

North York Moors National Park Authority

Borough: Scarborough Borough Council
Parish: West Ayton

Application No. NYM/2019/0853/FL

Proposal: change of use of agricultural land to extend domestic curtilage (retrospective), construction of single storey extension to dwelling together with removal of caravan and construction of garage

Location: The Grange, Cockrah Road, West Ayton

Decision Date: 17 February 2020

Consultations

Parish - No objection

Highways - No objection

Forestry Commission - Refer to standing advice

Site Notice Expiry Date - 05 February 2020.

Director of Planning's Recommendation

Approval subject to the following conditions:

- Standard Three Year Commencement Date**
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- Strict Accordance With the Plans/Specifications or Minor Variations**
The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
- External Lighting - Submit Details**
No external lighting shall be installed on the garage hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
- Stonework and Roofing Tiles to Match**
All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
- Windows - Match Existing**
All new windows in the development hereby permitted shall match those of the existing building in terms of appearance, materials, section, dimensions, glazing bar pattern, method of opening, external finish, reveals cills and lintels and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- The external timber cladding of the garage hereby approved shall be stained dark brown or allowed to weather naturally and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- All new garage doors hereby approved shall be of a vertical boarded timber design and side hung with an external finish to match the external finish of the external cladding of the garage and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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8. The external surface of the roof of the garage hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.

Informatives

1. **Bats**

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.

2. **Birds**

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.

If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.

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. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
- 4 to 8. 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.

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Background

The Grange is a substantial, detached property set in open agricultural landscape to the north west of West Ayton. Formerly a pair of modest farmworkers cottages, associated with the nearby farm, Spikers Hill. The property is the result of a planning permission granted in May 1995 for the extension and conversion of a pair of modest farm workers cottages to form a single dwelling with double garage (ref. NYM4/013/0505/PA).

This application follows a pre-application enquiry for the conversion of the attached double garage to additional living accommodation together with the construction of a double garage of timber construction to be sited to the north (rear) of the property in place of a static caravan (unauthorised) which is proposed to be removed. The application also seeks retrospective permission for an extension to the residential curtilage which became apparent during the pre-application research/enquiry. It is likely that the enlarged curtilage is in excess of 10 years old and therefore may be deemed lawful, however, the current applicant has not owned the property for that length of time and therefore would find it difficult to gather the necessary evidence to support a certificate of lawfulness. Consequently, the extension to the residential curtilage has been included on this application in order to attempt to regularise the situation.

The proposed extension is modest measuring approximately 1.5 metres by 6 metres and would infill the interior angle between the garage and main house. The extension would allow the remodelling of part of the front elevation of the integral garage and maintain generous set-back from the associated elevations of the main house. It has a twin hipped gable design and is proposed to be constructed of matching materials providing a games room and sunroom. The garage area would be used to provide a study, cinema room, gym and hall/cloaks. The existing garage door opening and extension would be fitted with windows of a design to match the host property.

The proposed double garage is of simple ridge and gable design measuring 5.4 metres by 5.4 metres with an eaves height of 2.4 metres and overall ridge height of 3.6 metres. The external elevations are proposed to be clad in horizontal timber boarding.

Main Issues

The relevant policies contained within the NYM Core Strategy and Development Policy Document (CSDPD) to consider with this application are Development Policy 3 (Design), Development Policy 19 (Householder Development) and Development Policy 20 (Extensions to Residential Curtilages).

Development policies 3 and 19 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.

Development Policy 20 seeks to permit the extension of existing domestic curtilages where the land does not form an important amenity or open space and where the change of use will not have an adverse impact on the character of the landscape

The use of the existing garage for additional domestic accommodation does not require planning permission and therefore does not form part of the consideration. The proposed extension is considered to be acceptable in terms of its size, scale, position and materials.

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Although simple gables rather than hipped gables would be preferable on the basis that hips are not a characteristic of the main dwelling, in this occasion, the design is not considered harmful as the hip would be seen in the context of the pantile roof immediately behind it and therefore helps to ensure the extension appears as a subservient element.

The proposed garage is considered to be of a size, scale design and in a position which is acceptable under the requirements of DP19 outlined above. It would be closely associated with the main dwelling and the design is consistent with the advice contained within Part 2 of the Authority's adopted Design Guide. There are no immediate neighbours to be affected by either the extension or the garage and therefore, the proposal is considered to be acceptable.

The extended residential curtilage which the applicants seek to retain is undoubtedly large and within the setting of open countryside. However, the host property is also very large and following the construction of the extensions and alterations approved by the 1995 permission, the main dwelling has a more formal appearance in contrast with the modest character of the former workers cottages. Consequently, a domestic curtilage of the size proposed is not considered to be excessive in the context of the main house. Furthermore, although set within an agricultural landscape, the curtilage has a relatively 'low-key' appearance and is not considered unduly harmful to the wider landscape character of this part of the National Park.

The Parish Council and Highway Authority have each responded to the consultation exercise with no objection and no other representations have been received. In view of the above, the proposals are considered acceptable 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.