

North York Moors National Park Authority

Parish: Fylingdales

App No. NYM/2020/0810/FL

Proposal: variation of condition 2 (material amendment) of planning approval NYM/2020/0238/FL to allow changes to the driveway design, increase in length of canopy and decked area and use of rosemary tiles together with removal of condition 6

Location: Charity, Robin Hoods Bay

Applicant: Mrs Laura Sellers, Charity, Robin Hoods Bay, Whitby, YO22 4PD

Agent: Ian Hazard Architects, FAO Mr Ian Hazard, 8 & 9 College Street, York, YO1 7JF

Date for Decision: 07 December 2020

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME01 **Variation of Condition (insert)**
The development hereby permitted shall be commenced before the 01 June 2023.
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
Proposed Ground Floor Plan, Section and Elevations	19035-30-000 Rev. B	12 October 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. MATS12 **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.
4. MATS28 **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.

Application Number: NYM/2020/0810/FL

5. LNDS06 **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.

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.
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.

Application Number: NYM/2020/0810/FL

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 & 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. LNDS00 In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

Consultations

Parish -

Highways - No objection.

Site Notice Expiry Date - 18 November 2020.



Application Number: NYM/2020/0810/FL

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.

Planning permission for alterations and a link extension 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 was granted earlier this year under planning reference NYM/2020/0238/FL. The proposal had a fairly contemporary design, introducing 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.

The approved scheme sought to improve the accommodation yet, keep the amount of new build space to a minimum. The proposed extension was limited to the glazed link between the bungalow and outbuilding. The link enabled the existing outbuilding to be converted to 2no. bedrooms, family bathroom and modest utility space and therefore allowed the reorganisation of living accommodation within the main house. 1no. bedroom and a bathroom were retained in the original dwelling, with kitchen and 2no. reception rooms. The dining area was provided within the glazed link; open to the kitchen.

The proposal also included revised access and parking arrangements 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). The approved parking area was amended to address neighbour concerns and to avoid conflict with the root protection area of the tree.

Since the approval was issued, the applicant has refined the proposed changes to the driveway and parking in order to reduce the visual impact of parked cars on the host property and the neighbouring property; Tresco. This application therefore seeks to remove condition 6 of the previous approval (relating to hedgerow removal) as the amended details utilise the existing driveway (thereby eliminating the need to remove any sections of the existing boundary hedgerow) and parking/turning will be provided close to the access point. In addition to this, permission is sought to vary the design of the proposed canopy, extending its length to cover the living room opening too. The architect has stated this will provide high level structural support to the proposed new external sliding window. A final point is to replace the existing concrete tile roof covering with clay rosemary tiles, to match neighbouring property Crestbank.

Application Number: NYM/2020/0810/FL

Policy Context

Since the original approval, local planning policies have been updated through the adoption of the NYM Local Plan. The relevant policies contained within the NYM Local Plan are Strategic Policy C (Quality and Design of Development) and Policy CO17 (Householder Development).

SPC 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.

Main Issues

The principle of the development has been established as acceptable under the previous permission NYM/2020/0238/FL. Therefore, the main issues to consider with this application are whether the proposed revisions are acceptable under the terms of the new planning policies, i.e. whether they are of an acceptable design, scale and position in relation to the host property, its setting and neighbouring amenity.

The most significant alteration is proposed to the parking and turning area. The changes have been designed in order to respect the current level of amenity and outlook enjoyed by the neighbouring property and to minimise/eliminate any threat of disturbance to the trees and hedgerows on site. The proposal is welcomed from an ecological point of view and also represents a sensitive form of development in terms of seeking to respect the setting of the host property and the neighbouring property. The Highway Authority has no objection to the proposal.

The proposed increase to the canopy on the front elevation is also considered acceptable. It is not anticipated that this will have an unacceptable effect on neighbouring occupiers nor will it have an unacceptable impact on the appearance of the host property. The canopy is of simple design which, although affecting the front elevation, will not detract from the original form or character of the host property. The existing bungalow is of modest design and it is considered that the alterations will help to create a more distinctive architectural design.

There are no objections to the use of Rosemary tiles for the roof; such an alteration would not require planning permission and in this case, is regarded as an enhancement through the removal of concrete tiles.

Application Number: NYM/2020/0810/FL

Summary

The proposed scheme is considered to comply with the above policy requirements. The retention of trees and hedges at the site is welcomed and 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.

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.