

North York Moors National Park Authority

Parish: Hawsker-Cum-Stainsacre

App No. NYM/2020/0814/FL

Proposal: variation of condition 3 of planning approval NYM/2020/0415/FL to allow the annexe accommodation to be let out as holiday accommodation

Location: 12 Dale View, Stainsacre

Applicant: Mr Simon Armistead, 12 Dale View, Stainsacre, Whitby, YO22 4NS

Agent:

Date for Decision: 08/12/2020

Extended to:

Director of Planning's Recommendation

Refusal for the following reason(s):

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| 1. | The Local Planning Authority considers that the proposal to vary the occupancy condition to allow the proposed annexe to be used for short term holiday accommodation would be contrary to Policy UE4 of the Local Plan being a new build within the domestic curtilage of the host dwelling which consequently does not make use of an existing building of architectural or historic interest and is considered likely to cause increased noise and activity in the locality to the detriment of the amenity of the occupiers of nearby residential properties. |
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Consultations

Parish – Object to the application as parking on Dale View is already an issue and this holiday let would create more parking issues. It was also considered an inappropriate use for a residential area.

Highways – No objection subject to recommended conditions.

Comment: The previous use of the application site included a three bedroomed house with a parking space in the garage and a second parking space in front of the garage. The approved planning application 2020/0415/FL removed the garage space to be available for parking a car and added another bedroom in the annexe accommodation.

Whilst the LHA is not aware of any current issues with vehicles parked on the street, around the junction, we would not want to approve a situation that will increase the likelihood of this starting to occur.

A typical demand for a three bedroomed house in a location like this would be for two cars to be within the household. A separate one bedroomed dwelling (or holiday let) is likely to increase the demand for parking by one additional vehicle.

The applicant has stated that the existing grassed lawn area would be made into a hard standing area and used for parking. This would meet the capacity of parking expected for the proposals but more details should be submitted to demonstrate that the surface will not include any loose material that is likely to be dragged onto the public highway and that any surface water from the application site will not run off onto the highway.

Environmental Health Officer -

Forestry Commission – No objection.

Site Notice/Advertisement Expiry Date – 3 December 2020

Others – Mr Andrew Rodger, 11 Dale View, Stainsacre

Wishes to make the following comments:

- Tree cover on the plot has changed;
- Walkers and cyclists accommodation is already provided for by the caravans in the back of The Windmill Inn;
- It would have very little knock on effect to pubs, shops, laundry, cleaners etc, as the village has one pub and no other businesses;
- Planning policy requires extensions to be clearly subservient to the main part of the building and should not increase the total habitable floor space by more than 30% unless there are compelling planning considerations in favour of a larger extension – this application would exceed that and there are no compelling considerations;

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- Parking in the village is at a premium and has been made significantly worse by recent developments at The Windmill Inn;
- The applicant already has 3 vehicles, so how would another vehicle would be accommodated?
- In front of the houses of Dale View is a grassed area where the local kids can play safely – this could be used for overflow parking for workman and/or guests causing damage to the grass and danger to others;
- Concerns regarding drainage from the permeable drive proposed;
- Whilst NYM have a vision for the Park, the residents views and opinions should be part of that vision;
- The initial building has already been approved but the change of use to holiday let from personal or dependant relative is a step too far and should be refused.



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Background

This application relates to a semi-detached, gable fronted, rendered property situated on the corner of Rigg View and Stainsacre Lane in the village of Stainsacre. It forms one of twelve similarly designed properties positioned in a crescent around a private drive known as Dale View. The property at presents comprises three bedrooms with an attached utility room and garage, and has been previously extended modestly to the rear.

Planning permission was granted earlier this year for the enlargement of the existing ground floor accommodation to provide a garage (although not sufficiently big enough to accommodate a vehicle) and store and to build above at first floor level to create a one bedroomed annexe. This will have a separate entrance to the side of the garage to the main property. The extension will have a ridge running perpendicular to that of the main dwelling with a lean to roof over the garage at ground floor. It will be set back approx. 4.5 metres from the front gable.

Condition 3 of that planning permission restricts the occupancy of the annexe as follows:

The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as 12 Dale View, shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit, and shall be used only for members of the family of the occupier of the main dwelling.

This application seeks to vary that condition to allow the approved annexe accommodation (not yet built) to be let out as holiday accommodation whilst remaining in the same ownership as the main dwelling.

Main Issues

Planning permission was granted in July 2020 for the construction of a side extension to the host property to provide an enlarged garage and utility room at ground floor with a one bedroom annexe at first floor. At that time the proposal was assessed and found acceptable under Development Policy 19 of the Core Strategy and Development Policies Document. The most relevant policy in the determination of this application to vary the occupancy condition is Policy UE4 (New Holiday Accommodation within Residential Curtilages) of the recently adopted Local Plan.

The approved extension has not yet been built but the applicant wishes to have the option to rent it out as short term holiday accommodation and as such seeks to vary the occupancy condition attached to the original planning permission which restricts the occupancy of the accommodation to family members only. There are no other changes proposed and the extension would be constructed in accordance with the approved plans.

The main issue therefore is the principle of whether the construction of an extension to the host dwelling within the domestic curtilage for short term holiday letting purposes would comply with Policy UE4. This policy was specifically introduced in the new Local Plan as the

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Authority was concerned at the increasing number of proposals for holiday accommodation within domestic curtilages and the harm such intensification of activity was having on existing residents. The policy therefore only supports new holiday accommodation within residential curtilages where it makes good use of an existing building of architectural or historic interest; it would not detract from the character or appearance of the locality; is of an appropriate scale and there would be no unacceptable harm in terms of noise and activity.

The proposal does not make use of an existing building which is of architectural and historic interest; the proposal is for a new build unit which is not supported by Policy UE4. Whilst it is appreciated that the siting, scale, height, massing and detailed design of the proposed holiday accommodation would be as approved and therefore could not be argued as detracting from the character and appearance of the locality, the use is likely to generate a greater level of noise and activity about the site with a constant changeover of guests which could cause harm to the neighbourhood, particularly those nearby residents. This is a semi-detached dwelling occupying a modest plot with a small side and rear garden. The approved extension was considered acceptable as annexe accommodation for a family member who would share the existing amenity space and would be unlikely to increase the level of activity about the site.

In view of the above it is considered that the variation of the occupancy condition to allow the proposed annexe accommodation to be used for short term holiday accommodation would be contrary to Policy UE4 of the Local Plan being a new build within the domestic curtilage of the host dwelling which has potential to cause increased noise and activity in the locality.

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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.