer does not occupy the majority of the roofspace.

The proposal seeks approval for the use of uPVC weatherboard instead of timber cladding. The Authority typically seeks to resist this type of material on the basis it is not a traditional building or environmentally sustainable material. Although understood to be long-lasting, it does not weather or age at the same rate as the building and therefore does not soften or age particularly well.

However, given the host property is relatively modern, has uPVC windows throughout and is not located within a Conservation Area, the use of the coloured cladding is considered acceptable. The product details submitted show it is available in a range of colours and the application forms specify the proposed colour as grey. There are three greys to choose from and Officers recommend (through condition) that the mid-tone (Storm Grey) is used on the basis it most closely resembles lead which is a traditional material used in the cladding of the face and cheeks of dormer windows.

At the time of the Officer site visit, it was evident that a new front boundary fence had been erected and due to its height (in excess of 1 metre) adjacent to a highway, planning permission is required. The application was updated by the agent to include this element of work and the Highway Authority has been consulted. The Highway Authority has raised no objection or comment in respect of the boundary fence but a in view of the surfacing works to the second off street parking area (a previously grassed area has been changed to stone) a condition requiring the verge crossing to be appropriately constructed and for no loose material to be used in surface dressing within 1 metre of the carriageway edge.

This work was not formally included with the application details but is included within the red line. Looking at photographs of the site prior to the works taking place, it is clear that there were not any kerb stones or other boundary treatment between the grassed area and highway; therefore it would not be considered that the works have widened the access. The applicant's agent has noted that typically, properties on Iburndale Lane do not have kerbed or highway specification private accesses. They tend to be informal (yet hardsurfaced) and consequently a formal kerbed access may look out of character. Officer's acknowledge that the new surface material may be carried onto the Highway and therefore may affect highway safety, consequently Officers have sought agreement from the Highway Authority and the applicant's agent to include an amended Highway condition requiring a hard surface to the access but not a dropped kerb. Both parties have agreed this as an acceptable compromise.

The Parish Council has no objection to the proposal and no other representations have been received. On balance, and in view of the above, the proposal is considered in broad compliance with the above planning policies and approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.