

# North York Moors National Park Authority

Borough: Scarborough Borough Council (North)  
Parish: Fylingdales

Application No. NYM/2020/0238/FL

**Proposal:** alterations to outbuilding to form additional living accommodation, creation of single storey link extension together with alterations to vehicle access and parking area

**Location:** Charity, Robin Hoods Bay

**Decision Date:** 28 May 2020

**Extended to:** 01 June 2020

## Consultations

**Parish** - No objection.

**Highways** - No objection.

**Site Notice Expiry Date** -

**Others** - **Mr P Shackleton, Tresco, Barrie Barn, Robin Hoods Bay** - We wish to give notice in respect of this application that the proposed car parking is kept to the top end of the car parking area shown on the plans. The site line from our garden over the bay and out to sea looks over the bottom end of the new entrance area. We request that any cars parked at Charity are kept at the top end of the new parking space so that our views are not restricted.

## 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:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Site Location and Site Plan	19035-00-000	02 April 2020
Proposed Ground Floor Plan, Section and Elevation	19035-30-000 Rev A	28 May 2020
Proposed First Floor and Roof Plans, Sections and Elevations	19035-30-010	02 April 2020

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

3. **Render to Match Existing**

The finish of the walls to be rendered shall match the existing render in colour and texture and thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority. Such rendering and colouring is to be completed no later than one month after the development hereby permitted being first brought into use.

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**4. Timber Cladding Samples**

No work shall commence on the timber cladding of the development hereby permitted until details, including the design and fixing of the timber cladding including samples if so required have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.

**5. Tree Protection Scheme - Protection Zone Specified**

No work shall commence to clear the site in preparation for the development hereby permitted until protective fencing to form a Tree Protection Zone has been installed around each tree or tree group to be retained, unless otherwise agreed in writing with the Local Planning Authority. The fencing shall comprise a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) and shall be positioned at a distance from the trunk as set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as a Tree Protection Zone.

The protective fencing around each Tree Protection Zone shall not be removed or repositioned for the full duration of the development hereby approved without the prior written consent of the Local Planning Authority.

- 6.** The hedging to be removed to provide for the revised access hereby approved, shall not be removed during the bird breeding season (March to September) without first being thoroughly checked by a suitably competent person for bird nests immediately prior to potential works. Any nests found must be left undisturbed until chicks fledge and the nest is abandoned. An equivalent length of hedging/shrubby plants to that removed to create the new opening, preferably of native species, must be replanted either within the present opening and/or elsewhere around the garden in the planting season following completion of the works, unless otherwise 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.

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**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](http://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](mailto: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 & 4. 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.
- 5 & 6. In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.



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View from existing drive looking at proposed parking area, tree to be protected/retained and neighbouring property: Tresco.

**Background**

Charity is a fairly modest detached bungalow situated to the north of the main built up settlement of Robin Hoods Bay. The property is accessed via a private drive serving eight properties leading from the B1447 between Robin Hoods Bay and Whitby. It is a white rendered bungalow with a concrete tile roof constructed c1970 and occupies a large plot, benefitting from uninterrupted views of Robin Hoods Bay. The property is situated towards the rear of the plot together with a flat roofed annexe/garage building located to the eastern side and a timber shed along the rear boundary. The main property has a simple architectural character and this modest simplicity is a theme of all the properties in the row; albeit having their own individual designs. The neighbouring property; Crestbank, has been upgraded and extended in recent years, introducing a contemporary style and new pallet of materials complementing the original design, form and construction of the host property.

Charity, although well maintained is of an age where a similar upgrade is required to that of Crestbank next door. The property is uninsulated and does not have a central heating system; relying on electric storage heaters. The annexe/outbuilding is also of simple construction with a concrete slab flat roof again, not having central heating or insulation.

This application seeks full planning permission for alterations and an extension to the side of the property, providing a link to the existing annexe building together with the creation of a raised terrace to the front of the property and revised vehicular access and parking area. The proposed extension and alterations to the existing dwelling are of a contemporary design and would introduce new materials, such as timber cladding and aluminium window frames/features which echo some of the accents of the successful redevelopment of Crestbank to the east.

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The level of accommodation within the 2-bed bungalow is insufficient and not practical for the owners family (the property has been within and remains in the ownership of the family who originally constructed it) and the proposed scheme has been developed to improve the accommodation yet, minimising the amount of new build space. The proposed extension is essentially limited to the glazed link between the bungalow and outbuilding. The link will however, allow the existing outbuilding to be converted to 2no. bedrooms, family bathroom and modest utility space and therefore enable increased living accommodation within the main house. 1no. bedroom and a bathroom shall be retained in the original dwelling, with kitchen and 2no. reception rooms. A dining area is provided within the glazed link; open to the kitchen.

