

## North York Moors National Park Authority

Parish: Fylingdales

App No: NYM/2021/0104/FL

**Proposal:** alterations, construction of replacement porch and extension with balcony above to south elevation together with link extension to garage

**Location:** Croftlands, Church Lane, Fylingthorpe,

**Applicant:** Mr & Mrs P & S Hinchliffe, Croftlands, Church Lane, Fylingthorpe, Whitby, YO22 4PN

**Agent:** BHD Partnership, FAO: Mr Neil Duffield, Airy Hill Manor, Waterstead Lane, Whitby, YO21 1QB

**Date for Decision:** 14/04/2021

**Extended to:**

### Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2.	PLAN02	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.	WPDR04	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class A (or any order revoking and re-enacting that Order), no further extensions to the dwelling shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4.	MATS10	The brickwork and roofing tiles of the development hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.

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**Informative(s)**

1.	MISCINF01	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	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 <a href="http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx">http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx</a> . Further information on wildlife legislation relating to birds can be found at <a href="http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf">www.rspb.org.uk/images/WBATL_tcm9-132998.pdf</a> .  If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or <a href="mailto:conservation@northyorkmoors.org.uk">conservation@northyorkmoors.org.uk</a> .

**Reason(s) for Condition(s)**

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 Strategic Policies A and C of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the National Park.
3.	WPDR00	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with Strategic Policies A and C, and Policy CO17 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park, secure high quality design for new development and ensure extensions remain subservient to the main dwelling.

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4.	MATS00	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
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### **Consultations**

**Parish** – No objection.

**Site Notice/Advertisement Expiry Date** – 24 March 2021

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**Background**

Croftlands is a large red-brick detached property occupying an elevated position just to the north of Fylingthorpe on the west side of Church Lane. Originally a two bedroom property, it has already been substantially extended with a two-storey rear extension to provide a third bedroom above a kitchen and utility room along with a single storey front extension approved in 1993 and a two-storey side extension to provide a one bedroomed annexe in 1997.

Planning permission is now sought for alterations to the front single storey extension from a tiled hipped roof structure to a flat roof structure with balcony along with alterations to the fenestration to give the property a more contemporary appearance along with replacement of the rear porch on a similar footprint. In addition permission is sought of a single storey glazed link between the rear of the property and the double garage to provide a lobby/boot room.

**Main Issues**

The most relevant policy of the Local Plan is considered to Policy CO17 (Householder Development) which supports proposals for new development within the domestic curtilage of dwellings only where the scale, height, form, position and design would not detract from the character and form of the original dwelling or its setting in the landscape and it would not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling. All proposals are expected to follow the principles outlined in the Authority's Design Guide.

The policy also requires any extension to be clearly subservient to the main part of the building and to not increase the total habitable floorspace by more than 30% unless there are compelling planning considerations in favour of a larger extension.

Originally a two bedroom property, Croftlands has already been substantially extended with a two-storey rear extension to provide a third bedroom above a kitchen and utility room along with a single storey front extension approved in 1993 and a two-storey side extension to provide a one bedroomed annexe in 1997.

In the justification to Policy CO17 it explains the reason for the 30% limit on extensions citing that extensions should be clearly subservient to the main dwelling and that proposals which incrementally extend small dwellings beyond their original size can have a detrimental impact on the character of an area and the mix of dwelling types needed to sustain balanced communities.

Given the extensions that have already taken place, the habitable floorspace of the original dwelling has already increased by more than the quoted 30% and the property is now a large four bedroomed family dwelling occupying a large plot to the north of Fylingthorpe.

The proposal to replace the existing single storey front extension would not increase the footprint of the extension but would make the internal floorspace more useable whilst also significantly improving the design of the extension. The property has been rather

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unsympathetically extended in the past and the current proposed extension along with the alterations to the window styles (permitted development) would afford the property with a more coherent, contemporary design.

The modest glazed link extension would make effective use of small under-utilised and dank space between the rear of the property and the double garage by providing a practical entrance lobby/boot room. Whilst this will increase the overall habitable floorspace it would not provide another reception room or bedroom and as such would not significantly alter the size of the property; it would still remain a four bedroom family dwelling.

As such it is considered that whilst the proposal along with the previous extension would cumulatively extend the habitable floorspace of the original dwelling by significantly more than 30%, the alterations/extension are subservient to the host property, well-designed so as to make an improvement to the character and appearance of the property without resulting in the loss of a smaller more affordable dwelling. In view of this approval is recommended on the basis there are compelling reasons for these two modest alterations/additions.

There are no immediate neighbours that would be adversely affected by the proposals in terms of overlooking or overbearing impact.

**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.