

North York Moors National Park Authority

Parish: Fylingdales

App No: NYM/2020/0948/FL

Proposal: demolition of existing dwelling, garage and outbuildings and construction of replacement dwelling and garage

Location: Meadowcroft, Dark Lane, Raw

Applicant: Mr & Mrs D Boulton
Meadowcroft, Dark Lane, Raw, Whitby, YO22 4PP

Agent: SC1 Property Limited
fao: Simon Cornell, The Studio, Flockton Chapel, Barnsley Road, Flockton, WF4 4DP

Date for Decision: 10/02/2021

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	PLAN01	The development hereby permitted shall not be carried out other than in strict accordance with the following documents: <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site Plan As Proposed</td><td>20-104-(PL)-P-(00)-003-GA-C</td><td>23 March 2021</td></tr><tr><td>Floor Plans & Elevations As Proposed</td><td>20-104-(PL)-P-(00)-002-GA-G</td><td>15 April 2021</td></tr></tbody></table> or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.	Document Description	Document No.	Date Received	Site Plan As Proposed	20-104-(PL)-P-(00)-003-GA-C	23 March 2021	Floor Plans & Elevations As Proposed	20-104-(PL)-P-(00)-002-GA-G	15 April 2021
Document Description	Document No.	Date Received									
Site Plan As Proposed	20-104-(PL)-P-(00)-003-GA-C	23 March 2021									
Floor Plans & Elevations As Proposed	20-104-(PL)-P-(00)-002-GA-G	15 April 2021									
3	WPDR01	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.									
4	ARCH02	The stone trods running along the northwest boundary of the site with the lane shall not be removed or re-laid. If lifting of the trods is deemed necessary then the applicant shall first secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The trods should be re-laid as close as possible to the original position.									

Application Number: NYM/2020/0948/FL

5	MISC00	Prior to the demolition of the existing dwelling a copy of the European Protected Species licence or Bat Mitigation Class licence shall be obtained and a copy, including any conditions or annexes appended to it including method statements and required mitigation, shall be submitted to the Local Planning Authority and acknowledged in writing prior to any actions permitted under the licence taking place.
6	MISC00	The removal of any trees, hedges or shrubs shall be carried outside of the bird breeding season unless preceded by a nesting bird check undertaken by a suitably qualified ecologist, and any active nests must be left undisturbed until the chicks fledge and the nests are abandoned.
7	GACS07	No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be Dark Skies compliant, fitted with a warm white bulb of 3000k or less and no more than 500 lumens and shall installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
8	MATS06	No work shall commence on the construction of the walls of the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.
9	MATS28	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.
10	MATS00	No work shall commence on the construction of the roof of the development hereby permitted until details of the zinc cladding including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The zinc cladding used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
11	MATS00	All new window frames in the development hereby approved shall be coloured dark grey and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12	MATS74	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Application Number: NYM/2020/0948/FL

13	MATS55	No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation style rooflights and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14	LNDS10	Prior to the development being brought into use details full details of the hardsurfacing to be utilised on the site, including the access to the garage, shall be submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
4	ARCH00	In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
5	MISC00	In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
6	MISC00	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance 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.
7	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.

Application Number: NYM/2020/0948/FL

8	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.
9	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.
10	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.
11	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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
12	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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
13	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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
14	LNDS00	In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.

Application Number: NYM/2020/0948/FL

Consultations

Parish – Response to amended plans: Object on the grounds of overdevelopment, not in keeping with the surrounding area, too modern. Concerns expressed over the double garage and parking having a large impact on the Green Lane and Monks Trod.

Highways – No comments received.

Yorkshire Water – No comments received.

Environmental Health Officer –

Police (Traffic) -

Site Notice/Advertisement Expiry Date – 26 March 2021

Others –

John Freeman and Madeleine Gair, Cedar Cottage Raw

Sue Leatham, Croft Cottage, Raw

M & P McCabe, Eustace House, Raw

Stephen and Maria Fox, Church House, Church Lane, Fylingthorpe

All of the above object on some or all of the following grounds:

- The revised design is less appropriate to the area than the original plan;
- The new build footprint is far larger than the original house and outbuilding with a kitchen extending beyond the existing footprint and the height greater than the existing brick outbuilding; it should be reduced to the original footprint of the house and brick shed.
- The proposed dwelling is too large for this location, a gross over development of this small site;
- The mass of the proposed dwelling dominates the adjacent property, Croft Cottage;
- The design makes no concessions to the style of existing buildings in this hamlet and
- It will have greater impact than the one it replaces;
- The amount of windows facing the lane is excessive and unnecessary;
- The zinc cladding for the roof is not in keeping with the local buildings around the area, most of which are pantile.
- Overlooking neighbours (Croft Cottage) sun lounge and garden from 2 rooflights on the side elevation and also from the balcony doors to the rear elevation;
- The flat roof to the kitchen could be used as an outdoor space whereby it has the potential to increase the level of noise / light in the area.
- The double garage is far larger than the existing garage and shed and should be reduced;
- The large double garage and proposed parking area for 3 cars is not in keeping with the character of the green lane;
- Dark Lane is signposted as unsuitable for motors so why is parking for 3 cars appropriate?

