

North York Moors National Park Authority

Parish: Hawsker-Cum-Stainsacre

App No. NYM/2020/0641/FL

Proposal: demolition of existing single storey garage/workshop and replacement with two storey garage/workshop

Location: Jubilee House, Hall Farm Road, Low Hawsker

Applicant: Mr & Mrs Trotter, Jubilee House, Hall Farm Road, Low Hawsker, Whitby, YO22 4LE

Agent: Patrick Cuddy Architect, Town Farm House, 9 High Market Place, Kirkbymoorside, York, YO62 6AT

Date for Decision: 23 October 2020

Extended to:

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	0038 EX_001	28 August 2020
Plans, Elevations & Sections Existing & Proposed	0038 PL_001	28 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. GACS00 No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.

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5. MATS05 **Natural Stone Traditionally Coursed/Jointed**
The external walls of the development hereby permitted shall be constructed in natural stone, which shall be coursed and jointed in the local tradition.
6. MATS00 The external timber cladding of the development hereby approved shall either be allowed to weather naturally or shall be stained dark brown/black and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. MATS15 **Natural Clay Pantiles to be Used**
The roof of the development hereby permitted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. MATS60 **Windows and Doors - Timber**
All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. MATS72 **Black Coloured Rainwater Goods**
The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. MISC00 Works to clear vegetation, including cutting trees and substantial trimming of the hedge as proposed should not be carried out in the bird breeding season (March to August) unless first checked by a suitably qualified ecologist for signs of breeding birds. Any nests found must be left undisturbed until chicks fledge and the nest abandoned.

Informatives

1. MISCINF01 **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. MISCINF12 **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
3. INF00 With reference to condition no. 3 above, further advice and guidance in relation to suitable external lighting fixtures is available by contacting the Authority at planning@northyorkmoors.org.uk

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. RSU000 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. 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.
5. 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.
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10. MISC00 To ensure protection of biodiversity and in accordance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

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Consultations

Parish - No objection.

Highways - No objection.

Site Notice Expiry Date - 07 October 2020.

Others - **Mrs Knaggs, Jubilee Cottage, Low Hawsker** - No objections reported but requested that confirmation be given that the private right of way/access will not be affected.



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Background

Jubilee House is a traditional end of terrace house located towards the western end of the village of Low Hawsker. Vehicular access leading to a gravelled parking area is provided at the side with a modest garden beyond. At the rear of the garden, adjacent to the boundary with the unattached neighbour to the east is a dilapidated timber clad workshop building which is very dark stained/painted under a corrugated roof. To the front of the building is a non-native tree which is growing in very close proximity to the building.

Planning permission was granted in 2010 for the conversion of this building, which at the time had an attached greenhouse forming an 'L-shape' development, to residential annexe accommodation. That permission has not been implemented and has since lapsed.

The building is now in a much poorer state of repair and this application seeks full planning permission for the replacement of the structure with a garage, including a workshop/studio space above. The proposal will require the removal of the tree and proposes to erect the new building largely upon on the footprint of the existing building. It will however, have a larger floor area and be constructed slightly further away from the eastern boundary. It is proposed to construct the garage using a mixture of natural stone (as corner pillars) with timber clad blockwork elevations under a natural pantile roof. The building is of single storey design but has a higher ridge than the existing building and steeper pitch to allow a first floor to be constructed to provide a workshop/craft/hobby space. The building will be orientated with the gable facing the road (as existing) with a personnel door and small upper gable window provided. The garden (west) facing elevation will have a pair of side hung timber garage doors and 2no. rooflights; the south facing gable elevation overlooking agricultural land will have a small ground floor casement window with a full height glazed opening in the upper gable. There are no opening proposed for the east facing elevation.

Policy Context

The relevant policies contained within the NYM Local Plan are Strategic Policy C (Quality and Design of Development) and CO17 (Householder Development).

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Policy CO17 requires new development to be of an appropriate and subservient nature to the host property and respectful to neighbouring amenity. Having regard to new outbuildings; proposals must be for purposes incidental to the main house; subservient in size; and located in close proximity to existing buildings.

Main Issues

The main issues are considered to be whether the proposed building is in a position and is of a size, scale, design and of construction materials which are compatible with the host property and wider setting.

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The proposed garage is located at the rear of the site, replacing a dilapidated and unusable building. The building is a little distance from main dwelling but clearly within the curtilage. It will have a close visual relationship to the neighbouring buildings of similar character, albeit slightly smaller.

The proposed garage will undoubtedly improve the amenities at the site and due to its position close to neighbouring garage/outbuildings; it is not considered that the proposal will have any unacceptable impact on the residential amenities of neighbouring occupiers. The proposal is considered to be in a position which is consistent with the character of the area and is of a scale and design which is acceptable for the site. The use of stone will provide a link to the main house whereas the timber clad elevations will be reminiscent of the existing building which has been on site for many years.

Although it is regrettable to see the removal of the tree from the site, it is a non-native Chinese willow which is not protected by either a TPO or conservation area status. Other vegetation at the site is shown to be retained and will provide a modest screen and setting for the building when viewed from the street.

A neighbouring resident has expressed concern in respect of a private right of access and these concerns have been passed to the applicants Agent. Although not a material planning consideration, the applicant's agent has provided confirmation that the access will be respected.

The Parish Council has no objection to the proposal and the Highway Authority has also confirmed that they have no objection to the scheme which will neither increased demand nor reduce availability of parking. No other representations have been received. 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 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.