The revised access arrangements proposed to relocate the access and parking to one side of the curtilage in order to provide much needed manoeuvring space and to improve the setting of the dwelling and garden area (currently, the drive transects the front garden and relies on nose-to-tail parking).

Following concerns in relation to the impact of the proposed excavated area of parking upon the health of the mature trees to the western boundary, the applicant has agreed to amend the proposal so as to maintain existing ground levels and reposition the parking area to the east (and the proposed layout of spaces), avoiding conflict with the root protection area of the tree. Revised plans have been received.

**Policy Context**

The relevant policies contained within the NYM Core Strategy and Development Policy Document to consider with this application are Development Policies 3 (Design) and 19 (Householder Development).

DP3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, orientation, layout and density of development preserves or enhances views into and out of the site and that the scale, height, massing, materials and design are compatible with surrounding buildings and do not have an adverse effect upon the amenities of adjoining occupiers. DP3 also requires a high standard of design detailing which complements the local vernacular (whether it is traditional or contemporary) and which takes into account the safety, security and access needs for all potential users of the development whilst incorporating good quality sustainable design and a satisfactory landscaping scheme.

DP19 is supportive of proposals for development within the domestic curtilage provided that it does not detract from the character and form of the original dwelling or its setting and it would not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling.

**Main Issues**

The main issues are considered to be whether; the proposal is acceptable in terms of size, scale, position and construction materials in relation to the host property and its setting and; whether the proposal would lead to an unacceptable impact upon the residential amenities currently enjoyed by the neighbouring and host dwelling.

Whilst the alterations and extensions proposed are fairly minimal in terms of scale, they will achieve a substantial change in appearance of the dwelling, yet the scheme is considered to be successful in its respect for the original character of the site and wider context.

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The modest nature of the proposed works and extensions allow the original form of the property to remain evident whilst improving the general appearance and design quality of the property. The re-use of existing structures minimises the impact of new development upon neighbouring occupiers and the use of new materials introduce a modern element which is consistent but not a direct copy of the neighbouring site, thus ensuring the individual characters and nature of the properties in this location is retained.

The proposed alterations are not anticipated to cause overlooking to neighbours or result in any adverse impact upon the amenities enjoyed by either the host or neighbouring properties.

**Access and Parking**

The Local Highway Authority has identified that the private access off the B1447 towards the application site is restricted in width to one vehicle and leads to 8 dwellings. The proposals to increase the size of the dwelling from a 2 bedroomed house to a 3 bedroomed house are not expected to see a significant increase on the amount of traffic using the restricted width access. The proposed parking arrangement is expected to be sufficient for a dwelling of this size.

However, the Authority's woodland Officer raised concern in respect of the proposed excavation of ground and parking area within the root protection area of one of the mature trees on the western boundary. Advice from the Authority's Ecologist also highlighted the importance of ensuring that works to the existing boundary hedge were carried out outside of the bird breeding season and compensatory planting offered. The neighbouring occupier also raised concern in respect of the potential for parked cars to obstruct views of the bay from their property, requesting that this was avoided.

These concerns were raised with the applicant's agent and following discussions involving the Authority's Woodland Officer, amended plans have been submitted to ensure minimal interference with the root protection area of TR02. The revised plans confirm the following:

- Car parking area moved to the east, to avoid overlap with the RPA for TR02
- Existing ground levels maintained instead of excavating
- Parking provision reduced to 2 primary parking places, on the basis that when a third space is required, the third car parks behind the hedge on the southern boundary as indicated
- Additional hedge planting proposed along the western boundary to replace the hedge row removed to create the new vehicle access

The Authority's Woodland Officer has advised that the amended plans are an acceptable compromise subject to appropriate tree protection measures being implemented during construction works.

The neighbours concern in respect of loss of view is noted; however, the loss of an existing view is not a material planning consideration and therefore does not carry weight in the determination or negotiation process. However, Officers have drawn the matter to the attention of the applicant and they too are mindful to ensure no harm is caused to the enjoyment of the neighbouring property. Consequently, the applicant has trialled the parking of their car in the proposed parking area, using existing ground levels to ensure that the views from Tresco are not unduly obscured or restricted.

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**Summary**

The proposed scheme is considered to comply with the above policy requirements and the amended parking area is considered to satisfactorily address the concerns of the specialist Woodland Officer in respect of the original scheme. The proposal is considered to result in a significant enhancement to the host property and its wider setting without having an unacceptable detrimental impact upon neighbouring amenities.

The Parish Council has no objection to the proposal and in view of the above, approval is recommended.

**Draft Local Plan**

Policies CO17 (Householder Development) and SPC (Quality and Design of Development) have very similar requirements to the current DP19 and DP3 in terms of scale, height, design, quality of construction materials and general amenity considerations of new development. In this case the alteration is considered to be an enhancement and although not yet adopted, the proposal is in compliance with the relevant emerging draft Local Plan Policies.

**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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.