Application Number: NYM/2020/0948/FL

- Dark Lane is a historic narrow bridleway/footpath and is totally unsuitable for regular vehicular access for more than an occasional vehicle;
- Dark Lane is prone to flooding;
- Moving the entrance will affect the stone trods to Dark Lane;
- Concerned building works will damage the ancient trods to Dark Lane;
- Unclear about foul drainage proposals - is it to be connected to mains sewage? If not is there space for a septic tank and associated soakaway?
- Tree and shrub removal works have already started and parts of the existing garden area are currently being demolished;
- How will the hedgerows, footpaths and lane be kept in their original state when there will be so much heavy duty traffic using it for the demolition and construction works.
- A number of houses in the area have been overdeveloped recently and this represents a continuation of that trend and is in danger of spoiling the character and appearance of this small, rural hamlet;
- Raw is the oldest settlement in this area and the existing buildings both reflect that history and the gradual evolution in style and function that has occurred over time; approval of this proposal will set a precedent which will make it very difficult in future to limit inappropriate development.



Application Number: NYM/2020/0948/FL



Application Number: NYM/2020/0948/FL

Background

Meadowcroft is a timber clad single storey dwelling dating back to around the time of World War I, occupying a slightly elevated plot at the southern limits of the hamlet of Raw. In addition to the main dwelling there is also a mono-pitched brick outbuilding, a timber clad single garage, shed and greenhouse. The property although single storey has an unusually steeply pitched roof with a high ridge height which allows for accommodation (two bedrooms) in the roofspace. Access to the property is via Dark Lane, a green land/bridleway unsuitable for motor vehicles beyond the current drive and garage to the property.

This application seeks planning permission for a replacement dwelling, one-and-a-half storey in height on the site of the existing timber chalet and brick outbuilding. It is proposed that the dwelling would be primarily clad in timber boarding with coursed stone feature walls under a zinc roof. In addition in place of the existing single garage, shed and greenhouse it is proposed to excavate the site to provide a level access from the green lane to a double garage with a flat sedum roof

The application is accompanied by a structural appraisal of the building, an Asbestos Refurbishment (Demolition Report) and a Bat and Bird Survey Report.

Main Issues**Policy Context**

The relevant policies of the Local Plan are considered to be Strategic Policy C (Quality and Design and Development), Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity), Strategic Policy M (Housing), Policy ENV4 (Dark Night Skies), Policy ENV10 (Archaeological Heritage) and Policy CO14 (Replacement Dwellings in the Open Countryside).

Principle of a Replacement Dwelling

Policy CO14 (Replacement Dwellings in Open Countryside) only supports the replacement of an existing dwelling outside the main built up area of the settlements listed in the settlement hierarchy where a number of strict criteria are met. It requires that the residential use has not been abandoned; that the existing dwelling is in an unsatisfactory state of repair or lacks basic amenities and is not of architectural or interest; that it is not feasible to repair or improve the existing dwelling or that its replacement would make a significantly improved contribution to the local landscape character. It also requires the replacement dwelling to be in the same position as the existing (unless it can be demonstrated that an alternative position is more acceptable in landscape terms) and that the replacement dwelling is of an appropriate design and has a similar floor area, volume, scale and curtilage to the existing dwelling.

It is clear that the residential use has not been abandoned, that the property has been well maintained and is in a good state of repair and whilst somewhat dated, does provide basic amenities. Furthermore whilst Meadowcroft is not of traditional construction or of the local vernacular, it is considered that its modest scale, timber construction and appearance is

Application Number: NYM/2020/0948/FL

appropriate for a building in this location where it blends in with the surrounding landscape and does not detract from it.

