

North York Moors National Park Authority

Ward: Scarborough Borough Council (North)
Parish: Fylingdales

App No. NYM/2020/0373/FL
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Proposal: erection of replacement shed

Location: 12 Elm Grove, Robin Hoods Bay,

Applicant: Graham Sanderson, 19 Broadway, Coventry, CV5 6NW

Date for Decision: 07 August 2020

Grid Ref: 495170 505598

Consultations

Parish - No objection.

Natural England - No comment.

Site Notice Expiry Date - 13 July 2020.

Director of Planning's Recommendation

Approval subject to the following conditions:

1. 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.
2. 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	N/A	12 June 2020
Proposed Floor Plan (excluding retaining wall)	12EG-OR-03 Rev01	07 August 2020
Proposed Elevations (excluding retaining wall)	12EG-OR-04 Rev01	07 August 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. RSUO04 **Domestic Outbuildings - No Conversion to Accommodation - Inside Villages**
The development hereby permitted shall be used for domestic storage 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.
4. MATS00 The brickwork and roofing tiles of the development hereby permitted shall match those of neighbouring garages/outbuildings associated with properties on Elm Grove unless otherwise agreed in writing with the Local Planning Authority.

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5. 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.

Informatives

1. MISC INF01 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. INF00 This permission does not grant permission for any change of use of or development on the land outlined in blue on the submitted location plan. The land outlined in blue is agricultural land and any other use i.e. domestic purposes; storage of items or associated development will require a separate consent from the Local Planning Authority. The applicant's attention is drawn to the Authority's pre-application enquiry service in order to obtain further advice if required.

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 Strategic Policies A and C which seek to conserve and enhance the special qualities of the NYM National Park.
3. 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.
4. MATS00 For the avoidance of doubt and in order to comply with the provisions of NYM 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.
5. GACS00 In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.

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Background

Elm Grove is located in upper Robin Hoods Bay and the street is characterised by terraced properties of red brick and pantile construction. The houses here front the former railway line and their principle elevations overlook pleasant front gardens to the south with a separated area of utilitarian curtilage to the rear (north) which is separated from the host dwellings by a private access road. These areas are modest and generally hard surfaced with a number containing garaging, parking spaces or garden sheds.

This application seeks full planning permission for the construction of a detached shed of redbrick and pantile construction to replace an existing timber shed on the hard standing to the north of the house. It would occupy the original footprint in the main part, retaining the single car parking space to the side.

The scheme has been amended during consideration in order to address Officer concerns in relation to encroachment onto agricultural land to the rear. The applicant has advised that the existing shed has been constructed over an existing drainage channel and therefore to overcome documented drainage problems in the area, the revised position will enable drainage to be properly provided/managed. The former boundary treatment between the curtilage and agricultural land has been removed and a low level retaining wall has been constructed beyond the curtilage boundary. The applicant has been advised that planning permission is required for any domestic use of the land and by reason of its position outside of the domestic curtilage the retaining wall structure requires the benefit of planning permission. The works are not included within the redline of the current application and consequently the retaining wall has not been considered as part of this proposal.

In view of the discussions relating to the nature of the domestic and agricultural land, together with the historical/documented position of the boundary, the applicant has submitted a revised block plan showing the garage to be slightly reduced in length so as to be sited within the domestic curtilage; taking into account a degree of tolerance to accommodate the accuracy (or otherwise) of a line on a plan.

The amended proposed shed measures 3.86m by 3.05m with a height to the eaves of 2.15m and to the ridge of 3.2m. The design is similar to the existing building having a personnel door in the front elevation, 2no. windows in the side (west elevation) and 1no. window in the rear elevation. The building would be constructed of brick and tiles to match the host dwelling.

Main Issues

The relevant NYM Local Plan Policy to this application is Policy CO17 (Householder Development). Having regard to new outbuildings, NYM LPP CO17 requires proposals for new outbuildings to be for purposes incidental to the main house; subservient in size; and located in close proximity to existing buildings.

The proposed shed would be in keeping with existing development in the immediate vicinity and is considered to be of an acceptable size, scale and design in the context of the host property. The adjusted position of the shed is not considered to be harmful in the wider landscape and would prevent conflict with the existing gulley to the front of the building.

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The proposal is considered to follow the advice and recommendations in relation to garages and outbuildings which is contained within Part 2 of the Authority's adopted Design Guide.

The Parish Council has no objection to the scheme and Natural England has no comment to make. No other representations have been made to the proposal and 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.