

# North York Moors National Park Authority

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Parish: Fylingdales

App No. NYM/2020/0755/FL

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**Proposal:** alterations, construction of side and rear extensions together with construction of dormer window

**Location:** 7 Laburnum Avenue, Robin Hoods Bay,

**Applicant:** Louise Shackleton, 7 Laburnum Avenue, Robin Hoods Bay, Whitby, YO22 4RR

**Agent:** Peter Rayment Design Ltd, Woodbine Cottage, Westgate, Thornton Dale, Pickering, YO18 7SG, N Yorkshire

**Date for Decision:** 25 November 2020

**Extended to:**

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## 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. PLAN02 **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.
3. MATS04 **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.
4. MATS11 **Render Details**  
No work shall commence on the construction of the walls of the development hereby permitted until details of the texture and paint colour of the render, 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. The rendering and painting shall be completed no later than one month after the development hereby permitted being first brought into use.
5. MATS00  
The face and cheeks of the dormer window hereby approved shall be clad in a dark coloured material so as to blend with the colour of the existing roof tiles and shall be maintained in that condition in perpetuity.

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**Informatives**

1. MISCINFO **Bats**  
1 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.

**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 to 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.

**Consultations**

**Parish** - No objection.

**Site Notice Date** - 29 October 2020.

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**Background**

7 Laburnum Avenue is a relatively modern one and a half storey detached dwelling located within a residential development of similar properties located in the upper part of Robin Hoods Bay. It is constructed of artificial stone under a pantile roof with white framed uPVC windows. The property has been fitted with a conservatory to the rear but no other substantial extensions have been constructed. It provides three bedrooms; one at ground floor with two in the roof space. The neighbouring property (no. 8) however, has a substantial side extension providing a garage at ground floor with living accommodation above; with front and rear pitched roof dormer windows. A pair of front projecting bay windows linked by a tiled canopy have also been added to the front elevation of number 8.

The site is not within Robin Hoods Bay Conservation Area and, on account of the fact the location is a cul-de-sac leading from Station Road, it is not a public thoroughfare.

This application proposes the construction of a side and a rear extension together with construction of dormer window in order to provide improved accommodation for the family.

The proposed side extension has a small footprint due to the limited space to the side of the house and will provide a ground floor bathroom and in combination with the rear extension (replacing the original conservatory), an improved open kitchen/dining area. At first floor, a modest bedroom would be provided. The proposed dormer to the opposite side of the property would enable the provision of a first floor shower room. The application follows substantial pre-application discussions held in February 2020 and has been substantially amended in design and of a reduced scale.

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**Main Issues**

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy C (Quality and Design of Development) and Policy 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 within the domestic curtilage to take full account of the character of the local area and special qualities of the National Park. Development will only be permitted where: the scale, form, position and design do not detract from the original dwelling or its setting; the development does not adversely affect residential amenity of neighbouring occupiers or that of the host property; the development reflects the principles set out in the Authority's Design Guide. In order to achieve a subservient extension, Policy CO17 states that extensions should not increase the total habitable floorspace by more than 30% (unless there are compelling planning reasons for a larger extension) and that the design detail complements the architectural form of the original dwelling.

The design of the scheme has been significantly amended and much improved in comparison to the scheme submitted for pre-application discussion. The use of a conventional ridge and gable design is considered to result in a form of extension which is sympathetic to the architectural character of the host property and would be in keeping with the form and design of existing extensions in the locality; particularly of the neighbouring property No. 8. The replacement rear extension is of a much improved design, the reduced projection and solid materials creates a much better visual relationship and well-designed rear elevation.

The proposed side dormer is considered to be of an appropriate scale and the catslide design ensures it does not dominate the elevation. The proposal adequately reflects the advice contained within Part 2 of the Authority's adopted Design Guide being of a subservient form and character.

This scheme was developed prior to the requirement for extensions not to increase the total habitable floorspace by more than 30%. Originally seeking to construct the single storey rear extension under permitted development allowances, in order to achieve an enhanced design overall, the rear extension is included in the whole scheme comprising this application.

The total amount of new floor area proposed is approximately 38% of the original property. Although the proposal exceeds the threshold area of CO17, the design of the development is considered to be of a sufficiently high standard, appropriate to the host property and of a sufficiently subservient nature in visual terms. The increase also includes loft space derived from the dormer which officers consider should not count against the 30% cap. It is considered that the improvement to the design of the development to the rear of the property delivered by this scheme outweighs the modest conflict with the cap on new floor area contained within the new LP policy.

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The Parish Council has confirmed they have no objection to the proposal and 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.