In support of the application the agent has submitted a structural appraisal which demonstrates that it is not feasible to repair or improve the existing dwelling given the extent of work needed to make it structurally sound and thermally efficient. The report advises that the existing building is primarily constructed from a latted timber frame with no insulation and the majority of the existing windows are of poor UPVC construction with the remainder of the windows being single glazed timber. The roof is asbestos sheeting with no insulation and the existing floor is of solid construction, again with no insulation. There is considerable damp ingress and rot to the timber frame structure; it is evident that there is no damp proof membrane to the floor, no DPC to the external walls or any damp membrane to the roof structure. It is concluded that there is very little scope to increase the insulation within the existing building, without extensive re-construction and demolition of the existing dwelling.

The proposed dwelling will occupy the same position as the existing dwelling at the north-eastern end of the site and a very similar footprint to the existing dwelling and brick outbuilding combined. It is also worth noting that the proposed dwelling would be set back into the site as with the existing dwelling. The footprint of the existing dwelling extends to 83 sq.m with a detached brick outbuilding of 23 sq.m (106 sq.m combined); the proposed replacement dwelling would occupy a footprint of 127 sq.m representing approx. 20% increase in footprint. In terms of habitable floorspace the existing dwelling offers 101 sq. m (ground and first floor total) whereas the proposed dwelling would offer 197 sq. m (ground and first floor total); this would be almost double the existing habitable accommodation.

Policy CO14 identifies that replacing an existing dwelling with one of a significantly different size and scale could have an adverse impact on the character and appearance of the local area. In this case, the footprint of the property is considered to be very similar to the existing dwelling, with the increase in habitable accommodation being largely created within the roofspace. This is because although the ridge height of the proposed dwelling will match that of the existing, the eaves height has been increased so that better use can be made of the roof space to provide bedroom accommodation. This roof will extend further along the site to the southwest than at present which will result in a dwelling of modestly increased scale and massing to the existing whereas at present the brick outbuilding has a particularly low mono-pitch roof. It is considered that the proposal would therefore accord with Policy CO14 in principle.

Design

Strategic Policy C (Quality and Design of Development) seeks to maintain and enhance the distinctive character of the National Park by ensuring that proposals are of a high quality design that will make a positive contribution to the local environment, incorporating good quality construction materials and design details that reflect and complement the architectural character and form of the local vernacular. It requires the siting, orientation, layout and density to complement existing buildings and the form of the settlement, preserving or enhancing views into and out of the site and that the scale, height, massing and form of the proposal are compatible with surrounding buildings and will not have an adverse impact upon the amenities of adjoining occupiers.

Application Number: NYM/2020/0948/FL

The existing dwelling, given its unassuming form, modest scale and muted materials sits quietly in this location on the edge of Raw and is not incongruous in the landscape yet it does not reflect the local vernacular being a timber chalet structure from the early/mid-20th century.

The proposal by contrast is of a high quality contemporary design which reflects architectural features of the local vernacular whilst using a palette of traditional and modern materials - predominantly timber cladding with coursed stone features and a zinc roof. The properties of Raw vary in size, style and materials and whilst stone and pantile are the predominant materials, there are examples of timber cladding and slate roofs. It is considered that given the contemporary design of the proposed dwelling and the choice of materials to the walls, natural clay red pantiles would not be in keeping with the lightweight contemporary design and that zinc cladding of an appropriate matt colour would echo some of the slate roofs in the area.

There has been extensive negotiation between officers and the applicant regarding the form and design of the proposed dwelling. The revised plans provide for a more linear form of dwelling which is considered more in keeping with the local vernacular, with the ridge running parallel to Dark Lane. The modest projecting gable and full height glazed porch add interest to the front elevation and reflect to gable of the original dwelling and that of the adjoining Croft Cottage. The level of first floor glazing has been reduced to minimise light spill yet the larger areas of glazing have retained to the ground floor which help to create a lightweight appearance to the dwelling.

With regard to the scale and massing of the proposed dwelling, as previously identified it does occupy a slightly larger footprint than the existing dwelling and the internal floorspace will be substantially greater. However the proposed ridge height does not exceed that of the existing chalet and whilst the eaves levels have been lifted, they will largely correspond with those of Croft Cottage. The proposed first floor accommodation is principally accommodated within the roofspace as with the existing dwelling. However it is acknowledged that the proposed dwelling will be higher than the brick outbuilding on the site and that the property will visibly extend a further 4 metres to the southwest at full height. By contrast the proposed double garage whilst occupying a larger footprint than the existing garage will be excavated into site and with the proposed flat sedum roof will sit much lower on the site and be less visible in wider views of the sit, unlike the existing outbuildings which sit elevated above Dark Lane.

