

North York Moors National Park Authority

Ward: Scarborough Borough Council (North)
Parish: Fylingdales

App No. NYM/2020/0385/FL
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Proposal: construction of detached garden room and store (part retrospective)

Location: Tamarind, Church Lane, Fylingthorpe

Applicant: Mr & Mrs D & G Vasey, Tamarind, Church Lane, Fylingthorpe, Whitby, YO22 4PN

Agent: BHD Partnership, Airy Hill Manor, Waterstead Lane, Whitby, YO21 1QB

Date for Decision: 30 July 2020

Grid Ref: 494212, 505091

Consultations

Parish - No objection.

Site Notice Expiry Date - 01 July 2020.

Director of Planning's Recommendation

Approval subject to the following conditions:

- TIME01** **Standard Three Year Commencement Date**
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- PLAN01** **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 and Block Plan	D11874-01 Rev B	30 July 2020
Proposed Garden Room Elevations and Plan	D11874-05 Rev C	30 July 2020
Store Elevations and Floor Plan	D11874-03 Rev B	10 June 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- GACS07** **External Lighting - Submit Details**
No external lighting shall be installed in the development 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.
- RSUO00** The development hereby permitted shall be used for domestic purposes incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation and any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.

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5. MATS19 **Roof Colouring (insert)**
The external surface of the roof of the building 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.
6. MATS00 The external timber cladding of the garden room building hereby approved shall either be allowed to weather naturally or stained dark brown and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. MATS74 All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reasons for Conditions

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN00 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Local Plan Strategic Policies A and C, which seek to conserve and enhance the special qualities of the NYM National Park.
3. GACS00 In order to comply with the provisions of NYM Local Plan Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and Local Plan Policy ENV4 which seeks to protect the National Park's Dark Night Skies.
4. RSUO00 In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would be likely to adversely affect the amenities of existing and future occupiers of the site and to accord with the provisions of NYM Local Plan Policy CO17.
5. MATS00 For the avoidance of doubt and in order to comply with the provisions of NYM Local Plan Strategic Policies A and C 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.
- 7.

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Only view into rear garden:



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Background

“Tamarind” comprises a part one and a half and part single storey modern detached dwelling of stone and pantile construction, set within a substantial garden, and located within the main built up area of north-west part of the village of Fylingthorpe. The property is accessed from Church Lane, but is set back 40 metres from the road frontage. It is surrounded to the north, east and south by other residential properties, although the rear garden extends approximately 35 metres beyond the domestic curtilages of the adjoining properties. To the west (rear) of the garden is grazing land, some of which is also in the applicant’s ownership.

In 2008, planning permission was granted for the erection of a replacement storage/stable building on land to the rear together with associated change of use of part of paddock to form additional domestic curtilage

Planning permission was granted in 2010 for the construction of an extension on the single storey south east end of the existing dwelling to provide a dining room, utility room and additional bedroom at ground floor with a double garage below at a lower ground floor. That permission has been implemented.

In 2011 planning permission was granted for further (modest) extensions to the dwelling, comprising an en-suite bathroom extension on the northwest side elevation, an extension to the breakfast room on the northeast (front) facing elevation, and a dormer window on the south east roof slope or the rear gable.

The current application seeks full planning permission for retrospective approval of a small garden store, together with the erection of a larger garden room building located to the rear of the property, close to the centre of the garden. As originally submitted, the proposed garden room generally reflected the details provided at pre-application stage; quite some distance from the main house, measuring approximately 7 metres by 8 metres and of timber clad construction under a flat GRP roof. However, the proposal also included a large covered patio/seating area. It was at pre-application stage that the existing garden shed was found to be unauthorised on account of the fact earlier permissions had removed permitted development allowances from the property.

After considering the proposal in conjunction with earlier Officer advice (expressing concern in relation to the size and position of the proposal) amendments for a revised scheme were requested. Officers asked for the garden room to be re-located to be seen in the context of existing buildings and to respect the open nature of the garden. It was also recommended that the covered seating area was either omitted or substantially reduced with and the building set into existing levels as opposed to being raised above the sloping ground levels.

Amended plans to reflect the above have been received.

The garden shed for which retrospective permission is sought is modest in size and of simple timber (ridge and gable) construction under a felt tile roof. It is located along the southern boundary of the property, close to the main house and neighbouring development.

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Main Issues

The relevant NYM Local Plan Policy is Policy CO17 (Householder Development) which requires proposals to be of an appropriate size, scale, design and position which does not detract from the host property and in the case of outbuildings, they should be located within close proximity to existing buildings.

The revised plans have adequately addressed Officer's concerns and are considered to result in proposal which is more compatible with the site and respectful of the character of the site. The flat roof design and fact that the garden room will be set into existing ground levels will ensure it is not unacceptably prominent in wider views and will not dominate the host property or wider garden. The revised position provides a better context and accords with the requirements of Local Plan Policy CO17.

The existing garden shed is also considered to be acceptable in terms of its size, scale and specification. It has been in situ since 2019 and no complaints have been received.

The Parish Council has no objection to the proposal and no other representations have been made. In view of the above, 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 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.