The proposal will bring about a change to the site and the dwelling once constructed will appear 'new' and to some extent stark in the landscape until the materials have had chance to weather and the landscaping about the site re-establish. However as an individual plot it is considered suitable for a unique dwelling of a high quality, contemporary design that reflects the local vernacular using a mixed palette of traditional and modern materials and of a scale and massing not dissimilar to the current buildings on the site. Strategic Policy C in its justification acknowledges that the Authority does not wish to replicate the past or stifle innovation or originality and advises that more contemporary, modern designs will be supported where they are sympathetic to their surroundings, reinforce local distinctiveness and add variety to the National Park's built heritage. It is considered that this proposal would meet those aspirations.

Application Number: NYM/2020/0948/FL

Residential Amenity

The first floor windows and doors to the proposed dwelling face northwest over Dark Lane and southeast directly over the fields to the rear rather than to the northeast over the neighbouring property. It will be set slightly further back into the site than Croft Cottage to the northeast such that it will be almost impossible to overlook the neighbouring garden or property from these windows. The rooflights proposed to the first floor bedroom, whilst located on the northeast roofslope facing Croft Cottage, are positioned towards the front of the proposed dwelling such that any overlooking would be to the roof of Croft Cottage, although should be noted that rooflights are 2 metres above floor level and therefore would not afford any view other than of the sky when standing in the bedroom.

With regard to the concerns expressed by the neighbours regarding the ability of Dark Lane to cope with the additional traffic, the agent has confirmed that the lane has a tarmac surface until just past the garage entrance that has over time got covered in earth that has washed down from higher ground. Also the lane only floods due to the blocked drains on the site and from the lane into the field which have now been cleared.

Finally amended plans have now been received which show a package treatment plant to southern corner of plot away from neighbouring properties, rather than mains drainage as originally proposed.

Archaeology

The Authority's Archaeologist has advised that the Historic Environment Record indicates there is a trod running along the boundary of the site on the east side of Dark Lane and that any remaining trods should remain in situ and should not be removed or re-laid. A condition is recommended that the trods should not be removed but should it be deemed necessary to re-lay the trods then a methodology and watching brief will be required as there is always the potential for relevant archaeology to be present beneath the slabs, and they should be relayed as close as possible to the original position.

Ecology

The latest Bat and Bird Survey Report dated February 2021 includes the records from local bat groups and DNA evidence of the species of bat utilising the small roost identified. This information indicates that there are no records in close proximity to the application state, with the nearest roost recorded 16 years ago and some 470m away. The bat roost identified is of a whiskered bat. As the potential in the building is low and the number of droppings found small, it is believed that the roost comprises a day roost although mitigation of a scale proportional with a maternity roost is proposed. The surveying ecologist has proposed to seek a bat licence under Licencing Policy 4, under which activity surveys are not required.

The Authority's Ecologist is satisfied that the proposed scale of compensation is proportionate to the level of impact and therefore that the Favourable Conservation Status of the local bat population is unlikely to be detrimentally affected by the development. A European Protected Species licence or Bat Mitigation Class licence will be required for the development to proceed, and a copy of the licence, once obtained, including any conditions

Application Number: NYM/2020/0948/FL

or annexes appended to it including method statements and required mitigation, must be provided to the Authority and acknowledged in writing prior to any actions permitted under the licence taking place.

In addition, the Ecologist requests that any tree and shrub removal works should not commence within the bird breeding season (March to September inclusive) unless preceded by a nesting bird check undertaken by a suitably qualified ecologist.

With regard to the Ecologists concerns regarding glazing and light spill, the design of the replacement dwelling has been amended and now incorporates much smaller windows at first floor to minimise the potential light spill. Furthermore a condition is recommended requiring the submission of the details of any external lighting proposed for the Authority's approval and that this should be Dark Skies compliant.

Conclusion

This proposal for a replacement dwelling is considered acceptable in principle. Whilst the design is contemporary its form reflects that of the local vernacular and the proposed mixed palette of traditional and modern materials will create a structure of lightweight appearance to reflect the timber dwelling is proposed to replace. Significant design changes have been made to ensure that the dwelling complements the local vernacular and will make a positive contribution to the local landscape character.

The concerns of the local residents are noted and have been addressed in the report. Furthermore the archaeological and ecological concerns raised have been addressed by suitably worded conditions.

In view of the above the proposal is considered to comply with Strategic Policy C (Quality and Design and Development), Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity), Strategic Policy M (Housing), Policy ENV4 (Dark Night Skies), Policy ENV10 (Archaeological Heritage) and Policy CO14 (Replacement Dwellings in the Open Countryside) and 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 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.